

IN THE CIRCUIT COURT OF THE 11<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR MIAMI-  
DADE COUNTY, FLORIDA

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF  
FINANCIAL REGULATION,

Plaintiff,

v.

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

Defendants,

and,

DB ATLANTA, LLC, a Florida limited liability  
company, et al.

Relief Defendants.

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**NOTICE OF HEARING**  
**(Add-On) (Motion Calendar)**

TO: All parties on certificate of service

YOU ARE HEREBY NOTIFIED that the undersigned has called up for hearing the  
following:

- DATE AND TIME:** October 20, 2008 at 9:00 a.m.
- JUDGE:** The Honorable Thomas J. Wilson, Jr.
- PLACE:** Dade County Courthouse  
73 West Flagler Street, Room 626  
Miami, Florida 33130

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**MATTERS: INTERVENOR IRA SUKOFF'S MOTION FOR PROTECTIVE ORDER**

MOVANT COUNSEL CERTIFIES that a bona fide effort to agree to narrow the issues on the Motion noticed hereby has been made with opposing counsel.

*In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the Court ADA Coordinator no later than seven (7) days prior to the proceedings. Telephone (305) 375-2006 for assistance; if hearing impaired, telephone (305) 375-2007 for assistance.*

Respectfully submitted,  
KAHN, CHENKIN & RESNIK, P.L.  
Attorneys for Intervenor  
**IRA SUKOFF**  
1815 Griffin Road  
Suite 207  
Dania, Florida 33004  
(954) 321-0176  
(954) 321-0177 - Fax

By: \_\_\_\_\_  
HOWARD N. KAHN, ESQ.  
Fla. Bar No: 0724416

**CO-COUNSEL:**  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and facsimile to: **Cristina Saenz, Esq.**, Assistant General Counsel, State of Florida, Office of Financial Regulation, 401 N.W. 2<sup>nd</sup> Avenue, Suite N-708, Miami, Florida 33128; **Alan M. Sandler, Esq.**, Counsel for Defendants Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer Roth IRA and Mary Joe Meyer Roth IRA, of Sandler & Sandler, 117 Aragon Avenue, Coral Gables, Florida 33134; **Allan A. Joseph, Esq.**, Counsel for The Amid Companies and Amedia Family Investors, David & Joseph, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; **Richard R. Robles, Esq.**, Counsel for the Four Ambassadors Association, Inc., Law Offices of Richard R. Robles, P.A., 905 Brickell Bay Drive, Tower II, Mezzanine, Suite 228, Miami, Florida 33131; **Lawrence M. Shoot, Esq.**, Counsel for USA Funding Mortgage, Inc., 4830 S.W. 92<sup>nd</sup> Avenue, Miami, Florida 33165; **James D. Gassenheimer, Esq.**, Counsel for the Receiver, Michael I. Goldberg, Berger Singerman, 200 S. Biscayne Boulevard, Suite 1000, Miami, Florida 33131; and **Daniel Kaplan, Esq.**, Counsel for Defendant Berman, 2875 N.E. 191<sup>st</sup> Street, Suite 600, Aventura, Florida 33180; this 10<sup>th</sup> day of October, 2008.



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HOWARD N. KAHN

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Member,

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and,

DB ATLANTA, LLC, a Florida limited liability  
company, et al.

Relief Defendants.

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**INTERVENOR IRA SUKOFF'S MOTION FOR PROTECTIVE ORDER**

PLEASE TAKE NOTICE that Intervenor IRA SUKOFF ("SUKOFF"), by his undersigned counsel files this, his Motion for Protective Order, pursuant to Fla.R.Civ.P. 1.280, based upon the following grounds:

1. On or about October 13, 2008, counsel for SUKOFF received a Notice of Taking Deposition Duces Tecum of SUKOFF from Receiver MICHAEL I. GOLDBERG ("RECEIVER") for October 20, 2008, knowing full well that SUKOFF resides in Chile. SUKOFF is not

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expected to return to the United States until mid-December, 2008.

2. Although **SUKOFF's** Verified Motion for Dismissal of Relief Defendant Normandy Holdings, II, LLC from Receivership Proceeding was served on September 20, 2008, the **RECEIVER** made no effort to contact the undersigned counsel to coordinate the scheduling of **SUKOFF's** deposition prior to this time. (Paragraph "3" of the **RECEIVER's** Motion makes reference to only having received the Notice of Filing the Original Verification of **SUKOFF** on October 10, 2008, although a copy of the verification was attached to the aforementioned Motion served on September 20, 2008).

3. The **RECEIVER** cites to the temporary injunction order for permission to take the deposition on five (5) days notice. However, there is no emergency present or harm posed to the **RECEIVER** to justify the use of this extraordinary relief, only a complete lack of any justifiable basis for the deposition to proceed. Contrary to numerous of the Relief Defendants, Normandy Holdings, II, LLC was a for profit real estate venture selling properties and yielding substation profits to NH,II investors. Unlike the other Relief Defendants, NH, II, never obtained loans from Defendant **M.A.M.C. INCORPORATED ("MAMC")**, and **SUKOFF** had no involvement whatsoever with **MAMC**.

4. While the **RECEIVER** claims that certain monies were distributed by **MAMC** to **NH, II**, in fact, the monies were actually distributed directly by **MAMC** to investors of **NH, II** whom the **RECEIVER** has chosen to exclude from this proceeding.

5. Additionally, on or about July 14, 2008, **SUKOFF** propounded discovery upon the **RECEIVER**, which despite requesting extensions of time, has not been responded to as far as

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the basis of any claims against **SUKOFF**.

6. There can be no doubt that the **RECEIVER's** efforts to take **SUKOFF's** deposition is only offered for purposes of delay because the **RECEIVER** cannot assert any claims against **SUKOFF**. As a consequence thereof, there is also no need for **SUKOFF** to be deposed, absent a showing of good cause by the **RECEIVER**.

7. Moreover, in the event that the **RECEIVER** insists on taking **SUKOFF's** deposition prior to his return to the United States, the **RECEIVER** is more than welcomed to either travel to Chile to do so, or bear the costs associated with **SUKOFF** traveling to the United States for said deposition.

8. Pursuant to Fla.R.Civ.P. 1.380(a)(2), the undersigned counsel certifies that a bona fide effort to agree to narrow the issues on the instant Motion has been made with opposing counsel and that the undersigned counsel has conferred with opposing counsel relative to this Motion.

WHEREFORE, Intervenor **IRA SUKOFF** respectfully requests that this Court grant the relief sought herein together with such other and further relief this Court deems just and proper.

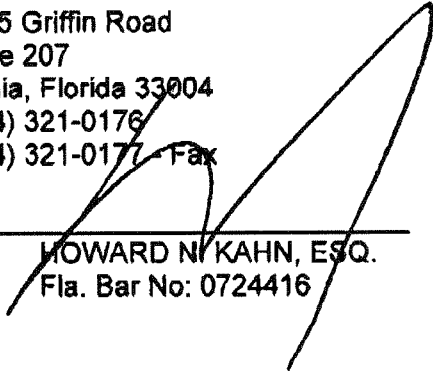
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Respectfully submitted,

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Attorneys for Intervenor

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By:   
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\_\_\_\_\_  
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