

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION

In re:

CASE NO. 09-34791-BKC-RBR
Chapter 11 Proceeding

ROTHSTEIN ROSENFELDT ADLER, P.A.,

Debtor.

SUBPOENA FOR RULE 2004
EXAMINATION DUCES TECUM

To: Records Custodian for
Herbert Stettin, Trustee in Bankruptcy for Rothstein Rosenfeldt Adler, P.A.
c/o Charles H. Lichtman, Esq.,
Berger Singerman, P.A.
350 East Las Olas Boulevard
Suite 1000
Fort Lauderdale, FL 33301

YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. (*Documents may be produced in lieu of attendance*)

PLACE OF DEPOSITION Conrad & Scherer 633 South Federal Highway 8 th Floor Fort Lauderdale, FL 33301	DATE AND TIME November 12, 2010 at 10: [REDACTED].
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
SEE ATTACHED EXHIBIT "A"

PLACE	DATE AND TIME _____, 2010 at ____ a.m./[REDACTED].
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified

below.	
PREMISES	DATE AND TIME
Any organization not a party to this proceeding that is subpoenaed for the taking of a disposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify, Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in bankruptcy cases and proceedings by Rules 1018, 7030, and 9014, Federal Rules of Bankruptcy Procedure.	
ISSUING OFFICER SIGNATURE	TITLE
ISSUING OFFICER'S NAME (PRINT)	PHONE
ADDRESS	DATE

PROOF OF SERVICE

	DATE	PLACE
SERVED		
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____ DATE _____ SIGNATURE OF SERVER _____

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c) (d), and (e), as amended on December 1, 2006, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying, testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of the premises - or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
Fort Lauderdale Division
www.flsb.uscourts.gov

IN RE:

CASE NO.: 09-34791-RBR

ROTHSTEIN ROSENFELDT ADLER, P.A.,

CHAPTER 11

Debtor.

NOTICE OF TAKING RULE 2004 EXAMINATION DUCES TECUM

Creditors, RAZORBACK FUNDING, LLC, D3 CAPITAL CLUB, LLC, BFMC INVESTMENT, LLC, LINDA VON ALLMEN as Trustee of the VON ALLMEN DYNASTY TRUST, D&L PARTNERS, LP, DAVID VON ALLMEN, as Trustee of the DAVID VON ALLMEN LIVING TRUST, ANN VON ALLMEN, as Trustee of the ANN VON ALLMEN LIVING TRUST, DEAN KRETSCHMAR, COOPER MANAGEMENT, ANTHONY DEGENNARO as Trustee of the EXTRA INNING DYNASTY TRUST, ADELE MUSSRY, JACK MUSSRY, NASSIM MUSSRY, MELINA EL-ANI, DANIELLE EL-ANI, H&N ASSOCIATES, ARETZ ASSOCIATES, PARK NATIONAL CAPITAL FUNDING, LLC, PARK NATIONAL MORTGAGE SERVICING, SCOTT MORGAN, VICEROY GLOBAL INVESTMENTS, INC., CONCORDE CAPITAL, INC., SUSSCO, INC., EDWARD PALEY, FLORENCE PALEY, THE EDWARD AND FLORENCE PALEY FOUNDATION, STEVEN PALEY, LAURA PALEY, JANE ZARETSKY, STEVEN ZARETSKY, as Trustee of the JANE ZARETSKY DYNASTY TRUST, LAWRENCE E. DEKELBAUM, AND SHALOM STRICTLY KOSHER MEATS, INC., (collectively, the "Razorback Creditors"), by and through the its undersigned counsel, will examine the Records Custodian for Herbert Stettin, Trustee in Bankruptcy for Rothstein Rosenfeldt Adler, P.A., under oath on **November 12, 2010 at 10:00 a.m.**,

at the offices of Conrad & Scherer, LLP, 633 South Federal Highway, Fort Lauderdale, FL 33301. The examination may continue from day to day until completed. If the examinee receives this notice less than 14 days prior to the scheduled examination date, the examination will be rescheduled upon timely request to a mutually agreeable time.

