

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

STATE OF FLORIDA, OFFICE OF FINANCIAL
REGULATION,

CASE NO.: 07-43672 CA 09

Plaintiff,

THE ORIGINAL
FILED ON:

AUG 26 2008

v.

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

IN THE OFFICE OF
CIRCUIT COURT MIAMI DADE CO. FL

Defendants.

and,

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

Relief Defendants.

**RECEIVER MICHAEL I. GOLDBERG'S RESPONSE TO
INTERVENOR IRA SUKOFF'S FIRST REQUEST FOR PRODUCTION**

Michael I. Goldberg, as State Court Appointed Receiver over Defendants Dana J. Berman, Berman Mortgage Corporation, M.A.M.C. Incorporated, *et al.*, and Relief Defendants DB Atlanta, LLC, et al. (hereinafter "Receiver"), by and through undersigned counsel, hereby responds to Intervenor Ira Sukoff's (hereinafter "Sukoff") First Request for Production (hereinafter "Request") as follows:

GENERAL RESPONSES AND OBJECTIONS

1. The Receiver objects to producing documents other than how they are kept in the usual course of business.
2. By serving these objections and responses to Sukoff, the Receiver does not waive any objections available to it regarding this, or any other, discovery served on the Receiver by Sukoff.
3. The Receiver objects to the production of any documents that are protected by a privilege, including but not limited to the attorney-client privilege and the work product privilege, and will not produce such documents.
4. The Receiver objects to the Request to the extent that it seeks production of documents that are beyond the scope of discovery permitted under the Florida Rules of Civil Procedure.
5. The Receiver objects to the Request to the extent that it calls for or requires production of documents that are not in the possession, custody, or control of the Receiver.
6. The Receiver objects to the Request to the extent that it calls for or requires production of documents that the Receiver has previously produced to Sukoff or are in the possession of Sukoff, and the Receiver will not produce such documents.
7. A statement that the Receiver will produce documents responsive to a particular request means that, subject to the general and specific objections set forth herein, the Receiver will produce or has produced responsive, non-privileged, non-objectionable documents within its possession, custody or control.

8. The Receiver objects to the Request to the extent it calls for the production of documents protected by the attorney-client privilege, the attorney-work product doctrine, the accountant-client privilege, or any other applicable privilege, doctrine, law or rule protecting information from disclosure.

9. The Receiver objects to the Request to the extent it seeks documents that are more appropriately obtained from other sources or are more appropriately obtained by other means of discovery.

10. The Receiver objects to the Request to the extent that it purports to require anything beyond a reasonable search for responsive documents.

11. The Receiver objects to the Request to the extent it is overly burdensome, harassing or over-broad or calls for production of documents not relevant or not reasonably calculated to lead to the discovery of information relevant to any claim or defense in this action.

12. The Receiver reserves the right to amend this response, and will provide additional responsive documents should the same become available at a later date.

RESPONSE TO REQUEST

The Receiver incorporates in his responses below all of its general objections above.

1. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to **SUKOFF** being an "insider" as stated by James Gassenhiemer, Esq., before the Honorable Thomas Wilson at the hearing held on June 23, 2008.

RESPONSE:

Response: Subject to the foregoing General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

2. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to any and all claims the RECEIVER has or could assert against SUKOFF or any of the managers or members of NORMANDY.

RESPONSE:

Response: The Receiver objects to this request because it is overbroad. Subject to the foregoing specific objection and General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

3. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to any and all damages claimed by the RECEIVER from NORMANDY.

RESPONSE:

Response: The Receiver objects to this request because it is overbroad. Subject to the foregoing specific objection and General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver,

will be available for inspection and review in our office, at a mutually agreeable date and time.

4. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to any and all meetings of the loan or lender committee or committees of any nature relating to **NORMANDY**.

RESPONSE:

Response: Subject to the foregoing General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

5. Any and all documents supporting or evidencing each separate prayer for damages alleged directly or indirectly against **NORMANDY** as set forth in your Complaint.

RESPONSE:

Response: Subject to the foregoing General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

6. Any and all documents upon which **RECEIVER** or their attorneys intend to rely or may rely on in establishing any claim or cause of action, or in defending any known or anticipated defenses to the claims asserted in the Complaint.

RESPONSE:

Response: Subject to the foregoing General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

7. Any and all statements concerning this action or its subject matter including, but not limited to, any written statements or transcriptions of recorded interviews and summaries of oral statements.

RESPONSE:

Response: The Receiver objects to this request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of information relevant to any claim or defense in this action. Subject to the foregoing specific and General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

8. Any and all documents containing the names, addresses and telephone numbers of each person contacted as a potential witness in this action.

RESPONSE:

Response: Subject to the foregoing General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

9. Any and all correspondence or other memoranda or records to or from **RECEIVER**, directed to or from anyone related to this action including, but not limited to, creditors, debtors, suppliers, accountants, real estate agents, insurance agents, and attorneys relating to **NORMANDY**.

