

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.
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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:
[888] ORDER ON MOTION TO COMPEL, [1068] AMENDED ORDER)
RE: APPOINTMENT OF SPECIAL MASTER REGARDING SUBPOENA
OF EPSTEIN, RELATED DOCUMENTS FILED BY CREDITOR
RAZORBACK FUNDING, LLC (1554)

15 April 11, 2011

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

23 Reported by: Anna M. Meagher
24
25

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

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

8 THE COURT: Oh, surprise, surprise.

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

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

14 MR. LEHRMAN: Thank you.

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

23 As well, Mr. Silver's firm has a agreed to
24 preserve the strict confidentiality of all documents,
25 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.

Anna M. Meagher

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