

EPSTEIN V. ROTHSTEIN 80743
Index of VOLUME V of Conrad Scherer documents

Category	Date	Description	To	From	Bates Nos.	Notes
Folder 0000	10/01/09	Harden Insurance Program Manual re Banyon 1031-32, LLC			A20556 20765	- Outlines risk mgmt services and policy info – RRA listed as covered employee for theft, forgery, alteration, loss of securities and money
	No Date	Razorback Funding Summary of Terms re the offering and sale of liability company interests in Razorback funding			A20766 20771	- Managed by Clockwork – Banyon USVI is the borrower – Purchase Price was \$46m- Plaintffs are paid monthly out of atty trust acct – Contact person is Chris Podaras
	No Date	Copy of Cover Page for Razorback/Clockwork/Banyon			A20772	Looks like it is part of the Summary (See A20766-20771)
	No Date	Index to Razorback Binder			A20773	Lists the items included in the binder – i.e., OP and subscription for Razorback, TD Bank Lock Letter/Balance Report
	10/02/09	Loan Agreement between Banyon USVI and Razorback Funding			A20774 20798	- Not signed – only initialed

	10/02/09	Security Agreement between Banyon USVI and Razorback Funding			A20799 20809	-	Signed by George Levin for Banyan – no signature for Razorback
	10/2/09	Promissory Note between Razorback and Banyon USVI			A20810		For the principal sum of \$32m – signed by George Levin
	10/01/09	Letter re confirming receipt \$40.6m in settlement proceeds for 29 pltfs	Banyon USVI	Rothstein	A20811 20899 A20900 20988	-	Includes redacted Confidential Settlement Agreement signed by Pltfs and Sales & Transfer Agreement signed on 9/30/09
	10/01/09	Letter confirming written wire instructions, attaching incoming wires and chart of wires received with names redacted			A20989 20995	-	in response to Rothstein's letter re wire instructions and distribution procedure to be followed upon instruction of only Rothstein or Rosenfeldt and to Banyon c/o Razorback
	10/07/09	Certificate of Insurance insuring Banyon USVI (LLC) for policy period 6/25/09 to 6/25/10			A20996 20997	-	RRA is defined as a covered employee and Razorback is an addt'l insured

10/19/09 -10/22/09	Email re verification of \$30m wired from defendant into the escrow acct ending in 1629	Szafranski	Preve, Podaras & Jim Parrish	A20998 20999	-	Szafranski writes that he verified that the settlement document has been signed by the plf and def and he also verified that the purchase and transfer docs have been signed by Plf and Rothstein
No Date	Razorback Funding Transaction Flow and flow chart			A21000 21002	-	Describes the flow of transaction from the receipt of the funds from the investors to the repayment of the loan
10/01/09	Razorback LLC Company Agreement			A21003 21069	-	Not executed
09/18/09	Agreement to Form & Contribution Agreement Among DiScala & Kretschmar			A21070 21090	-	Not executed
9/18/09	DSquared Holdings, LLC Operating Agreement			A21091 21125	-	Discala has 50% interest and Kretschmar has 50% interest
	Summary of Terms for Proposed Preferred Equity Investment in D3 Capital Club, LLC			A21126 21132	-	Contact person is Chris Podaras – Purchase Price is \$18m – Managing members: Discala, Kretschmar, Doug Von Allmen, Podaras, Adam Fisher – LLC formed on 10/7/09
10/15/09	D3 Capital Club LLC Agreement			A21133 21165	-	Not executed

	10/?/09	Securities Purchase Agreement By and Among D3 Capital Club, LLC and the Purchasers			A21166 21182	-	Not executed
	10/14/09	Confidential Settlement Agreement & General Release Between Marsha Foreman & Elite Delivery Systems, LLC			A21183 21212	-	Signed only by Rothstein – Does not appear to be related to Epstein litigation
	10/20/09	Executed W9 for Related P.R., Inc. with signed Acknowledgement of Purchase of Securities from D3 Capital			A21213 21216	-	Purchase Price - \$3m – Mike Sherman is rep from Related – Money wired into RRA Atty trust acct #6860420923
	No Date	Typed Note instructing funds for purchase price for Class A membership interests re D3 Capital Club to be wired to RRA attys trust acct			A21217		No author or recipient listed on the note – Trust acct is at Commerce Bank and identified as #6860420923
	10/14/09	Letter acknowledging the receipt of \$30m in settlement proceeds from the Defendant (Elite Delivery Systems) w/ attached redacted RRA fee/employment agreement	D3 Capital	Rothstein	A21218 21222	-	Appears to be unrelated to Epstein litigation

