

IN THE CIRCUIT COURT OF THE 11TH
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.

**INTERVENOR IRA SUKOFF'S MOTION TO COMPEL DISCLOSURE OF
INVESTORS/MEMBERS OF NORMANDY HOLDINGS, II, LLC AND
DISGORGEMENT OF MONIES RECEIVED BY SAID INVESTORS/MEMBERS FROM
M.A.M.C. INCORPORATED TO RECEIVER MICHAEL I. GOLDBERG**

PLEASE TAKE NOTICE that, Intervenor IRA SUKOFF ("SUKOFF"), by his undersigned counsel, shall move this Court to enter an Order compelling Receiver MICHAEL I. GOLDBERG ("RECEIVER"), to disclose the names of all investors/members who received monies from M.A.M.C. INCORPORATED ("MAMC") and the amount of monies received and to order disgorgement of said monies, based upon the following

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grounds:

1. On September 15, 2008, the undersigned counsel requested, via e-mail, that the RECEIVER provide SUKOFF with a list of MAMC's members/investors.
2. As no list was provided, on October 15, 2008, the undersigned counsel once again via e-mail, requested that the aforementioned list be provided.
3. To date, the RECEIVER has failed to provide SUKOFF with the list of MAMC's members/investors, notwithstanding that such information would be part of the response to a Request to Produce served on July 14, 2008.
4. SUKOFF further seeks that this Court order disgorgement of such monies received by said investors/members on the basis that such monies is the direct source of claims by the RECEIVER of approximately \$283,000.00 against Relief Defendant NORMANDY HOLDINGS, II, LLC and to preclude such disgorgement would result in a wrongful enrichment to such investors/members.
5. Pursuant to Fla.R.Civ.P. 1.380(a)(4), 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 enter an Order compelling Receiver MICHAEL I. GOLDBERG to disclose the names of all investors/members who received monies from M.A.M.C. INCORPORATED together with the amount of monies received by each, and to order the investors/members to disgorge

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the monies back to the RECEIVER on behalf of M.A.M.C. INCORPORATED, together with the awarding of attorneys' fees and costs and such other and further relief as this Court deems just and proper.

Respectfully submitted,
KAHN, CHENKIN & RESNIK, P.L.
Attorneys for Intervenor
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By: 

HOWARD N. KAHN, ESQ.
Fla. Bar No: 0724416

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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. 2nd 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. 92nd Avenue, Miami, Florida 33165; **James D. Gassenheimer, Esq.**, Counsel for the Receiver, Michael I. Goldberg, Berger Slingerman, 200 S. Biscayne Boulevard, Suite 1000, Miami, Florida 33131; and **Daniel Kaplan, Esq.**, Counsel for Defendant Berman, 2875 N.E. 191st Street, Suite 600, Aventura, Florida 33180; this 5th day of November, 2008.



HOWARD N. KAHN