

JAMS ARBITRATION

IN THE MATTER OF §
§
FORTRESS VRF I LLC and FORTRESS §
VALUE RECOVERY FUND I LLC, §
Claimants §
v. §
JEEPERS, INC., §
Respondent § Case No. 1425006537
and §
FINANCIAL TRUST COMPANY, INC. and §
JEEPERS, INC., §
Counterclaimants and Third-Party Claimants §
v. § Arbitrator: Hon. Anthony J. Carpinello
D.B. ZWIRN SPECIAL OPPORTUNITIES §
FUND, L.P. k/n/a FORTRESS VALUE §
RECOVERY FUND I LLC, §
Counter-Respondent §
and §
D.B. ZWIRN PARTNERS, LLC, §
D.B. ZWIRN & CO., L.P., §
DBZ GP, LLC, §
ZWIRN HOLDINGS, LLC, §
DANIEL ZWIRN, and §
Third-Party Respondents §

SUBPOENA DUCES TECUM

To: Perry Gruss
c/o Ethan Brecher, Esq.
Liddle & Robinson, LLP
[REDACTED]
New York, NY 10022
[REDACTED]

NOTICE IS HEREBY GIVEN that pursuant to the Comprehensive Arbitration Rules & Procedures of the Judicial Arbitration and Mediation Service and applicable state and federal laws, you are HEREBY COMMANDED TO APPEAR before the arbitrator on April 10, 2011 at 10 am to the offices of Susman Godfrey, LLP, [REDACTED] New York, New York, 10022, and to BRING AND PRODUCE DOCUMENTS as described on Exhibit A hereto.

Dated: March 23 2011


Hon. Anthony J. Capinello (Ret.)
Arbitrator

Requested by:

SUSMAN GODFREY L.L.P.

Harry P. Susman
SUSMAN GODFREY L.L.P.

[REDACTED]
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Stephen D. Susman
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Attorneys for Respondent Counterclaimants and Third-Party Claimants
Financial Trust Company, Inc. and Jeepers, Inc.

ORIGINAL

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DANIEL ZWIRN, and §
Third-Party Respondents §

EXHIBIT A

INSTRUCTIONS

1. These requests apply to all documents within your possession, custody, or control, including, but not limited to, all documents in the possession, custody, or control of your attorneys, agents, representatives, accountants, and employees.

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.

2. Your Lawsuit means the lawsuit captioned Perry A. Gruss v. Daniel B. Zwirn, D.B. Zwirn & Co., L.P., and D.B. Zwirn Partners, LLC, No. 09 Civ. 6441 (S.D.N.Y.).

3. “You” means Perry Gruss.

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 either any SEC investigation of the Zwirn Entities or Your Lawsuit.

**JUDICIAL ARBITRATION AND MEDIATION SERVICE
NEW YORK, NEW YORK**

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FORTRESS VALUE RECOVERY FUND I LLC,

Claimants,

v.

JEEPERS, INC.

Respondents,

and

FINANCIAL TRUST COMPANY, INC., and
JEEPERS, INC.,

Counter-Claimants and
Third-Party Claimants,

v.

FORTRESS VALUE RECOVERY FUND I LLC,

Counter-Respondents,

and

D.B. ZWIRN PARTNERS, LLC,
D.B. ZWIRN & CO, L.P.,
DBZ GP, LLC, ZWIRN HOLDINGS, LLC,
and DANIEL ZWIRN,

Third-Party Respondents.

Ref. No. 1425006537

SUBPOENA AD TESTIFICANDUM

To: Perry Gruss
c/o Ethan Brecher, Esq.
Liddle & Robinson, LLP

[REDACTED]
New York, NY 10022
[REDACTED]

MAY 5, 2011
✓ JE WITH PERMISSION

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NOTICE IS HEREBY GIVEN that pursuant to the Comprehensive Arbitration Rules & Procedures of the Judicial Arbitration and Mediation Service and applicable state and federal laws, you are HEREBY COMMANDED TO APPEAR before the arbitrator on March, 2011 at 10:00 a.m. at the offices of Susman Godfrey LLP, [REDACTED] New York, NY, 10022, to give deposition testimony at a preliminary hearing relating to the above-referenced matter.

Dated: March 23, 2011

Anthony J. Carpinello
Hon. Anthony J. Carpinello (Ret.)
Arbitrator

Requested by:

Harry P. Susman
SUSMAN GODFREY L.L.P.

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

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