

JAMS ARBITRATION

IN THE MATTER OF

FORTRESS VRF I LLC and FORTRESS
VALUE RECOVERY FUND I LLC,
Claimants

v.

JEEPERS, INC.,
Respondent

and

FINANCIAL TRUST COMPANY, INC. and
JEEPERS, INC.,
Counterclaimants and Third-Party Claimants

v.

D.B. ZWIRN SPECIAL OPPORTUNITIES
FUND, L.P. k/n/a FORTRESS VALUE
RECOVERY FUND I LLC,
Counter-Respondent

and

D.B. ZWIRN PARTNERS, LLC,
D.B. ZWIRN & CO., L.P.,
DBZ GP, LLC,
ZWIRN HOLDINGS, LLC,
DANIEL ZWIRN, and
Third-Party Respondents

Case No. 1425006537

Arbitrator: Hon. Anthony J. Carpinello

SUBPOENA DUCES TECUM

To: Harold Kahn
Gravitas
475 Park Avenue South, 32nd Floor
New York, NY 10016
Tel. 212.607.8200

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 BRING AND PRODUCE DOCUMENTS before the arbitrator on July 20, 2011 at 10 am to the offices of Susman Godfrey, LLP, 560 Lexington Ave, 15th Floor, New York, New York, 10022, as described on Exhibit A hereto.

Dated: _____, 2011

Hon. Anthony J. Carpinello (Ret.)
Arbitrator

Requested by:

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Attorneys for Respondent Counterclaimants and Third-Party Claimants
Financial Trust Company, Inc. and Jeepers, Inc.

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EXHIBIT A

INSTRUCTIONS

1. These requests apply to all documents within your possession, custody, or control, including, but not limited to, all documents in the possession, custody, or control of your attorneys, agents, representatives, accountants, and employees.

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. “Zwirn Entities” 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 respective members, managers, general partners, limited partners, employees, representatives, agents, parents, subsidiaries, predecessors, affiliates, divisions, and anyone else acting on their behalf.

3. “You” means Harold Kahn.

4. 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 copies of testimony or written statements by You in any SEC investigation relating to the Zwirn Entities.