

IN THE CIRCUIT COURT OF THE
17th JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

CASE NUMBER: 09-059301
COMPLEX BUSINESS DIVISION

STUART A. ROSENFELDT, an individual
and ROTHSTEIN ROSENFELDT ADLER, P.A.
a Florida Professional Service Corporation,

Plaintiffs,

v.

SCOTT W. ROTHSTEIN, individually,

Defendant.

**ORDER GRANTING EMERGENCY MOTION FOR ORDER COMPELLING TD
BANK TO PROVIDE BANKING RECORDS OF ROTHSTEIN ROSENFELDT
ADLER, P.A. AND SCOTT W. ROTHSTEIN**

THIS MATTER, having come before the Court on Herbert Stettin, the Court appointed Receiver's, Emergency Motion for Order Compelling TD Bank to Provide Banking Records of Rothstein Rosenfeldt Adler, P.A. and Scott W. Rothstein, it is hereby:

ORDERED and ADJUDGED that:

1. The Motion is hereby GRANTED.
2. TD Bank, shall within seventy-two (72) hours, comply with the production request attached to the Motion and this Order as Exhibit "A" by delivering to the offices of Rothstein Rosenfeldt Adler, P.A. at 401 East Las Olas Blvd., Suite 1650, Fort Lauderdale, Florida 33301 all of the documents designated in Exhibit "A" to the Motion and attached hereto.

*NO LATER THAN Nov. 9, 2009
at 09
12 p.m.
NOON.*

6th DONE and ORDERED in Chambers, Broward County, Florida, this
day of November, 2009.



THE HONORABLE JEFFREY E. STREITFELD

cc: Herbert Stettin, Receiver
Marc Nurik, Esq.
Kendall Coffey, Esq.

EXHIBIT "A"

I INSTRUCTIONS

1. If any of the following requests cannot be responded to in full after exercising due diligence to secure the information, please so state and respond to the extent possible, specifying your inability to respond to the remainder and stating whatever information you have concerning the unanswered portions.
2. If your response to any of these document requests is qualified in any particular, set forth the details of such qualification.
3. In responding to these requests, furnish all information and produce all documents that are available to you, including not only information and documents immediately available to your counsel, but also that is available to or in the possession, custody or control of any agent of yours.
4. Unless otherwise specified or required by the context of the document request, references to the singular include the plural, references to the plural include the singular, references to the past tense include the present, and references to the present tense include the past.
5. Pursuant to the Federal Rules of Civil Procedure, if any document responsive to these requests is withheld under a claim of privilege, in order that the Court and the parties may determine the validity of the claim of privilege, you must set forth in your response to these requests a schedule that specifically provides for each document withheld:
 - a. The date, author(s), address(es), recipient(s), subject matter, title, number of pages, and any other information necessary to sufficiently identify the document and to permit evaluation of the claim of privilege;
 - b. A specific statement of the basis upon which privilege is claimed; and,
 - c. Whether any non-privileged or non-protected matter is included in the document.
6. If you object to part of a request and refuse to respond to that part, you must produce all documents called for that are not subject to that objection. Similarly, whenever a document is not produced in full, please state with particularity the reason or reasons it is not being produced in full, and describe, to the best of your knowledge, information and belief, and

with as much particularity as possible, those portions of the document that are not produced. If you object to a request's scope or time period, state your objection and respond to the request for the scope or time period you believe is appropriate.

II

DEFINITIONS

Unless otherwise stated, the following definitions apply to all of the requests herein:

A. "**Documents**" shall mean any kind of written, recorded or graphic matters, however produced or reproduced, of any kind or description whether sent to, received, including originals, non-identical copies and drafts of both sides thereof, and including, but not limited to, papers, books, letters, correspondence, telegraphs, bulletins, notices, announcements, instructions, charts, manuals, brochures, schedules, memoranda, notes, notations, transcripts, minutes, agendas, reports and recordings of telephone or other conversations, interviews, conferences or other meetings, affidavits, statements, summaries, opinions, studies analyses, computer print-outs, data processing input/output, microfilms and all other records kept by electronic means, photographic or mechanical means, and other things similar to any of the foregoing. Any requests for specific types of documents is meant by way of illustration for the purpose of guidance and should not be construed as limiting a request for documents pertaining to a particular subject matter.

B. "**Pertaining to**" shall mean to make a statement about, discuss, describe, reflect, constitute, identify, deal with, consist of, establish, comprise, list evidence, substantiate or in any way relate, in whole or in part, to the subject.

C. "**SWR**" shall mean Scott W. Rothstein, including but not limited to any and all of his successors, assigns and predecessors in right, title and interest, as well as any and all of his agents, representatives, associates, and/or employees.

D. "**RRA**" shall mean Rothstein Rosenfeldt Adler, P.A. including but not limited to any and all of its successors, assigns and predecessors in right, title and interest, as well as any and all of its agents, representatives, associates, and/or employees.

E. "**Bank Accounts or "Accounts"**" shall mean any and all accounts maintained at TD Bank, for RRA and/or SWR including but not limited to trust accounts, escrow accounts, demand deposit accounts, certificate of deposit accounts, checking accounts, savings accounts

including but not limited to those noted on the attached Exhibit "A".

F. "Current Date" shall mean the return date of the attached Subpoena Duces Tecum.

II

REQUEST FOR PRODUCTION

With relation to all Accounts for the time period of December 1, 2008 through the current date:

1. All bank statements.
2. All cancelled checks.
3. All evidence of deposits, including but not limited to incoming wire confirmations, deposit slips, electronic banking, etc.
4. All withdrawals, electronically, by check or otherwise, whether online or in person, by fax or by other means, including but not limited to cancelled checks, outgoing wire notations, confirmations and the like.
5. Any and all requests for the institution of a wire regarding any of the Accounts to any other account(s) including but not limited to any inter-account transfers as noted on Exhibit "A", or any other account whether maintained by RRA, SWR or any third party.
6. Any and all account opening information for any and all Accounts at TD Bank including but not limited to those noted on Exhibit "A", including but not limited to signatures cards, opening contracts, agreements, terms and conditions, documents regarding maintenance and services rendered under the account, etc.
7. Any and all correspondence, documents or information exchanged by any representative, agent, or party representing, or with apparent or actual authority, to act for or on behalf of RRA or SWR with relation to Accounts including those noted on Exhibit "A".
8. Any and all records relative to Accounts, including those noted on the attached Exhibit "A", whether or not expressly delineated herein above with relation to the accounts, their operations, maintenance, directives, authority, terms and condition of operation, etc.