

LOBEL WEILAND GOLDEN FRIEDMAN LLP
Jeffrey I. Golden, State Bar No. 133040
jgolden@wglp.com
Reem J. Bello, State Bar No.
rbello@lwglp.com
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Telephone: (714) 966-1000
Facsimile: (714) 966-1002

Counsel for Adam Meislik, Liquidating Trustee
of Airfasttickets, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re : Chapter 11
AIRFASTTICKETS, INC., : Case No. 15-11951(SHL)
Debtor. :
:
-----X

**LIQUIDATING TRUSTEE'S MOTION FOR AN ORDER AUTHORIZING THE
PRODUCTION OF DOCUMENTS OF BDO, LLP PURSUANT TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004; MEMORANDUM OF POINTS AND
AUTHORITIES AND DECLARATION OF REEM J. BELLO IN SUPPORT**

Adam Meislik, as the Liquidating Trustee ("Liquidating Trustee") of Airfasttickets, Inc. (the "Debtor"), submits this Motion for an Order Authorizing the Production of Documents Pursuant to Federal Rule of Bankruptcy Procedure 2004 (the "Motion"). In support of the Motion, the Liquidating Trustee submits the following memorandum of points and authorities and the Declaration of Reem J. Bello.

I. INTRODUCTION

By this Motion, Adam Meislik, the duly appointed Liquidating Trustee (the "Liquidating Trustee"), by and through he counsel, files this motion (the "2004 Motion"), for entry of an order, substantially in the form attached hereto as Exhibit "1" (the "Proposed Order"), under Rule 2004 of the Federal Rules of Civil Procedure, Rule 45 of the Federal Rules of Civil Procedure, which is made applicable to this bankruptcy case under Bankruptcy Rule 9016, and Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Rules"), authorizing the Liquidating Trustee to take discovery from BDO, LLP ("BDO") and directing BDO to produce all documents requested in the subpoena attached hereto as Exhibit "2" to be received by July 13, 2017 at 5:00 p.m. at the law offices of Lobel Weiland Golden Fried LLP, 650 Town Center Drive, Suite 950, Costa Mesa, California 92626.

The Liquidating Trustee is investigating whether he holds potential claims against BDO arising out of and/or relating to BDO audits of the Debtor's financial statements for the period of 2011 through 2015.

A preliminary investigation has revealed that creditors of the Debtor appear to have been defrauded and deceived into making substantial bridge loans to the Debtor in excess of \$15,000,000. These creditors appear to have relied on audited financials prepared by BDO. The Liquidating Trustee seeks approval of this Motion so that he may investigate the rights and remedies, if any, arising out of or relating to BDO's auditing of the Debtor's financials.

II. BACKGROUND

A. General Background

The Debtor was founded in 2011 by Nikolaos Koklonis, who served as the Debtor's sole director, sole officer, and controlling stockholder from its formation until approximately December 2014. The Debtor is a Delaware corporation that had its headquarters in New York, New York and operated a multi-national business, together with several of its wholly owned foreign subsidiaries, Fast Group Deutschland AG (Germany), Airfasttickets, Ltd. (United Kingdom), Air Fast Tickets Spolka z.o.o.

(Poland), Air Fast Tickets Ltd. (Hong Kong), and Fast Group S.A. (Greece) (collectively, the "Subsidiaries").

The Debtor used proprietary software that it developed and owned to help consumers find low cost domestic and international airfares. In order to operate in this line of business in international markets, the Debtor was required to be accredited by the International Air Transport Association ("IATA"). IATA is the trade association for the world's airlines, representing more than 250 airlines and approximately 85% of the world's total air traffic. The Debtor operated a multi-national business, together with several of its wholly owned foreign Subsidiaries.

B. Events Leading to the Filing of This Chapter 11 Case

Leading up to June 2014, the Debtor and its Subsidiaries ceased remitting payment for its ticket sales to the airlines. In June 2014, IATA revoked Debtor's accreditation and license agreements because Debtor failed to comply with IATA's rules, regulations, requirements, and accreditation standards by, among other things, failing to remit payment for its ticket sales to the airlines. At the time the IATA accreditation and license agreements were revoked and terminated, Airfasttickets or its Subsidiaries owed over \$70 million to over 400 airlines and the Debtor owed approximately \$38.5 million to its various creditors and vendors. Without IATA accreditation, the Debtor could not purchase tickets in the international market to resell, and therefore, had no way to earn money.

