

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

In re

CASE NO. 9:08-bk-04360-ALP

ULRICH FELIX ANTON ENGLER,
PRIVATE COMMERCIAL OFFICE, INC.,
and PCO CLIENT MANAGEMENT, INC.,

CHAPTER 7
(Substantively Consolidated)

Debtors.

**TRUSTEE'S COUNTER-DESIGNATIONS OF DEPOSITION
TESTIMONY IN SUPPORT OF MOTION TO SUBSTANTIVELY
CONSOLIDATE NON-DEBTOR DOUGLAS INVESTMENTS, LLC
WITH AND INTO THE DEBTORS' BANKRUPTCY ESTATES**

ROBERT E. TARDIF, JR. (hereinafter the "Trustee"), as Chapter 7 Trustee for the substantively consolidated bankruptcy estates of Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (hereinafter referred to collectively as the "Debtors"), by and through his undersigned counsel, hereby files his counter-designations of the deposition testimony of Gregory S. Lane, Richard ("Alex") Maher, and Sean Moulton in support of the Motion To Substantively Consolidate Non-Debtor Douglas Investments, LLC With And Into The Debtors' Bankruptcy Estates [D.E. 212] (hereinafter the "Motion to Consolidate"), as follows:¹

Gregory S. Lane

1. Lane, p. 11, lines 15 – 25.
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¹ Complete copies of the deposition transcripts of Messrs. Lane, Maher, and Moulton were admitted into evidence as Fidelity's Exhibits 46A, 45A, and 43A, respectively, during the final evidentiary hearing on the Motion to Consolidate conducted on June 17 and 18, 2010. Citations to the transcript shall be referred to herein as "[Deponent], p. ____, line(s) ____." The designated pages of the deposition transcripts are attached hereto as Composite Exhibits A (Lane), B (Maher), and C (Moulton). Additionally, the exhibits referenced in the designated deposition testimony are attached hereto as Composite Exhibit D.

2. Lane, p. 12.
3. Lane, p. 13, lines 1 – 21.
4. Lane, p. 18, lines 16 – 25.
5. Lane, p. 19, lines 1 – 4.
6. Lane, p. 21, lines 16 – 25.
7. Lane, p. 22, lines 1 – 3.
8. Lane, p. 24, lines 3 – 15.
9. Lane, p. 25, lines 4 – 9.
10. Lane, p. 41, lines 14 – 25.
11. Lane, p. 42, lines 1 – 4.
12. Lane, p. 43, lines 24 and 25.
13. Lane, p. 44.
14. Lane, p. 45, lines 1 – 4.
15. Lane, p. 48, lines 5 – 19.
16. Lane, p. 66, lines 23 – 25.
17. Lane, p. 68, lines 20 – 25.
18. Lane, p. 69, lines 1 – 15.
19. Lane, p. 70, lines 2 – 10.
20. Lane, p. 71, lines 21 – 24.
21. Lane, p. 72, lines 21 – 25.
22. Lane, p. 73.
23. Lane, p. 74, lines 21 – 25.
24. Lane, p. 75, lines 1 – 9.

25. Lane, p. 76, lines 6 – 18.
26. Lane, p. 79, lines 19 – 25.
27. Lane, p. 80, lines 1 – 5.
28. Lane, p. 92, lines 17 – 25.
29. Lane, p. 93, lines 1 and 2.
30. Lane, p. 94, lines 3 – 12.
31. Lane, p. 109, lines 21 – 25.
32. Lane, p. 110, lines 1 – 4.

Richard (“Alex”) Maher

1. Maher, p. 9, lines 14 – 16.
2. Maher, p. 92, lines 23 -25.
3. Maher, p. 93.
4. Maher, p. 94, lines 13 – 23.
5. Maher, p. 95, lines 12 – 15.
6. Maher, p. 96, lines 11 – 22.
7. Maher, p. 97, lines 11 – 25.
8. Maher, p. 98.
9. Maher, p. 99, lines 1 and 2, 6 – 25.
10. Maher, p. 100.
11. Maher, p. 101, lines 1 – 10.
12. Maher, p. 102, lines 3 – 14.
13. Maher, p. 106, lines 10 – 18.
14. Maher, p. 108, lines 21 – 23.

