JAMS ARBITRATION

IN THE MATTER OF	§	
	§	
FORTRESS VRF I LLC and FORTRESS VALUE RECOVERY FUND I LLC, Claimants	§	
	§	
v.	§	
	§	
JEEPERS, INC., Respondent	§	Case No. 1425006537
	§	
and	§	
	§	
FINANCIAL TRUST COMPANY, INC. and JEEPERS, INC., Counterclaimants and Third-Party Claimants	§	
	§	
v.	§	
	§	Arbitrator: Hon. Anthony J. Carpinello
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	§	

[PROPOSED] ORDER ON FINANCIAL TRUST COMPANY, INC.'S AND JEEPERS INC.'S MOTION *IN LIMINE* TO EXCLUDE EXTRINSIC EVIDENCE

AND NOW, having considered Financial Trust Company, Inc.'s and Jeepers Inc.'s Motion *In Limine* to Exclude Extrinsic Evidence, it is here by ORDERED that the motion is GRANTED. Extrinsic evidence on the breach of contract claim is irrelevant and shall be excluded.

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HON. ANTHONY J. CARPINELLO DATE

1610312v1/0115854