

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

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 serve an answer to **SUKOFF's** First Set of Interrogatories, based upon the following grounds:

1. On July 14, 2008, **SUKOFF** served his First Set of Interrogatories upon **RECEIVER**, wherein **RECEIVER's** answers were due on or before August 18, 2008. A

true and correct copy of the First Set of Interrogatories is attached hereto as Exhibit "A".

3. To date, the **RECEIVER** has failed to serve its answers to **SUKOFF's** First Set of Interrogatories.

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 serve the answers to the First Set of Interrogatories, together with such other and further relief as this Court deems just and proper.

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

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CO-COUNSEL:

MARCY S. RESNIK, ESQ.

KAHN, CHENKIN & RESNIK, P.L.

1815 Griffin Road

Suite 207

Dania, Florida 33004

Tel: (954) 522-4129

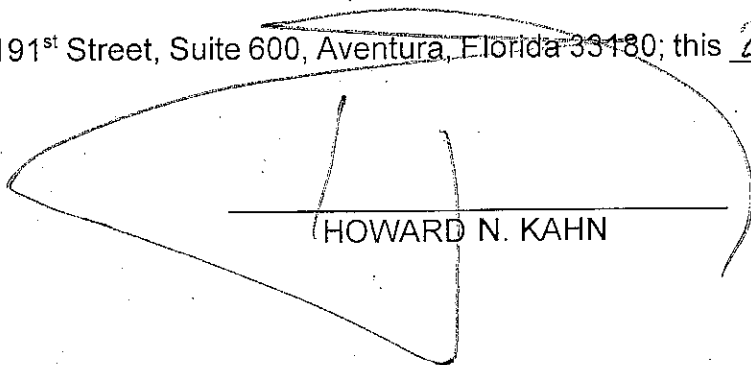
Fax: (954) 522-4522

Kahn, Chenkin & Resnik, P.L.

1815 Griffin Road, Suite 207, Dania, Florida 33304; Telephone (954) 321-0176; Facsimile (954) 321-0177

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 Singerman, 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 ^{23rd} day of September, 2008.



HOWARD N. KAHN

Exhibit "A"

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BERMAN MORTGAGE CORPORATION,
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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.

**NOTICE OF SERVICE OF INTERVENOR IRA SUKOFF'S
FIRST SET OF INTERROGATORIES TO RECEIVER MICHAEL I. GOLDBERG**

Intervenor IRA SUKOFF, ("**SUKOFF**"), by his undersigned counsel, hereby gives notice of the service of Interrogatories "1" through "9" to **Receiver MICHAEL I. GOLDBERG** ("**RECEIVER**"), pursuant to Fla. R. Civ. P. 1.340(a), which interrogatories must be answered within thirty (30) days after service hereof, in

KAHN, CHENKIN & RESNIK, P.L.
1815 Griffin Road, Suite 207, Dania, Florida 33004; Tel: (954) 321-0176; Fax: (954) 321-0177

a manner prescribed by the Florida Rules of Civil Procedure.

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

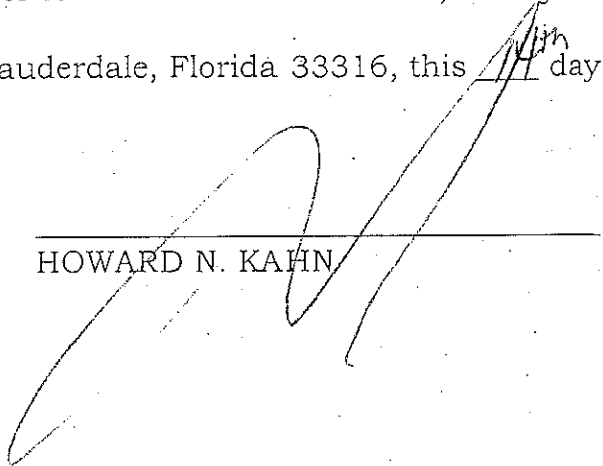
CERTIFICATE OF SERVICE

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.,

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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 Singerman, 200 S. Biscayne Boulevard, Suite 1000, Miami, Florida 33131; and **Marcy S. Resnik, Esq.**, Co-Counsel for Intervenor Ira Sukoff, Marcy S. Resnik, P.A., 1120 S.E. 3rd Avenue, Ft. Lauderdale, Florida 33316, this 11th day of July, 2008.