C. Bridge Loans

After IATA revoked Debtor's accreditation and license agreements, and without proper accreditation, the Debtor was unable to continue operations, suffered from severe liquidity issues, and did not have sufficient funds to pay its employees, vendors, and other creditors.

From October 2014 through January 2015, Jason Chen and certain other investors ("Bridge Loan Investors") entered into a series of agreements with the Debtor for a purportedly secured loan (the "Bridge Loan"). Under the Bridge Loan, the

investors loaned the Debtor \$15 million between October 2014 and June 2015, allegedly secured solely by the Debtor's receivables. In accordance with the terms of the Bridge Loan, Mr. Koklonis provided the investors with monthly or bi-monthly reports summarizing ticket sales. These reports indicated that the Debtor recorded a total of \$36 million in accounts receivable from July to December of 2014, and an additional \$58 million of accounts receivable during the first quarter of 2015.

Prior to making the Bridge Loans, the Bridge Loan Investors were provided access to a data room. The Bridge Loan Investors relied, in part, on the Debtor's financial statements because they were aware that the financial statements had been audited by the London office of BDO for the 2012 and 2013 fiscal years, and reviewed by BDO up to March 31, 2015.

D. State Court Actions and Appointment of Mr. Meislik as Receiver

Mr. Koklonis filed a complaint in the Delaware Court of Chancery ("Chancery Court"), seeking a judicial determination that he was the sole director, Chairman of the Board of Directors, CEO, President and majority stockholder of the Debtor (the "225 Action"). On June 19, 2015, the Chancery Court sua sponte appointed Mr. Meislik as custodian pendente lite. At the same time, the Chancery Court suggested that Mr. Meislik be appointed as a Receiver pursuant to 8 DEL. C. § 291. On July 21, 2015, the Court of Chancery appointed Mr. Meislik as Liquidating Trustee for the Debtor.

E. The Involuntary Petition against the Debtor Seeking an Order for Relief under Chapter 7 of the Bankruptcy Code

On July 27, 2015, certain of the Debtor's creditors (the "Petitioning Creditors") filed an involuntary petition under the Bankruptcy Code. On September 21, 2015, the Debtor filed an answer, consenting to the entry of an order for relief under the Bankruptcy Code. The Debtor also filed its Motion to Convert Chapter 7 Case to Chapter 11 pursuant to 11 U.S.C. § 706(a) (the "Motion to Convert") seeking to convert the Debtor's case to one under chapter 11 of the Bankruptcy Code. On October 27,

2015 the Court entered an order converting the Debtor's case to chapter 11 of the Bankruptcy Code, which included an Order for Relief.

III. NO RELEVANT ADVERSARY PROCEEDING OR CONTESTED MATTER PENDING

There are no adversary proceedings or contested matters currently pending in this case regarding the subject matter that the Liquidating Trustee is investigating. The Liquidating Trustee therefore cannot employ FRBP 7030 or 9014 to pursue its investigation into the circumstances described above, and/or to gather the information and evidence possessed by the Witnesses relating thereto. Accordingly, the Liquidating Trustee seeks to obtain the production of documents from BDO pursuant to FRBP 2004, not pursuant to either FRBP 7030, which incorporates Federal Rule of Civil Procedure 30, or FRBP 9014. See Declaration of Reem J. Bello attached hereto.

III. SCOPE OF EXAMINATION

FRBP 2004 provides in relevant part:

(b) Scope of Examination. The examination of an entity under this rule or of the debtor under § 343 of the Code may relate only to the acts, conduct or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge. . .

This Rule 2004 examination seeks to obtain information from BDO regarding and relating to the auditing of Debtor's financials for the period of 2011 through 2015.

IV. MEMORANDUM OF POINTS AND AUTHORITIES

FRBP 2004(a) provides that the Court may order the examination of any entity on application of any party. The scope of the Bankruptcy Rule 2004 examination is deliberately broad.

