

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

FORTRESS VRF I LLC and  
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

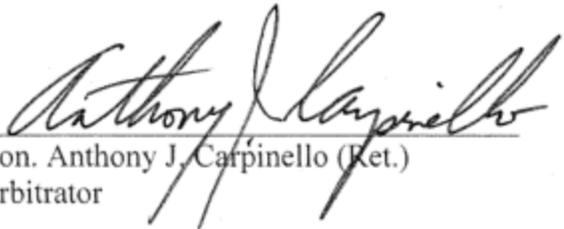
**SUBPOENA DUCES TECUM**

To: Glenn Dubin  
Highbridge Capital Management  
9 West 57<sup>th</sup> Street  
New York, New York

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 December 3,

2010 at 10:00 a.m. at the offices of the Judicial Arbitration and Mediation Service, at 620 Eighth Avenue, 34th Floor, New York, New York, to PRODUCE DOCUMENTS as described on Exhibit A hereto.

Dated: November 9, 2010

  
Hon. Anthony J. Carpinello (Ret.)  
Arbitrator

Requested by:

William O'Brien, Esq.  
Cooley LLP  
1114 Avenue of the Americas  
New York, New York 10036

  
*Counsel for Third-Party Respondents*  
*D.B. Zwirn Partners, LLC,*  
*D.B. Zwirn & Co., L.P.,*  
*DBZ GP, LLC, and*  
*Zwirn Holdings, LLC*

John S. Siffert, Esq.  
Daniel E. Reynolds, Esq.  
Lankler Siffert & Wohl, LLP  
500 Fifth Avenue, 33rd Floor  
New York, New York 10110

  
  
*Counsel for Third-Party Respondent*  
*Daniel Zwirn*

# EXHIBIT A



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. "Third-Party Claimants" means Jeffrey Epstein, Financial Trust Company, Inc. and Jeepers, Inc. and includes all their directors, officers, employees, representatives, agents, parents, subsidiaries, predecessors, affiliates, divisions, and anyone else acting on their behalf.

2. "Zwirn Parties" 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 members, employees, representatives, agents, predecessors, and anyone else acting on their behalf.

3. "Claimants" means Fortress VRF I LLC and Fortress Value Recovery Fund I LLC.

4. "Fund" means D.B. Zwirn Special Opportunities Fund, L.P. n/k/a Fortress Value Recovery Fund I LLC and f/k/a Highbridge/Zwirn Special Opportunities Fund, L.P. and includes its directors, officers, employees, representatives, agents, parents, subsidiaries, predecessors, affiliates, divisions, and anyone else acting on its behalf.

5. "You" and "Your" means Glenn Dubin and any representative, agent or anyone else acting on your behalf.

6. "Third-Party Claim" means Jeepers, Inc.'s Response and Financial Trust Company, Inc.'s and Jeepers, Inc.'s Statement of Counterclaim and Third-Party Claim in this arbitration, filed on May 21, 2010.

7. "Affidavit" means the affidavit you swore to on February 3, 2010 that is Exhibit 1 to the Third-Party Claim.

8. "Settlement Agreement and Release" means the Settlement Agreement and Release reached in or about April, 2009 between D.B. Zwirn Special Opportunities Fund, L.P. and the Third Party Claimants.

9. "Document" means any document including but not limited to correspondence, internal or external memoranda, letters, drafts, non-identical copies, notes including handwritten notes, minutes of meetings, call logs, records of conversations or messages, whether in writing or upon any mechanical, electrical, or electronic recording device, e-mail and voicemail, SMS, or text messages, tape or electronic recordings, videotapes, diaries, sketches or designs, appointment or telephone records, newspaper or magazine articles, press releases, banking records and notices, and information of whatever kind stored on computers, including computer disks, hard drives, and other media. In all cases where originals or non-identical copies are not available, "documents" also means identical copies of original documents and copies of non-identical copies.

10. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

11. "Concerning" means relating to, referring to, describing, evidencing, or constituting.

12. "Person" means any natural person or any business, legal or governmental entity, or association. The term "person" includes both the singular and the plural.

13. 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 documents concerning any communications between You on the one hand, and any of the Zwirn Parties on the other, concerning any of the Third-Party Claimants.
2. All documents concerning any communications between You on the one hand, and any of the Third-Party Claimants on the other, concerning the Claimants, the Fund or any of the Zwirn Parties.
3. All documents concerning any potential or actual investment in the Fund by any of the Third-Party Claimants.
4. All documents concerning the alleged conversations described in ¶¶ 6, 7 and 8 of the Affidavit.
5. All documents concerning the assignment of Financial Trust Company, Inc.'s limited partnership interests in the Fund to Jeepers, Inc.
6. All documents concerning any request by any of the Third Party Claimants to withdraw any amounts from the Fund.
7. All documents concerning Jeffrey Epstein's involvement in J.P. Morgan's investment in Highbridge Capital Management, including but not limited to Your introduction to Jes Staley.
8. All documents concerning this arbitration.
9. All documents concerning the Settlement Agreement and Release.
10. All documents concerning the Affidavit, including but not limited to all documents concerning the creation of the Affidavit.