The examination is pursuant to Bankruptcy Rule 2004 and Local Rule 2004-1, and will be taken before an officer authorized to record the testimony. The scope of the examination shall be described in Bankruptcy Rule 2004. Pursuant to Local Rule 2004-1 no order shall be necessary.

The Examinee is requested to bring to the examination all of the documents described on the attached **Exhibit A**, subject to the Definitions and Instructions provided below.

DEFINITIONS AND INSTRUCTIONS

A. "Document" means any written or graphic matter or other means of preserving thought or expression, and all tangible things from which information can be processed or transcribed, including the **originals** and all non-identical 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, purchase orders, telegrams, teletype, telefax bulletins, e-mails, electronic data, meetings, reports, or other communications, interoffice and intra-office telephone calls, diaries, chronological data, minutes, books, reports, charts, ledgers, invoices, worksheets, receipts, returns, trade information regarding fabric, carpets, samples etc., computer printouts, prospectuses, financial statements, schedules, affidavits, contracts, cancelled checks, transcripts, statistics, surveys, magazine or newspaper articles, releases (and any and all drafts, alterations and modifications, changes and amendments of any of the foregoing), graphs or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tape, recordings, motion

pictures and electronic, mechanical or electric recordings or representations of any kind (including, without limitation, tapes, cassettes, discs and recordings), and including the file and file cover.

The term "Document" also means any and all computer records, data, files, directories, electronic mail, and information or whatever kind whether printed out or stored on or retrievable from floppy diskette, compact diskette, magnetic tape, optical or magnetic-optical disk, computer memory, hard drive, zip drive, orb drive, micro disk, external memory stick, software, or any other fixed or removable storage media, including without limitation, all back-up copies, dormant or remnant files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether the data consists in an active file, deleted file or file fragment.

B. "Communications" means any oral or written statement, dialogue, colloquialism, discussion, conversation or agreement.

C. "Plaintiff" means [REDACTED], ([REDACTED] v. Jeffrey Epstein, Palm Beach County Case #502008CA028051XXXXMB), Jane Doe (Jane Doe v. Jeffrey Epstein, United States District Court Case #08-civ-80893-Marra/Johnson), and any other person who is or was represented by Rothstein Rosenfeldt & Adler that has not yet filed an action against Jeffrey Epstein, and any employee, agent or attorney for any plaintiff and/or any other person acting for or on behalf of any plaintiff, or under her authority and control.

D. "RRA" means Rothstein Rosenfeldt & Adler, P.A.

E. "Money" means any tangible thing of value.

F. "Trustee" means Herbert Stettin as bankruptcy trustee for RRA.

G. "Rothstein" means Scott W. Rothstein who pled guilty to operating the largest Ponzi scheme in south Florida history.

H. "Rothstein Ponzi Scheme" means the Ponzi scheme perpetrated by Rothstein and others.

I. "Investors" means those who invested in what turned out to be the Rothstein Ponzi Scheme, including but not limited to, D3 Capital Club, LLC.

EXHIBIT "A"

DUCES TECUM

1. For the time period from March 1, 2009 to present, any and all documents between, or on behalf of RRA, its employees or agents or clients, and any third party regarding a purported settlement of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, or the financing of any litigation between Jeffrey Epstein and a RRA client or Plaintiff, (whether existing clients or fabricated clients), including but not limited to:

- a. Documents indicating that litigation with Jeffrey Epstein has been settled;
- b. Soliciting or receiving money in return for settlement funds allegedly paid or to be paid by Jeffrey Epstein;
- c. Soliciting money to be given to, or used on behalf of, the Plaintiff in litigation against Jeffrey Epstein;
- d. Communication between third party Investors or potential Investors and the Plaintiffs or their attorneys involved in litigation against Jeffrey Epstein;
- e. Payments made by RRA to or on behalf of any Plaintiff.

2. All e-mails, data, correspondence, memos, or similar documents between Bradley J. Edwards, Scott W. Rothstein, William Berger and Russell Adler and/or any attorney or representative of RRA and any Investor or third party (person or entity) regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Jenne, Patrick Roberts or Rick (Rich) Fandrey).

