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

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

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In re : Chapter 11
AIRFASTTICKETS, INC., : Case No. 15-11951(SHL)
Debtor. :
:
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**LIQUIDATING TRUSTEE'S MOTION FOR AN ORDER AUTHORIZING THE
PRODUCTION OF DOCUMENTS OF AMERICAN EXPRESS COMPANY 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 of American Express Company 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, the Liquidating Trustee seeks an order requiring the Custodian of Records for American Express Company("American Express") to produce all documents requested in the subpoena attached hereto as Exhibit "1" 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 for payments made by the Debtor for charges incurred on behalf of Nikolas Koklonis ("Koklonis"), Debtor's former sole director, officer and controlling stockholder.

These charges were made on an American Express credit card in the Debtor's name. These are also charges that were made on an American Express credit card that was in the name of Koklonis, but were paid by the Debtor. The purpose of this Motion is to determine, based upon the documents, if the charges paid to American Express by the Debtor are valid transactions or if the Liquidating Trustee should pursue avoidance of these transactions.

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. 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.

D. 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.

E. The Liquidating Trustee Seeks to Recover Amounts for the Benefit of the Estate.

The Liquidating Trustee is informed that payments were made by the Debtor to American Express. The Liquidating Trustee would like to examine their records to ascertain if Koklonis charged amounts to the Debtor for his personal expenses that were paid by the Debtor. In addition, the Liquidating Trustee would like to examine their records to determine if the Debtor paid for the charges made on Koklonis personal American Express card.

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 American Express relating thereto. Accordingly, the Liquidating Trustee seeks to obtain the production of documents from American Express 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 documents from American Express regarding and relating to the transactions between the Debtor, Koklonis and American Express for the period of 2011 through 2015 to determine if the Estate has any rights or remedies arising out of or relating to those transactions.

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 American Express. The books and records of the Debtor identify payments to American Express. The Liquidating Trustee cannot competently determine if a claim might exist against Koklonis for the personal expenses that the Debtor paid to American Express for a credit card in the Debtor's name. In addition, the Liquidating Trustee seeks further information regarding the charges that the Debtor paid to American Express on a credit card that was in Koklonis' name. The Liquidating Trustee believes that an examination of the requested documents will help uncover whether the Estate has any worthwhile rights and remedies against Koklonis. See Declaration of Reem J. Bello.

V. CONCLUSION

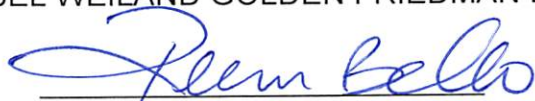
Based upon the foregoing, the Trustee requests that this Court enter an order:

1. Approving this Motion;
2. Requiring American Express to produce documents listed on Exhibit 1 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:



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 in this case pursuant to my application and order 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 payments made by the Debtor for charges incurred on behalf of Nikolaos Koklonis ("Koklonis"), Debtor's former sole director, officer and controlling stockholder.

3. These charges were made on an American Express credit card in the Debtor's name. There are also charges that were made on an American Express credit card that was in the name of Koklonis, but were paid for by the Debtor. The purpose of this Motion is to determine, based upon the documents, if the charges paid to American Express by the Debtor are valid transactions or if there is cause to avoid these transactions.

4. 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 American Express relating thereto.

Accordingly, the Liquidating Trustee seeks to obtain the production of documents that are referenced on Exhibit 1 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
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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
AMERICAN EXPRESS COMPANY 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 American Express Company ("American Express") and directing American Express 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 American Express 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: Custodian of Records for American Express Company

(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 Meislik, 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)

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: Custodian of Records for American Express Company

(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 Meislik, Liquidating Trustee, who issues or requests this subpoena, are:

Reem J. Bello, Esq., rbello@hwgflp.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).

EXHIBIT "A"

A. DEFINITIONS

1. "The Debtor" means Airfasttickets, Inc., the debtor in a bankruptcy case currently pending in the United States Bankruptcy Court, Southern District of New York, identified as case number 15-11951(SHL).

2. Communication. The term communication means the transmittal of information (in the form of facts, ideas, inquiries or otherwise).

3. Document. The term "document" is defined to be synonymous in meaning and equal in scope to the usage of the term "documents or electronically stored information" in Fed. R. Civ. P. 34(a)(1)(A). A draft or non-identical copy is a separate document within the meaning of the term.

4. Identify (with respect to persons). When referring to a person, "to identify" means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

5. Identify (with respect to documents). When referring to documents, "to identify" means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s) and recipients(s). In the alternative, the responding party may produce the documents, together with identifying information sufficient to satisfy Fed. R. Civ. P. 33(d).

6. Parties. The terms "plaintiff" and "defendant" as well as a party's full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

Lobel Weiland Golden Freidman LLP
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Tel 714-906-1000 Fax 714-906-1002

1 7. Person. The term "person" is defined as any natural person or any legal
2 entity, including, without limitation, any business or governmental entity or association.

3 8. Concerning. The term "concerning" means relating to, referring to,
4 describing, evidencing or constituting.

5 9. All/Any/Each. The terms "all," "any," and "each" shall each be construed as
6 encompassing any and all.

7 10. And/Or. The connectives "and" and "or" shall be construed either
8 disjunctively or conjunctively as necessary to bring within the scope of the discovery
9 request all responses that might otherwise be construed to be outside of its scope.