15. Maher, p. 112, lines 1 – 22.
16. Maher, p. 128, lines 4 – 8.
17. Maher, p. 130, lines 11 – 19.
18. Maher, p. 136, lines 10 – 20.
19. Maher, p. 138, lines 19 – 23.
20. Maher, p. 141, lines 23 – 25.
21. Maher, p. 142, lines 1 – 9.
22. Maher, p. 157, lines 3 – 7.
23. Maher, p. 171, line 25.
24. Maher, p. 172, lines 1 – 4.
25. Maher, p. 183, lines 16 – 25.
26. Maher, p. 184, lines 1 – 13.
27. Maher, p. 185, lines 10 – 20.
28. Maher, p. 188, lines 15 – 25.
29. Maher, p. 189, lines 1 – 4.
30. Maher, p. 191, lines 24 and 25.
31. Maher, p. 192.
32. Maher, p. 194, lines 1 – 9.
33. Maher, p. 208, lines 21 – 23.
34. Maher, p. 209, lines 1 – 12, 24 and 25.
35. Maher, p. 210, lines 1 – 13.
36. Maher, p. 212, lines 16 – 25.
37. Maher, p. 214, lines 2 – 8.

38. Maher, p. 218, lines 17 – 22.
39. Maher, p. 221, lines 13 – 20.
40. Maher, p. 222, lines 18 – 25.
41. Maher, p. 223, lines 1 – 10.

Sean Moulton

A. VOLUME 1.

1. Moulton, p. 7, lines 18 – 21.
2. Moulton, p. 18, lines 17 – 21.
3. Moulton, p. 20, lines 1 – 9.
4. Moulton, p. 22, lines 18 – 23.
5. Moulton, p. 23, lines 2 – 25.
6. Moulton, p. 24.
7. Moulton, p. 25.
8. Moulton, p. 26, lines 1 – 6.
9. Moulton, p. 29, lines 19 – 25.
10. Moulton, p. 30.
11. Moulton, p. 31, lines 1 – 16.
12. Moulton, p. 36, lines 14 – 18.
13. Moulton, p. 37, lines 23 – 25.
14. Moulton, p. 38, lines 1 – 3.
15. Moulton, p. 44, lines 7 – 11.
16. Moulton, p. 46, lines 6 – 10.
17. Moulton, p. 53, lines 5 – 9.

18. Moulton, p. 109, lines 17 – 25.
19. Moulton, p. 110, lines 1 – 10.
20. Moulton, p. 146, lines 21 – 25.
21. Moulton, p. 147.
22. Moulton, p. 154, lines 20 – 25.
23. Moulton, p. 155.
24. Moulton, p. 156, lines 1 – 20.
25. Moulton, p. 190, lines 1 – 24.
26. Moulton, p. 239, lines 16 – 25.
27. Moulton, p. 240, lines 1 – 6.
28. Moulton, p. 241, lines 19 – 25.
29. Moulton, p. 242.
30. Moulton, p. 243, lines 1 – 11.
31. Moulton, p. 246, lines 3 – 15.
32. Moulton, p. 248, lines 19 – 25.
33. Moulton, p. 249, lines 1 – 13.
34. Moulton, p. 250, lines 5 – 11.
35. Moulton, p. 251, lines 17 – 25.
36. Moulton, p. 252.
37. Moulton, p. 253, lines 1 – 7.
38. Moulton, p. 254, lines 10 – 16.
39. Moulton, p. 260, lines 9 – 13.
40. Moulton, p. 263, lines 4 – 17.

41. Moulton, p. 269, lines 2 – 16.
42. Moulton, p. 270, lines 11 – 15.
43. Moulton, p. 273, lines 6 – 15.
44. Moulton, p. 281, lines 4 – 17.
45. Moulton, p. 282, lines 20 – 25.
46. Moulton, p. 283.

B. VOLUME 2.

47. Moulton, p. 19, lines 2 – 25.
48. Moulton, p. 20, lines 1 – 14.
49. Moulton, p. 32, lines 17 – 25.
50. Moulton, p. 33.
51. Moulton, p. 34, lines 1 – 21.
52. Moulton, p. 38, lines 12 – 25.
53. Moulton, p. 51.
54. Moulton, p. 69, lines 2 – 25.
55. Moulton, p. 70, lines 1 – 8.

Respectfully submitted,

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By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.
Florida Bar No. 111856

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Trustee's Counter-Designations Of Deposition Testimony In Support Of Motion To Substantively Consolidate Non-Debtor Douglas Investments, LLC With And Into The Debtors' Bankruptcy Estates has been filed with the Court and thereby furnished to all creditors and parties in interest registered on the Court's CM/ECF System (including Douglas Szabo, Esq., Henderson, Franklin, Starnes & Holt, P.A., 1715 Monroe Street, P.O. Box 280, Fort Myers, FL 33902 and Steven M. Berman, Esq., Shumaker, Loop & Kendrick, LLP, 101 East Kennedy Boulevard, Suite 2800, Tampa, FL 33602) and has additionally been furnished via first class mail to Sean Moulton, Esq., Moulton Law Office, P.O. Box 631, 60 E. Wallace, Driggs, Idaho 83422, on the 30th day of June, 2010.

By: /s/ Robert F. Elgidely
Robert F. Elgidely, Esq.