The investigation of an examiner in bankruptcy, unlike civil discovery under Rule 26(c), is supposed to be a 'fishing expedition,' as exploratory and groping as appears

proper to the examiner. Because the purpose of the 2004 investigation is to aid in the discovery of assets, any third party who can be shown to have a relationship with the debtor can be subject to the 2004 investigation. In re Ionosphere Clubs, Inc., 156 B.R. 414, 432 (Bankr. S.D. N.Y. 1993)(internal citations omitted); see also In re Valley Forge Plaza Associates, 109 B.R. 669, 674 (Bankr. E.D. Pa. 1990).

The standards for an FRBP 2004 examination is a showing that the examination "might" reasonably lead to information relevant to the financial condition of the debtor or the administration of the debtor's estate.

However, the breadth of scope of a Rule 2004 Examination derives from the particular purpose for which Rule 2004 and its predecessor provisions under the Bankruptcy Act were promulgated. That is to allow a trustee, or others interested in accomplishing the same ends, to discover and investigate how to bring to light possession of assets of the debtor which might be intentionally concealed or overlooked in ignorance or haste. Valley Forge, 109 B.R. at 674 (emphasis added). Good cause is established if one seeking the Rule 2004 Examination has shown that such an examination is reasonably necessary for the protection of its legitimate interest. See In re Hammond, 140 B.R. 197, 201 (Bankr. S.D. Ohio 1982).

In this case, the Liquidating Trustee has shown a sufficient basis for the production of documents from BDO. BDO audited Debtor's financial from at least the 2011 through 2013 fiscal years and reviewed the financials up to March 31, 2015. Without the requested documentation, the Liquidating Trustee cannot competently determine if a claim might exist against BDO for damages sustained as a result of those audits. The Liquidating Trustee believes that an examination of the requested documents will help uncover whether the Estate has any worthwhile rights and remedies against BDO. See Declaration of Reem J. Bello.

Notice of this Rule 2004 Motion will be provided to (i) BDO, LLP; (ii) the Office of the United States Trustee for the Southern District of New York; (iii) all parties that have requested or that are required to receive notice under Bankruptcy Rule 2002.

V. CONCLUSION

Based upon the foregoing, the Trustee requests that this Court enter an order:

1. Grant this Motion by entering the Order attached hereto as Exhibit "1;"
2. Requiring BDO to produce documents listed on Exhibit "2" at the offices of Lobel Weiland Golden Friedman LLP, 650 Town Center Drive, Suite 950, Costa Mesa, California, no later than July 13, 2017, at 5:00 p.m., and
3. For such other and further relief as this Court may deem just and proper.

DATED: June 13, 2017

LOBEL WEILAND GOLDEN FRIEDMAN LLP

By:

A handwritten signature in blue ink, appearing to read "Adam Meislik", is written over a horizontal line.

Counsel for Adam Meislik, Liquidating
Trustee

DECLARATION OF REEM J. BELLO

I, Reem J. Bello, declare:

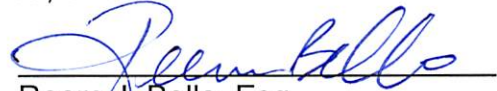
1. I am a partner of the firm of Lobel Weiland Golden Friedman LLP, counsel to Adam Meislik, as the Liquidating Trustee of Airfasttickets, Inc. I am authorized to appear before this Court pursuant to an application and order to appear pro hac vice. Unless otherwise stated, I know each of the following facts to be true of my own personal knowledge and if called as a witness, I could and would competently testify with respect thereto. For ease of reference, I use the same defined terms as the Motion.

2. The Liquidating Trustee seeks the information requested by the Motion in order that he may investigate the rights and remedies that may be available to the Estate arising out of or relating to auditing of Debtor's financial for the period of 2011 and 2013 and the review of Debtor's financial up to 2015.

3. There are no adversary proceedings or contested matters currently pending in this case regarding the subject matter that the Liquidating Trustee is investigating. The Liquidating Trustee therefore cannot employ FRBP 7030 or 9014 to pursue its investigation into the circumstances described above, and/or to gather the information and evidence possessed by the Witnesses relating thereto. Accordingly, the Liquidating Trustee seeks to obtain the production of documents that are referenced on Exhibit "2" hereto pursuant to FRBP 2004.

I declare under penalty of perjury that the foregoing is true and correct

.Executed this 14th of June, 2017, at Costa Mesa, California.


Reem J. Bello, Esq.