3. All e-mails, data, correspondence, memos, or similar documents between Scott W. Rothstein, and/or any attorney or representative of RRA regarding Jeffrey Epstein or which mentions Jeffrey Epstein (including Mike Fisten, Kenneth Henne, Patrick Roberts or Rick (Rich) Fandrey).

4. All agreements or documents of any nature which were provided to or received from an Investor or potential Investor relating to any case (real or fabricated) involving Jeffrey Epstein and any of the following:

- a. Scott W. Rothstein;
- b. Bradley J. Edwards;
- c. RRA;
- d. any entity formed by RRA or Bradley J. Edwards or Scott W. Rothstein to create investment opportunities for third party investors to invest in any plaintiff's case against Jeffrey Epstein.

5. All fee sharing agreements between Bradley J. Edwards, RRA, or Scott W. Rothstein and/or any other attorney or Investor relating to any aspect of any Plaintiff's case.

6. All documents made available to any Investor or potential Investor by Bradley J. Edwards, RRA, Scott W. Rothstein or any of Scott W. Rothstein's entities to solicit "investors" for any case involving Jeffrey Epstein.

7. All document reflecting the names and addresses of all individuals or entities who invested or purported to invest in any aspect of any case against Jeffrey Epstein.

8. Any and all documents contained in the thirteen bankers boxes which Rothstein used to bolster his concocted story in connection with the case styled *Jane Doe v. Jeffrey Epstein*, currently pending in the Southern District of Florida, when meeting with D3 representatives and/or any other potential Investors in order to induce those representatives invest in the Rothstein Ponzi Scheme.

9. All documents and tangible things retrieved from the trash at 358 El Brillo Way, Palm Beach, Florida which is alleged to be the home of Jeffrey Epstein.

10. All conversations recorded from any telephones which purported to be that of Jeffrey Epstein that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

11. All conversations recorded from any telephones which purported to be from Jeffrey Epstein's attorneys including Roy Black, Alan Dershowitz or Jack Goldberger, that are contained in any media (audio tapes, CDs, DVDs, zip drives, hard drives or any other electronic format and any written transcriptions).

12. All documents which purport to mention any transfer of funds or property from Jeffrey Epstein to RRA, Rothstein or any Rothstein-related entity for the settlement of any case (real or fabricated) against Jeffrey Epstein.

13. All documents relating to any investment, joint-venture or business enterprise involving RRA, Rothstein or a Rothstein-related entity that reference any claim (real or fabricated) against Epstein.

14. All emails exchanged between-any of the following individuals wherein Epstein, a Palm Beach billionaire or similar reference was mentioned:

- a. Scott Rothstein
- b. Russell Adler
- c. Michael Fisten
- d. Kenneth Jenne
- e. David Boden
- f. Deborah Villegas
- g. Andrew Barnett

h. Bradley Edwards

15. All documents related to or referencing potential deponents in the Jane Doe, [REDACTED], or E.W., cases used in connection with Investor meetings and/or general Investor solicitation into the Rothstein Ponzi Scheme.

16. Any employment agreements or letters describing compensation and benefits for Bradley Edwards during his employment with RRA.

17. For the time period April 1, 2009 through November 5, 2009, all emails to and from any employee, partner, shareholder, attorney, agent or client of RRA that reference any of the following:

- a. Bill Clinton;
- b. Alan Dershowitz;
- c. David Copperfield;
- d. Kevin Spacey;
- e. Chris Tucker;
- f. Prince Andrew;
- g. Jean-Luc Brunel;
- h. Tommy Motolla;
- i. Bill Richardson;
- j. Donald Trump.

18. Any and all documents referring or relating to Jeffrey Epstein utilized for the specific purpose of soliciting Investors into the Rothstein Ponzi Scheme.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 13th day of October, 2010 by electronic mail through the Court's CM/ECF system to those parties who are registered users.

I HEREBY CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this court set forth in Local Rule 2090-1(A).

Respectfully submitted,

/s/James D. Silver

WILLIAM R. SCHERER

Florida Bar No. 169454

wscher [REDACTED]

JAMES D. SILVER

Florida Bar No. 373702

[REDACTED]

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