	10/29/09	Letter advising that Razorback will be making the initial distribution on or about Mon. 11/2/09	Investors (not named)	Podaras	A21223 21226	-	Also writes that he is providing the transaction documentation for another self-liquidating investment offered by Clockwork referred to as D3-I & offered the opportunity to participate in the D3-I transaction and reinvest all or portion into D3-I
	No Date	Written and unauthored description of D3 Capital Club structured settlements			A21227 21236	-	Includes the projected financial info on various investments – provides profit/return info and cash flow analysis on the investment from 10/15/09 through 4/15/10
	10/15/09	Letter enclosing balance statement for RRA D3 Trust Acct #4246051629	Rothstein	Jennifer Kerstetter – Asst Mgr FTL TD Bank branch	A21237 21238	-	
	10/15/09	Letter confirming wire instructions	Rothstein	Frank Spinosa			all funds to be distributed only upon Rothstein or Rosenfeldt's instructions for D3 Capital

		List of 25 email contacts of Discala provided to Conrad Scherer by his asst. Liz from Discala's Canvas Financial email acct			A021240 21241	-	contacts include, Legamaro, Podaras, Parrish, Kretschmar, Szafranski, Von Allmen, Clifford Chance law firm, Fried Frank law firm – Also includes and email from Liz to Bill Scherer stating that all emails from Discala's Canvas email acct will be bound and delivered to Scherer's office
	6/02/09	Email attaching draft Non-Disclosure Agreement between Banyon & prospective investors		Discala	A21242 21245	-	
	6/03/09	Email confirming mtg at 7:30 and also canceling conference call	Bekkedam & Parrish	Discala	A21246-21248		
	6/20/09	Email asking for due diligence data on Rothstein & Levin for Banyon	Discala & Larry Rovin	Parrish	A21249 21252	-	
	6/3-6/4/09 8/20/09	Email thread re due diligence data and questions from Barry about RRA structured settlement process	Discala	Rovin	A21253 21256	-	
	6/20/09 – 6/22/09	Email thread re due diligence materials for review for preparing Banyon docs	Discala	Parrish			mentions that the law firm granted the exchange of info

	6/24/09	Email thread re due diligence	Discala	Parrish	A21261 21262	-	Writes that he would like to know if one can get a security interest in an account other than an escrow account under Fla law
	6/29/09	Email thread re due diligence	Parrish	Discala	A21263		Lists items remaining – writes that he wants to understand why or whether co-mingling of monies at the law firm escrow account level can be done, background check on Rothstein, ability to obtain security interest or similar effect with another account
	6/04/09	Draft 3 of the Banyon Confidential Fund Overview			A21264 21267	-	
	7/23/09	Draft Proposed Partnership Agreement between Banyon & Clockwork (incomplete)			A21268 21270	-	
	7/29/09	Email re a few due diligence issues	Discala	Parrish	A21271 21274	-	Follow-up on background check on Rothstein, IOTA accounts and commingled monies
	7/29/09	Email re "Evolving" due diligence issues		Parrish	A21275 21279	-	List of Clockwork Project due diligence procedures to be followed as noted above (See A21271-21274)

	8/3/09 – 8/4/09	Email re Discount Settlements	Levin	Discala	A21280 21284	-	Writes that he is managing a lot of people and investors who are getting restless and is running low on \$ due to all of the money he put into play in the last 3 months – "In the end, it can be a win win for RRA and us".
	8/21/09	Email re Auditor for Rothstein	Discala	Antolik	A21285		Inquiry as to whether they know who the auditor for Rothstein is
	8/22/09 – 8/24/09	Email thread re financial analysis for George Levin	Discala	Parrish	A21286 21291	-	Discusses giving Levin leverage of addtl capital
	8/25/09 – 8/26/09	Email thread re Return numbers for Levin	Fisher	Discala	A21292 21293	-	Wants to discuss Levin's potential earnings with Fisher ASAP
	8/27/09	Email re preparing Banyon books	Preve	Discala	A21294 21296	-	Needs the Banyon books overnighted to Frank Fried's office
	8/29/09	Email thread re Doug's model	Discala	VonAllmen	A21297 21303	-	Writes that George does not need that much money – should maintain contact with Scott and make it known to him that they will fund everything but the shortest paper (leave that for George)
	9/05/09	Email re Banyon/Clockwork Letter of Intent	Discala	Preve	A21304 21305	-	Addresses points re settlement and payback

