

1 UNITED STATES BANKRUPTCY COURT  
2 SOUTHERN DISTRICT OF FLORIDA  
3 FORT LAUDERDALE DIVISION

4 CASE NO. 09-34791-BKC-RBR

5 IN RE:

6 ROTHSTEIN ROSENFELDT ADLER, P.A.,  
7 Debtor.  
8  
9

**CERTIFIED  
COPY**

10 EXCERPT FROM PROCEEDINGS

11 DECLARATION RE: JOHN H. GENOVESE ON BEHALF OF GENOVESE  
12 JOBLOVE & BATTISTA, P.A. AS SPECIAL LITIGATION AND  
13 CONFLICTS COUNSEL TO THE TRUSTEE FILED BY THE TRUSTEE  
14 HERBERT STETTIN (1556) and MOTION TO CLARIFY (RE:  
15 [888] ORDER ON MOTION TO COMPEL, [1068] AMENDED ORDER)  
16 RE: APPOINTMENT OF SPECIAL MASTER REGARDING SUBPOENA  
17 OF EPSTEIN, RELATED DOCUMENTS FILED BY CREDITOR  
18 RAZORBACK FUNDING, LLC (1554)

19 April 11, 2011

20 The above-styled cause came on for hearing  
21 before the HONORABLE RAYMOND B. RAY, one of the Judges  
22 of the United States Bankruptcy Court, in and for the  
23 Southern District of Florida, at 299 East Broward  
24 Boulevard, Fort Lauderdale, Broward County, Florida  
25 on Monday, April 11, 2011, commencing at or about  
9:30 a.m., and the following proceedings were had:

Reported by: Anna M. Meagher

APPEARANCES:

CONRAD SCHERER, ATTORNEYS AT LAW, by  
JAMES D. SILVER, ESQUIRE  
on behalf of Razorback Funding, LLC, et al.

FARMER, JAFFE, WEISSING, EDWARDS,  
FISTOS & LEHRMAN, P.L., by  
SETH LEHRMAN, ESQUIRE  
on behalf of LM, Mr. Edwards, and  
Farmer Jaffee Weissing.

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THE COURT: That takes us to 1554. Is that an agreed matter?

MR. LEHRMAN: Good morning, your Honor. Seth Lehrman appearing for LM, Mr. Edwards, and Farmer Jaffe Weissing, saying it's an agreed matter at this point.

THE COURT: Oh, surprise, surprise.

MR. SILVER: After receiving 131 pages of documents on Friday, but that's what weekends are for.

Jim Silver of Conrad & Scherer on behalf of Razorback funding and other victim creditors, and I will let Mr. Lehrman announce the agreement.

MR. LEHRMAN: Thank you.

Your Honor, we've reached an agreement with Mr. Silver's firm where the parties will stipulate to stay enforcement of their firm's Rule 2004 Exam duces tecum. We've agreed to produce documents requested by their firm, with the express agreement that any production or disclosure of documents pursuant to that agreement does not constitute a waiver of any privilege.

As well, Mr. Silver's firm has a agreed to preserve the strict confidentiality of all documents, materials, and information produced pursuant to this

1 agreement. Furthermore, we intend to lodge with the  
2 Court a proposed form of order which would approve all  
3 the material terms of the parties agreement.

4 MR. SILVER: And, if I may, your Honor, a  
5 very important aspect of the agreement is that if we  
6 seek to use the documents, we can go to Mr. Edwards  
7 attorney, ask for consent. If that consent is  
8 declined, then your Honor is the exclusive court to  
9 determine issues regarding whether we're able to use  
10 these document, whether or not there's any applicable  
11 privilege, et cetera, so that's a very important part  
12 of the agreement for us.

13 THE COURT: All right. Mr. Lehrman see to  
14 the order.

15 MR. LEHRMAN: Thank you, your Honor.

16 \* \* \* \* \*

17 (Whereupon, the hearing was concluded.)

CERTIFICATE

STATE OF FLORIDA:

COUNTY OF BROWARD:

I, Anna M. Meagher, Shorthand Reporter and Notary Public for the State of Florida at Large, do hereby certify that the foregoing proceedings were taken before me, in the cause, at the time and place, and in the presence of the Court and counsel as stated in the caption hereto on Page 1 hereof; that the foregoing computer-assisted transcription, consisting of pages numbered 1 through 5, inclusive, is a true and accurate record of my Stenographic notes taken at said proceedings.

I further certify that I am not of counsel, I am not related to nor employed by any attorney in this case.

Dated this 18th day of April 2011.



My Commission Expires: Anna M. Meagher, Notary Public  
 January 8, 2013 State of Florida at Large  
 Commission #DD850418