

laws, you are HEREBY COMMANDED TO BRING AND PRODUCE DOCUMENTS before the arbitrator on July 20, 2011 at 10 am to the offices of Susman Godfrey, LLP, 560 Lexington Ave, 15th Floor, New York, New York, 10022, as described on Exhibit A hereto.

Dated: _____, 2011

Hon. Anthony J. Carpinello (Ret.)
Arbitrator

Requested by:

SUSMAN GODFREY L.L.P.

Harry P. Susman
SUSMAN GODFREY L.L.P.
1000 Louisiana Street, Suite 5100
Houston, Texas 77002-5096
Telephone: [REDACTED]
Fax: [REDACTED]
E-mail: [REDACTED]

Stephen D. Susman
Seth Ard
560 Lexington Ave, 15th Floor
New York, New York 10022
Telephone: [REDACTED]
Fax: [REDACTED]
E-mail: [REDACTED]
E-mail: [REDACTED]

Attorneys for Respondent Counterclaimants and Third-Party Claimants
Financial Trust Company, Inc. and Jeepers, Inc.

2. For any responsive documents withheld from production, state the date, authors, recipients, type of document, subject matter, number of pages, and the basis of the claim of privilege asserted.

DEFINITIONS

1. “Zwirn Entities” means Daniel Zwirn, D.B. Zwirn Partners, LLC, D.B. Zwirn & Co., L.P., DBZ GP, LLC, and Zwirn Holdings, LLC, and includes all their respective members, managers, general partners, limited partners, employees, representatives, agents, parents, subsidiaries, predecessors, affiliates, divisions, and anyone else acting on their behalf.

3. “You” means Harold Kahn.

4. Rules of construction: “All” and “each” shall be construed as all and each; “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request all requests that might otherwise be construed to be outside its scope; the use of the singular form of any word includes the plural and vice versa; “any” includes and encompasses the words “each” and “all”; terms used in the present tense include terms in the past tense and terms in the past tense include terms in the present tense.

DOCUMENT REQUESTS

1. All copies of testimony or written statements by You in any SEC investigation relating to the Zwirn Entities.