LOBEL WEILAND GOLDEN FRIEDMAN LLP
Jeffrey I. Golden, State Bar No. 133040
jgolden@wgllp.com
Reem J. Bello, State Bar No.
rbello@lwglfp.com
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Telephone: (714) 966-1000
Facsimile: (714) 966-1002

Counsel for Adam Meislik, Liquidating Trustee
of Airfasttickets, Inc.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
In re : Chapter 11
AIRFASTTICKETS, INC., : Case No. 15-11951(SHL)
Debtor. :
:
-----X

**ORDER UNDER RULE 2004 OF THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE DIRECTING
BDO, LLP TO PRODUCE DOCUMENTS**

Upon the motion (the "Rule 2004 Motion") of Adam Meislik, as the Liquidating Trustee ("Liquidating Trustee") of Airfasttickets, Inc., for entry of an order under Rule 2004 of the Federal Rules of Bankruptcy Procedure, Rule 45 of the Federal Rules of Civil Procedure, which is made applicable to this bankruptcy case under Bankruptcy Rule 9016, and Rule 2004-1 of the Local Bankruptcy Rules for the Southern District of New York (the "Local Rules") authorizing the Liquidating Trustee to take discovery from BDO, LLP ("BDO") and directing BDO to produce documents; due and adequate notice

of the Rule 2004 Motion having been given and no further notice being necessary; and
sufficient cause appearing therefore, it is hereby

ORDERED, that the Rule 2004 Motion is **GRANTED**; and it is further

ORDERED, that BDO is directed to produce the documents described in Exhibit
"2" to the Motion no later than July 13, 2017, at 5:00 p.m. at the offices of Lobel Weiland
Golden Friedman LLP, 650 Town Center Drive, Suite 950, Costa Mesa, California,
92626, attn.: Reem J. Bello, Esq.

Dated: _____, 2017
New York, New York

UNITED STATES BANKRUPTCY JUDGE

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

SOUTHERN

District of NEW YORK

In re AIRFASTTICKETS, INC.

Debtor

Case No. 15-11951(SHL)

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: Iain Henderston, Partner of BDO, LLP and/or Person Most Knowledgeable of BDO, LLP

(Name of person to whom the subpoena is directed)

☐ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE
LOBEL WEILAND GOLDEN FRIEDMAN LLP
650 Town Center Drive, Suite 950
Costa Mesa, CA 92626

DATE AND TIME

July 13, 2017 before 5:00 p.m.

The examination will be recorded by this method: _____

☒ **Production:** You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See attached Exhibit "1"

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: June 14, 2017

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

Adam Melsliik, Receiver, who issues or requests this subpoena, are:

Reem J. Bello, Esq., rbello@lwgfllp.com; LOBEL WEILAND GOLDEN FRIEDMAN LLP, 650 Town Center Drive, Suite 950, Costa Mesa, CA 92626; (714) 966-1000

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (Page 2)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)*: _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

B2540 (Form 2540 – Subpoena for Rule 2004 Examination) (Page 3)

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery: A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
 - (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
 - (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
(g) Contempt. The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

EXHIBIT "1"

A. DEFINITIONS AND INSTRUCTIONS

1. "Document" means each and every writing, of whatever nature, whether an original, a draft, or a copy, however produced, reproduced or stored, whether manually, mechanically, electronically, electromagnetically or otherwise, and each and every tangible thing from which information can be processed or transcribed. Non-identical copies are deemed to be separate documents.

(a) The term "Document" includes, but is not limited to, letters, telegrams, telexes, facsimiles, contracts, agreements, memoranda, receipts, calendars, diaries, appointment books, personal files, telephone messages and message logs, notes, schedules, work sheets, books, pamphlets, summaries, proposals, photographs, ledgers, statements, files, invoices, billing information, notebooks, verifications of assets, adding machine tapes, financial statements and other compilations of financial data, workpapers, bank statements and associated bank records, checks, records of wire transfers or cash payments, charts, graphs, research materials, prospectuses, registration statements, and computer printouts and other computer generated writings, or any similar item.

(b) The term "Document" includes all such material now in your possession, custody or control, including each and every document that is under your control but is not in your immediate possession.

