

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.

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RE-NOTICE OF TAKING RULE 2004 EXAMINATION DUCES TECUM
(Changes date only)

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 **March 2, 2011 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, Q-Task projects, Fortress software programs 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 **L.M. (L.M. v. Jeffrey Epstein, Palm Beach County Case #502008CA028051XXXXMB), E.W. (E.W. v. Jeffrey Epstein, Palm Beach County Case #502008CA028058XXXXMB), 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 help finance ongoing litigation against Jeffrey Epstein;
- d. Soliciting money to be given to, or used on behalf of, the Plaintiff in litigation against Jeffrey Epstein;
- e. Communication between third party Investors or potential Investors and the Plaintiffs or their attorneys involved in litigation against Jeffrey Epstein;
- f. Payments made by RRA to or on behalf of any Plaintiff.

2. Any and all fee agreements that exist or have existed between the following:

- a. Any Plaintiff and Bradley J. Edwards or any entity with which he has been associated;
- b. Any Plaintiff and the law firm of RRA.

3. 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).

4. 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).

5. All agreements or documents of any nature which were provided to or received from an Investor or potential Investor, as well as, their agents, representatives, accountants, attorneys, and/or anyone purporting to act on their behalf (including without limitation, A.J.

Discala, Michael Legamaro and Dean Kretschmar), relating to, but not limited 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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).

12. 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).

13. 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.

14. 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.

15. 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
- i. A.J. Discala
- j. Christina Kitterman
- k. Dean Kretschmar
- l. Michael Legamaro

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

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

18. 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.

19. 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 Amended Notice of Taking 2004 Examination *Duces Tecum* was served this 12th day of January, 2011 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

[REDACTED]

JAMES D. SILVER

Florida Bar No. 373702

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