

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT, IN
AND FOR DADE COUNTY, FLORIDA

STATE OF FLORIDA, OFFICE OF FINANCIAL
REGULATION,

CASE NO.: 07-43672 CA 09

Plaintiff,

vs.

BERMAN MORTGAGE CORPORATION, a
Florida corporation, M.A.M.C.
INCORPORATED, a Florida corporation, DANA
J. BERMAN, as Owner and Managing Member,

Defendant.

and,

DB ATLANTA, LLC, a Florida Limited Liability
Company, **DB DURHAM, LLC**, a Florida
Limited Liability Company, **NORMANDY
HOLDINGS II, LLC**, a Florida Limited Liability
Company, **NORMANDY HOLDINGS III, LLC**,
a Florida Limited Liability Company,
ACQUISITIONS, LLC, a Florida Limited
Liability Company, **DBKN GULF
INCORPORATED**, a Florida Limited Liability
Company, **OCEANSIDE ACQUISITIONS,
LLC**, a Florida Limited Liability Company, **DB
BILOXI, LLC**, a Florida Limited Liability
Company, **DB BILOXI II, LLC**, a Florida
Limited Liability Company, **DB BILOXI III,
LLC**, a Florida Limited Liability Company, **DBDS
VERO BEACH, LLC**, a Florida Limited Liability
Company, **DB TAMPA, LLC**, a Florida Limited
Liability Company, **DB SIMPSONVILLE, LLC**,
a Florida Limited Liability Company, **DBDS
NORTH MIAMI, LLC**, a Florida Limited
Liability Company, **REDLANDS RANCH
HOLDINGS, LLC**, a Florida Limited Liability
Company, **DBDS BISCAYNE PARK, LLC**, a
Florida Limited Liability Company, **DB
CARROLL STREET, LLC**, a Florida Limited
Liability Company,

Relief Defendants.

THE ORIGINAL
FILED ON:
APR 03 2003
IN THE OFFICE OF
CIRCUIT COURT DADE CO. FL.

BERGER SINGERMAN
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Boca Raton Fort Lauderdale Miami Tallahassee

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**MOTION TO APPROVE THE RETENTION OF
HANZMAN GILBERT LLP AS SPECIAL LITIGATION COUNSEL**

Michael I. Goldberg, as State Court Appointed Receiver over Defendants Berman Mortgage Corporation, M.A.M.C. Incorporated, et al., and Relief Defendants DB Atlanta LLC, et al., by and through undersigned counsel, hereby files this Motion to Approve the Retention of Hanzman Gilbert LLP ("Hanzman") as Special Litigation Counsel, and states:

1. On December 11, 2007, this Court appointed Michael Goldberg (the "Receiver") to be the Receiver for the Defendants and the Relief Defendants. See Temporary Injunction and Agreed Order Appointing Receiver attached hereto as Exhibit "A."

2. The Receiver was specifically appointed by this Court to, among other things, preserve the receivership assets, including the assets of the Defendants and Relief Defendants:

The Receiver his hereby authorized to employ, without further order of the Court ... attorneys ... and other professionals ... as is necessary and proper for the collection [and] preservation ... of the Receivership Assets, including assets of which the Receiver is a shareholder, to furnish legal, accounting and other advice to the Receiver for such purposes as may be reasonable and necessary during the period of receivership.

See Exhibit "A," ¶19.

3. The Receiver now seeks to retain Hanzman as special litigation counsel to investigate and assess potential accounting malpractice claims against two accounting firms: Mallah Furman & Company, P.A., and Imber & Company (the "Accounting Firms").

4. The Receiver believes that such investigation and assessment is necessary, as the Accounting Firms were engaged by one or more of the Defendants and/or Relief Defendants in the instant matter.

5. To the extent Hanzman discovers any malpractice by the Accounting Firms, Hanzman will pursue causes of action against the Accounting Firms on behalf of the Receiver.

6. The Receiver believes that the retention of Hanzman is absolutely necessary for the Receiver ensure the preservation and/or recovery of receivership assets, and thereby prevent any further waste or dissipation.

7. In line with the Receiver's obligation to prevent the preserve and/or recover Receivership assets, to the extent this Court agrees to the Receiver's retention of Hanzman, the Receiver and Hanzman have agreed that Hanzman will be retained on a contingency fee basis with the following reasonable terms and conditions:

- Hanzman would receive a contingent fee equal to 33 1/3% of the gross recovery obtained on behalf of the Receiver and/or investors as a result of Hanzman's efforts;
- If the case settles as a result of a pre-filing demand (i.e., the case is settled without the need to file any suit) Hanzman we will receive only 20% of the gross recovery as their fee;
- Hanzman will be entitled to compensation for its services if, and only if, Hanzman obtains a recovery on behalf of the Receivership Estate and/or investors; and
- Hanzman agrees to advance all costs incurred in connection with this engagement including, but not limited to, what Hanzman estimates will be significant expert fees. In the event of a recovery, these costs will be paid in addition to the contingent fee percentage. In the event of no recovery the Receivership Estate will not be responsible for the repayment of these costs.

8. Additionally, Hanzman has significant experience investigating and prosecuting accounting malpractice claims, and thus can provide more than adequate counsel to the Receiver.

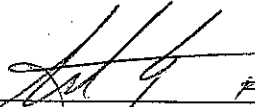
WHEREFORE, the Receiver moves this Court for entry of an Order Approving the Retention of Hanzman Gilbert LLP as Special Litigation Counsel, and any other relief deemed necessary by this Court.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Facsimile and U.S. Mail on this 3rd day of April 2008, to: **Cristina Saenz, Assistant General Counsel**, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, 401 N.W. 2nd Avenue, Suite N-708, Miami, Florida 33128; to **Alan M. Sandler, Esquire, Counsel for Defendants, Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer Roth IRA and Mary Joe Meyer SD IRA and Mary Joe Meyer Roth IRA**, of SANDLER & SANDLER, 117 Aragon Avenue, Coral Gables, Florida 33134; to **Allan A. Joseph, Esquire, Counsel for The Amid Companies and Amedia Family Investors**, DAVID AND JOSEPH, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; to **Richard R. Robles, Esquire**, LAW OFFICES OF RICHARD ROBLES, P.A., *Counsel for the Four Ambassadors Association, Inc.*, 905 Brickell Bay Drive, Tower II, Mezzanine, Suite 228, Miami, Florida 33131; to **Daniel Kaplan, Esquire, Counsel for Deborah A. Berman**, at the LAW OFFICES OF DANIEL KAPLAN, P.A., Turnberry Plaza, Suite 600, 2875 N.E. 191st Street, Aventura, Florida 33180; and to **Howard N. Kahn, Esquire, Attorneys for Intervenor, Ira Sukoff**, KAHN & CHENKIN, 2924 Davie Road, Suite 200, Davie, Florida 33314.

Respectfully Submitted,

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By:  FOR

JAMES D. GASSENHEIMER
Florida Bar No. 959987
GREGORY HAILE
Florida Bar No. 606421

cc: The Honorable Thomas Wilson, Jr. *(via hand-delivery)*
The Investor Group *(via email)*
Michael I. Goldberg, Receiver *(via email)*

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