

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

MATTHEW CARONE, et al.,
Plaintiffs,
v.

CASE NO. 12-24051 (07)
COMPLEX LITIGATION UNIT

MICHAEL D. SULLIVAN, individually,
Defendant.

CONSERVATOR'S MOTION TO REOPEN CASE

COMES NOW, Philip J. von Kahle (the "**Conservator**"), as Conservator for P&S Associates, General Partnership and S&P Associates, General Partnership (the "**Partnerships**") hereby files this *Conservator's Motion to Reopen Case* (the "**Motion**") seeking to reopen the above captioned case. In support of this Motion, Conservator respectfully states the following:

1. This Court and the parties-in-interest well know the saga of this case. The Partnerships were forced to face the reality that their investments were embroiled in a fraud of epic proportions. These partners are victims of the notorious Bernard L. Madoff Investment Securities LLC ("**BLMIS**")¹ Ponzi scheme. Management was withholding information and the assets faced further waste and deterioration absent new leadership or organization.

2. Conservator now respectfully comes before this Court via this Motion, seeking to reopen the above captioned case. On May 4, 2020, Conservator filed *Conservator's Proposed Sixth Distribution to Partners and Interim Report and Seventh Application for Allowance and Payment of Compensation and Reimbursement of Expenses for the Conservator, Messana, P.A., as Counsel, and Rosenbaum Sobel, LLC, as Accountants* (the "**Distribution and Application**").

¹ BLMIS refers to that certain proceeding involving the dissolution and administration of Bernard L Madoff Investment Securities, LLC, one of the world's worst known Ponzi schemes.

3. On August 13, 2020, this Court entered the *Omnibus Order (1) Approving the Conservator's Interim Report, Approving the Conservator's Sixth Distribution to Partners and Granting the Conservator, Messana, P.A., as Counsel, and Rosenbaum Sobel, LLC, as Accountants [sic] Seventh Application for Allowance and Payment of Compensation and Reimbursement of Expenses, (2) Overruling Burt Moss' Objection, and (3) Denying Conservator's Motion to Strike* (the "**Order on Distribution and Application**").

4. The Distribution and Application and the Order on Distribution and Application ***are not*** final dispositions of the above captioned case. Conservator still must, among other things, administer remaining assets and make further distributions regarding the Partnerships and compensate professionals regarding same.

WHEREFORE, Conservator respectfully requests this Court enter an order: (1) granting this Motion; (2) re-opening the above captioned case; and (3) granting any further or additional relief this Court finds necessary or appropriate.

Respectfully submitted April 26, 2021.

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By: /s/ Philip J. von Kahle
Philip J. von Kahle
Court Appointed Conservator