RESPONSE:

Response: The Receiver objects to this request because it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of information relevant to any claim or defense in this action. Subject to the foregoing specific and General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

10. Any and all correspondence or other memoranda, faxes electronic mail or records either sent, to **NORMANDY** by **RECEIVER**, or received by **RECEIVER** from **NORMANDY**.

RESPONSE:

Response: The Receiver objects to this request because it is overbroad. Subject to the foregoing specific and General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

11. Any and all Documents and/or Electronic Data identified in your answers to **SUKOFF's** First Set of Interrogatories.

RESPONSE:

Response: Subject to the foregoing General Objections, all non-privileged responsive documents to this request, which are in the possession, custody or control of the Receiver, will be available for inspection and review in our office, at a mutually agreeable date and time.

Respectfully submitted,

BERGER SINGERMAN

Attorneys for Receiver, Michael Goldberg

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By: _____



JAMES D. GASSENHEIMER

Florida Bar No. 959987

GREGORY A. HAILE

Florida Bar No. 606421

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Electronic Mail and/or U.S. Mail on this **26th day of August 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

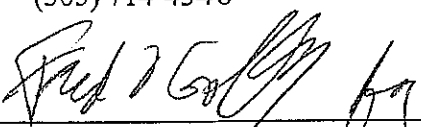
SANDLER & SANDLER, 117 Aragon Avenue, Coral Gables, Florida 33134; to **Allan A. Joseph, Esquire**, *Counsel for The Amid Companies and Amedia Family Investors*, DAVID AND JOSEPH, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; to **Richard R. Robles, Esquire**, LAW OFFICES OF RICHARD ROBLES, 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; to **Howard N. Kahn, Esquire**, *Attorneys for Intervenor, Ira Sukoff*, KAHN, CHENKIN & RESNIK, P.L., 1815 Griffin Road, Suite 207, Dania, Florida 33304; to **Charles Pickett, Esquire and Linda Dickhaus Agnant, Esquire**, *Attorneys for Johns Manville*, CASEY CIKLIN LUBITZ MARTENS & O'CONNELL, P.A., 515 North Flagler Drive, Suite 1900, West Palm Beach, Florida 33401; to **Helen Schwartz Romañez, Esquire**, *Attorneys for Turnberry Bank*, The Romañez Law Firm, 255 Alhambra Circle, Suite 850, Coral Gables, Florida 33134; to **Charles W. Throckmorton, Esquire**, *Attorneys for Dana Berman*, KOZYAK TROPIN THROCKMORTON, P.A., 2525 Ponce de Leon Boulevard, 9th Floor, Coral Gables, Florida 33134; to **James S. Telepman, Esquire**, *Attorneys for Jericho All-Weather Opportunity Fund, LP*, COHEN, NORRIS, SCHERER, WEINBERGER & WOLMER, 712 U.S. Highway One, Suite 400, North Palm Beach, Florida 33408-7146; to **Allen P. Pegg, Esquire**, *Counsel for Ibex Cheoah I, LLC*, at MURAI, WALD, BIONDO, MORENO & BROCHIN, P.A., Two Alhambra Plaza, Penthouse 1B, Coral Gables, Florida 33134; to **J. Andrew Baldwin, Esquire**, *Attorneys for Regions Bank*, THE SOLOMON LAW GROUP, P.A., 1881 West Kennedy Boulevard, Tampa, Florida 33606-1606; to **Rey Hicks and Javier Castillo** of COMPLETE PROPERTY MANAGEMENT, at Post Office Box 402507, Miami Beach, Florida

33140; to **Daren Schwartz**, BERMAN MORTGAGE CORPORATION D/B/A M.A.M.C., INC., at 402 Continental Plaza, 3250 Mary Street, Coconut Grove, Florida 33133; to **Norman S. Segall, Esquire**, *Attorneys for Skilled Services of Tampa Bay, LLC*, RUDEN McCLOSKEY SMITH SCHUSTER & RUSSELL, P.A., 701 Brickell Avenue, Suite 1900, Miami, Florida 33131; to **Norman Malinski, Esquire**, *Counsel for Giles Construction*, 2875 NE 191st Street, Suite 508, Aventura, Florida 33180; **Gabrielle D'Alemberte, Esquire**, LAW OFFICES OF ROBERT PARKS, 2121 Ponce de Leon Boulevard, Suite 505, Coral Gables, Florida 33134; and to **Robert B. Miller, Esquire**, *Attorneys for Atlantic Lending, LLC*, TABAS, FREEDMAN, SOLOFF & MILLER, P.A., The Ingraham Building 25 SE 2nd Avenue, Suite 919, Miami, Florida 33131-1538.

Respectfully submitted,

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By: _____


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

cc: The Honorable Thomas Wilson, Jr. *(via Hand-Delivery)*
Michael Goldberg, Esq., as Receiver *(via e-mail)*
The Investor(s)/Lender(s) Group *(via e-mail)*

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