HOWARD N. KAHN

KAHN, CHENKIN & RESNIK, P.L.
1815 Griffin Road, Suite 207, Dania, Florida 33004; Tel: (954) 321-0176; Fax: (954) 321-0177

INSTRUCTIONS

1. In each of your answers to Interrogatories, you are requested to provide not only information as is in your possession, but also all information as is reasonably available, whether or not it is in your possession. In the event you are able to provide only part of the information called for by any particular Interrogatory, provide all of the information you are able to provide, and state the reason for your inability to state the remainder.

2. If you object to, or otherwise decline to answer any portion of the Interrogatories, please provide all information called for in that portion of the Interrogatory to which you do not object or to which you do not decline to answer. If you object to the Interrogatory on the ground that it is too broad (i.e., that it calls both for information which is relevant to the subject matter of the action and for information which is not relevant), please provide such information as you concede to be relevant. If you object to the Interrogatory on the ground that it would constitute an undue burden to provide an answer, please provide such requested information as can be supplied without undertaking such undue burden. For those portions of any Interrogatory to which you object or otherwise decline to answer, state the reason for such objection or declination.

DEFINITIONS

1. "Document" shall mean any written or graphic matter or other means of preserving thought or expressions and all tangible things from which information can be processed or transcribed, including the originals and all non-identified copies, whether different from the original by reason of any notation made on such copy or otherwise, including, but not limited to, correspondence, memoranda, notes, messages, letters, telegrams, teletypes, telefax, bulletins, e-mails, telecopier, meetings or other communications, inter-office and intra-office telephone calls, diaries, chronological date, minutes, books, reports, studies, summaries, pamphlets, bulletins, printed matter, charts, invoices, work sheets, receipts, returns, computer print-outs, prospectuses, financial statements, schedules, affidavits, contracts, security agreements, financing statements, promissory notes, mortgages, canceled checks, statements, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphic or other oral records or representations of any kind (including without limitation photographs, microfiche, microfilm, video tape, records and motion pictures), and electronic, mechanical or electric records or representations of any kind (including without limitation tapes, cassettes, discs and records).

2. As used herein, "**RECEIVER**" shall mean **Receiver MICHAEL I. GOLDBERG.**

3. As used herein, "**NORMANDY**" shall mean **Defendants NORMANDY HOLDINGS, II, LLC and NORMANDY HOLDINGS, III, LLC.**

4. As used herein, "**SUKOFF**" shall mean **Intervenor IRA SUKOFF.**

5. "Electronic Data" as used herein shall mean the original (or identical duplicate when the original is not available), and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmissions notations or highlighting of any kind) of writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital, or other means. Electronic data includes, by way of example only, computer programs (whether private, commercial or work-in-progress), programming notes or instructions, activity listing of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code of all types, peripheral drivers, PIF files, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists in active file, deleted

file or file fragment. Electronic data includes any and all terms stored on computer memories, hard disks, floppy disks, CD-ROMs, removable media such as Bernoulli Boxes and their equivalent, magnetic tapes of all types, microfiche, punched cards, punched tape, computer chips, including, but not limited to EPROM, PROM, RAM, and ROM, on or in any other vehicle for digital data storage and/or transmittal. Electronic data also includes the file, folder tabs and/or containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

- 9. Please state the factual basis for any claim you have against **SUKOFF** or any other manager or member of **NORMANDY** and identify each and every Document and/or Electronic Data that refers or relates thereto.

MICHAEL I. GOLDBERG, Receiver

STATE OF FLORIDA)

) SS:

COUNTY OF MIAMI-DADE)

BEFORE ME, this ___ day of _____, 2008 the undersigned authority personally appeared **MICHAEL I. GOLDBERG** who is personally know to me or who has produced _____ as identification, who, upon being first duly sworn deposes and states that he has read the above and foregoing answers to interrogatories and states that the responses are true and correct.

Print name: _____

Signature: _____

NOTARY PUBLIC, STATE OF _____

Commission No.: _____

My Commission Expires: _____

(SEAL)