10 11. "You" or "Your" means American Express Company, or its affiliates or any
11 other Person or Persons acting on its behalf or at its request, including, without limitation,
12 employees, agents, attorneys, accountants, bookkeepers, and/or tax return preparers.

13 12. "Account" refers to credit card accounts that the Debtor or any other Person
14 or Persons acting on its behalf or at its request, including, Nikolaos Koklonis.

15 13. **"INSTRUCTIONS"**

16 1. If in Your response to a request You decline or fail to produce any item
17 based upon a claim of privilege, state with respect to each such document:

18 (a) The title or the nature of the document (e.g., letter, memorandum,
19 telegram, etc.);

20 (b) The date and number of pages of the Document, and any
21 attachments or appendages to the Document;

22 (c) The identity of the persons or persons who drafted, composed and/or
23 originated the Document;

24 (d) The identity of the person or persons, if any, to whom the original and
25 each copy of the Document was sent, distributed, shown or displayed;

26 (e) The contents of the item in sufficient detail to enable the Court and
27 the Trustee to ascertain whether the Document is privileged; and

28 1113608v1

1 (f) The name and address of each person who presently has custody of
2 the original or copy of the item.

3 2. If any Document falling in the category of the Documents called for by a
4 request has been destroyed or discarded, state with respect to each such item the
5 information requested by subparagraphs (a)-(f) of paragraph (1) above and, in addition,
6 supply the following information:

7 (a) The date on which the item was destroyed or discarded, the manner
8 in which it was destroyed or discarded, and the reason it was destroyed or
9 discarded;

10 (b) The identity of the person or persons who authorized and/or carried
11 out the destruction or discarding of the item.

12 3. Different versions of the same Documents, handwritten notes, or notations in
13 any form, draft documents, and documents with handwritten notations or marks not found
14 in the original or on other copies are considered to be different documents for the purpose
15 of production in compliance with these requests, and each form should be produced
16 separately.

17 4. All Documents and things produced in response to these requests shall be
18 produced in toto notwithstanding the fact that portions thereof may contain information not
19 requested.

20 5. All Documents and things produced in response to these requests shall be
21 produced along with any and/or all attachments and/or enclosures as have ever been
22 attached to and/or enclosed with the document at any time.

23 6. If any of these Documents cannot be produced in full, produce them to the
24 fullest extent possible, specifying clearly the reasons for the inability to produce the
25 remainder and stating whatever information, knowledge, or belief You have concerning
26 the unproduced portion.

27

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1113608v1

Lobel Weiland Golden Freidman LLP
850 Town Center Drive, Suite 950
Costa Mesa, California 92626
Tel 714-960-1000 Fax 714-960-1002

1 7. These requests are specifically intended to include, but not be limited to, any
2 and/or all Documents and things in Your possession, custody, or control, or in the
3 possession, custody, or control of any of Your attorneys, accountants, bankers, brokers,
4 employees, agents, subsidiaries, affiliates, and representatives (including the personal
5 files of all the aforementioned), wherever such documents are located, both within and
6 outside the United States.

7 8. If a Document is called for by more than one paragraph of this request,
8 produce the item only once.

9 9. When items are produced in response to a request, indicate to which
10 paragraph or paragraphs the item responds.

11 10. All singular nouns or pronouns include the plural and the plural includes the
12 singular. Any pronoun includes the masculine, feminine and neuter genders, as it is in
13 each case appropriate.

14 11. The words "and" and "or" shall be each construed both conjunctively and
15 disjunctively and each shall include the other.

16 12. These requests shall be deemed continuing and You shall promptly supply,
17 by way of supplemental responses, any and all Documents or things that may come into
18 existence or Your possession prior to the trial of the adversary proceeding which is
19 additionally responsive or necessary to maintain the accuracy of the responses previously
20 served.

21 **REQUEST FOR DOCUMENTS**

22
23 **REQUEST FOR PRODUCTION NO. 1:**

24 For the period of October 27, 2011 to and including October 27, 2015, produce all
25 Documents in Your custody, possession, or control Relating to any and all Accounts
26 owned by Debtor, including, but not limited to, all statements, letters of credit,
27
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1 correspondence and memoranda, debit and credit advances and memoranda and all
2 signatures cards.

3 **REQUEST FOR PRODUCTION NO. 2:**

4 For the period of October 27, 2011 to and including October 27, 2015, produce all
5 Documents in Your custody, possession, or control Relating to any and all Accounts
6 owned by Nikolaos Koklonis, including, but not limited to, all statements, letters of credit,
7 correspondence and memoranda, debit and credit advances and memoranda and all
8 signatures cards.

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Lobel Weiland Golden Freidman LLP
650 Town Center Drive, Suite 950
Costa Mesa, California 92626
Tel: 714-960-1000 Fax: 714-960-1002

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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 AMERICAN EXPRESS COMPANY 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

Is/ Kelly Adele

Signature

VIA U.S. MAIL

American Express Company
c/o CT Corporation System
818 W. 7th Street, Ste 930
Los Angeles, CA 90017
Agent for Service of Process

American Express Company
Attn: President
200 Vesey Street
New York, NY 10285

Electronic Mail Notice List

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