

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

MATTHEW CARONE, et al.,

Case No. 12-24051 (07)
Complex Litigation Unit

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendants.

**ORDER APPROVING THE CONSERVATOR'S MOTION TO
APPROVE SETTLEMENTS BETWEEN CONSERVATOR AND (I) DIANE
K. BIENES AS PERSONAL REPRESENTATIVE OF THE ESTATE OF
MICHAEL BIENES; (II) FRANK AVELLINO; AND (III) STEVEN JACOB
AND STEVEN F. JACOB, CPA & ASSOCIATES, INC.**

THIS MATTER came before the Court on October 31, 2018 at 8:45 a.m. upon hearing to consider the *Motion to Approve Settlements Between Assignee and (I) Diane K. Bienes as Personal Representative of the Estate of Michael S. Bienes; (II) Frank Avellino; and (III) Steven Jacob and Steven F. Jacob, CPA & Associates, Inc.* (the "**Motion**") requesting approval of the:

- (i) Settlement Agreement dated September 11, 2018 entered into by and between Diane K. Bienes as Personal Representative of the Estate of Michael S. Bienes (*see In re: Estate of Michael S. Bienes*, Probate Case No. 2017-CP-001678 in the Circuit Court for Broward County, Florida), on one hand, and Philip von Kahle as and only as conservator of P&S Associates, General Partnership and S&P Associates, General Partnership on the other (Exhibit "A" to Motion);
- (ii) Settlement Agreement dated August 29, 2018 and September 11, 2018 entered into by and between Frank Avellino, on one hand, and Philip von Kahle as and only as conservator of P&S Associates, General Partnership and S&P Associates, General Partnership and not individually, on the other (Exhibit "B" to Motion); and
- (iii) Settlement Agreement dated September 24, 2018 entered into by and among Philip von Kahle as and only as conservator of P&S Associates, General Partnership and S&P Associates, General Partnership in the case styled *P&S Associates, General Partnership and S&P Associates, General Partnership, Plaintiffs v. Michael D. Sullivan, et al.*, Case No. 12-034123 (07) pending in

the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida and not individually on one side and Steven Jacob and Steven F. Jacob CPA & Associates, Inc. on the other side (Exhibit "C" to Motion) (collectively, "**Settlement Agreements**"),

filed by the court-appointed conservator, Philip J. Von Kahle (the "**Conservator**" and collectively with Avellino, Bienes and Jacob, the "**Parties**") Conservator of P&S Associates, General Partnership and S&P Associates, General Partnership. The Court having reviewed the Motion, including the Settlement Agreements, and the record, finding that proper and adequate notice of the Motion has been given, having heard proffer of counsel, giving all parties an opportunity to be heard, and for the reasons stated on the record, finds that the Conservator exercised reasonable business judgment by entering into the Settlement Agreements and that good and sufficient cause exists to approve of the terms contained in the Settlement Agreements in their entirety. Accordingly, it is

ORDERED and **ADJUDGED** as follows:

1. The Settlement Agreements are approved in their entirety.
2. The Parties are authorized to take any and all steps necessary to effectuate the Settlement Agreements.
3. The Court retains exclusive jurisdiction to enforce the terms of the Settlement Agreements and this Order.

DONE AND ORDERED in Broward County, Florida this 31st day of October, 2018.

OCT 31 2018

Honorable Jack Tuter
Circuit Court Judge

Copies furnished to:

Thomas M. Messana, Esq. who is directed to serve same upon all interested parties.