	8/27/09 – 8/28/09	Email thread re the Banyon Proposal	Discala & Fisher	Rovin	A21306 21308	-	Writes that the rate and exclusivity are major issues for George who will not take 20% without assurance of other financing to bring the cost down
	9/01/09	Email re Clockwork	Discala	Rovin	A21309 21310	-	Revised proposal – writes that communications need to be kept exclusively between Discala's group, Barry and Rovin
	9/02/09	Email re Clockwork	Discala	Rovin	A21311 21313	-	George will agree to a 20% loan arrangement with Clockwork
	9/05/09	Email re Frank Fried concerns	Discala	Preve	A21314		There are more than 15 law firms acting as feeder firms to RRA who spends more than \$1m per month in a national solicitation program via a "confidential marketing source" that steers hundreds of potential claims to RRA every month – Suggests that someone should spend time at RRA looking at the intake system to understand the massive scale that this operation generates

	9/05/09	Email re Letter of Intent – Banyon Clockwork	Discala	Preve	A21315 21318	–	When it gets to him he will raise points re settlement and payback
	9/05/09	Email re Letter of Intent – Banyon Clockwork	Discala, Fisher	Peters	A21319		LOI contemplates a flat fee
	9/05/09	Email re Letter of Intent – Banyon Clockwork	Parrish	Peters	A21320		He revised the letter so it reads better re commitment fee
	9/10/09	Email re Team bios	Discala	Barry	A21321		Requested the bios for Discala's team members
	9/16/09	Email re (No subject)	Preve	Discala	A21322 21323	–	Requested insurance policy and redacted on the blocked account ASAP
	9/21/09 – 9/22/09	Email re Banyon	Parrish & Discala	Rovin	A21324 21325	–	Addresses concerns with the NDA
	9/21/09 – 9/23/09	Email re Banyon	Parrish & Discala	Rovin	A21326 21328	–	Suggests inserting some language terminating the NDA in the event Clockwork does not fund
	9/25/09	Email re Clockwork	Discala	Al Rapetti	A21329		Needs as much info as possible for his mtg with John Callamos & Barry – wants to cut Barry off needs to know what is going on
	9/25/09	Email re Qui Tam	Discala	Preve	A21330		Scott is tied up in hearing
	9/25/09	Email re Qui Tam	Discala	Preve	A21331 21334	–	Face Amounts of the 29 settlements
	10/26/09	Email re Razorback investor confirmation	Christ	Liz Friedland	A21335		Attached the confirmation letter and table of interest earned

	10/21/09	Letter enclosing Razorback Statement of Member Interest	Christ	Liz Friedland	A21336 21337	-	
	9/16/09	Email re Test	Parrish	Liz Friedland	A21338		Not related to Epstein litigation – Thanked him for his help
	9/24/09	Email re 9/24/09 Conf call update	Discala, Preve, Fisher	Friedland	A21339		Provided the call-in info
	9/25/09	Email re Clockwork presentation attachment		Friedland	A21340		Nothing attached and nothing written in the body of the email
	9/09	Clockwork Prospectus			A21341 21355	-	
	9/25/09	Email re Draft flow chart	Preve	Friedland	A21356 21358	-	Parrish, Podaras & Discala cc'd
	9/25/09	Email re Clockwork docs for your review	Fisher, Kretschmar, Podaras, Rich Abby & Rapetti	Friedland	A21359 21360	-	Q&A's re the qui tam settlements
	9/23/09	Term Sheet for Clockwork (unsigned) between Discala & Fisher			A21361 -21363		
	No Date	Term Sheet for Settlement Lending Transactions			A21364		Repayment of loan will be in four monthly installments
	8/09 (day redacted)	Redacted Confidential Settlement Agreement and General Release in the qui tam lawsuits			A21365 21374	-	
	8/7/09	Redacted Form of Sale and Transfer Agreement (Plaintiff Exhibit A			A21375 21382	-	

	8/7/09	Form of Sale & Transfer Agreement (transferee) Exhibit B			A21383 21390	-	
	Redacted	Redacted letter re confirming the receipt of \$1.4m settlement proceeds to be held in RRA trust account	Redacted name of investor	Rothstein	A21391		
	Redacted	Redacted RRA Representation Agreement signed by Rothstein			A21392 -21395		
		Redacted Acknowledgment of Assignment/Purchase of Settlement Proceeds			A21396 21399	-	
	9/27/09	Email attaching Clockwork presentation	Friedland	Friedland	A21400		Nothing attached
		Clockwork Presentation			A21401 21415	-	
	9/27/09	Email re Charts and definitions	Podaras, Parrish	Friedland	A21416		