2. The term "BDO" means and refers to BDO, LLP, and anyone acting on its behalf or at its request.

3. The terms "Relating To," "Relates To," "Relate To," or "Related To" are each defined to mean directly as indicating, or indirectly comprising, concerning, supporting, refuting, referring to, reflecting, mentioning, evidencing, representing, discussing, describing, discussing, constituting, comprising, composing, containing, pertaining to,

1 connected with, or any synonymous relationship with the stated subject matter, including,
2 but not limited to, the requested subject matter itself.

3 4. The terms "Referring," "Reference," "Referenced," "Referred," or "Refer" is
4 defined to mean directly or indirectly alluding, mentioning, discussing, relying upon, or
5 otherwise referencing, whether explicitly by name, by country, or otherwise, or any
6 synonymous relationship with the stated subject matter, including, but not limited to, the
7 requested subject matter itself.

8 5. In the event that any document called for by this Subpoena is to be withheld
9 on the basis of any claim of privilege, as to each such document:

10 (a) Identify the nature of the privilege which is being claimed and all facts
11 upon which any such privilege is based; and

12 (b) Provide the following information: (1) the type of document; (2) the
13 subject matter of the document; (3) the date of the creation of the document and
14 the date the document bears; (4) the author of the document, including the author's
15 address, telephone number and employment capacity; (5) the signator of the
16 document, if different from the author of the document; (6) the addressee of the
17 document, including the addressee's address and employment capacity; (7) where
18 not apparent, the relationship of the author and the addressee to each other;
19 (8) any other recipient of the document; and (9) the number of pages of the
20 document.

21 6. Each and every document requested by this Subpoena shall be produced in
22 the manner in which it is or has been maintained in the ordinary course of business. If, by
23 way of illustration, documents requested by this Subpoena are or have been maintained in
24 a folder, the documents requested shall be produced in the original folder.

25 7. Please label each page of each document produced with an identifying
26 number or notation and provide an index of the documents produced. The index should
27 specify the number of the document and a brief description of the document.

28 551156.1

2

EXHIBIT "A"

1 8. No modifications will be made to the terms of this Subpoena except in
2 writing.

3 **B. DOCUMENTS TO BE PRODUCED**

4 Any and all Documents evidencing, Referring or Relating to payments made by
5 Kaiser to Chimes, Inc., under the Agreement from September 29, 2000, through January
6 9, 2008.

Lobel Weiland Golden Freidman LLP
8300 Wilshire Center Drive, Suite 850
Culver City, California 90230
Tel 714-985-1000 Fax 714-998-1002

28 551156.1

3

EXHIBIT "A"

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 950, Costa Mesa, California 92626

A true and correct copy of the foregoing document entitled (*specify*): **LIQUIDATING TRUSTEE'S MOTION FOR AN ORDER AUTHORIZING THE PRODUCTION OF DOCUMENTS OF BDO, LLP PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF REEM J. BELLO IN SUPPORT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **June 14, 2017**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **June 14, 2017**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **June 14, 2017**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

June 14, 2017

Date

Kelly Adele

Printed Name

/s/ Kelly Adele

Signature

VIA U.S. MAIL

Iain Henderston
BDO
55 Baker Street
London W1U 7EU

BDO
Attn: President
600 Anton Boulevard, Ste 500
Costa Mesa, CA 92626

Electronic Mail Notice List

Reem J. Bello rbello@lwgfllp.com, kadele@lwgfllp.com
Malani Cademartori mcademartori@sheppardmullin.com, ny-docketing@sheppardmullin.com
Michael S. Cryan cryan.michael@arentfox.com, mary.glasser@arentfox.com
Christopher Gresh cgresh@mosessinger.com
William Heuer wheuer@westermanllp.com
Alissa M. Nann anann@foley.com
Steven P Ordaz sordaz@bmcgroup.com, ecfbk@bmcgroup.com
Aram Ordubegian Ordubegian.Aram@ArentFox.com, andy.kong@arentfox.com; nicholas.marten@arentfox.com
Jack A Reitman jareitman@lgbfirm.com, kalandy@lgbfirm.com; mmocciaro@lgbfirm.com
John P Reitman jreitman@lgbfirm.com
Douglas B. Rosner drosner@goulstonstorrs.com
Marc E Scollar scollaratlaw@aol.com
Jeremy S. Sussman sussman@sussman-legal.com
Matthew C. Ziegler matthew.ziegler@morganlewis.com