

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
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IN RE:)	
)	
ULRICH FELIX ANTON ENGLER;)	Chapter 7
PRIVATE COMMERCIAL OFFICE, INC.;)	CASE NO. 9:08-bk-04360-ALP
and PCO CLIENT MANAGEMENT, INC.)	
)	
Debtor.)	
	/	

**MOTION TO COMPEL
PRODUCTION OF DOCUMENTS FROM SUNTRUST BANK**

Special Litigation Counsel for the Trustee moves this Court for an order compelling Suntrust Bank to produce certain relevant documents, and as grounds therefore states:

1. Special Litigation Counsel for the Trustee served Suntrust Bank with a copy of the Subpoena for Rule 2004 Deposition Duces Tecum (the "Subpoena") which included a document production request. A copy of the Subpoena and Affidavit of Service is attached as Exhibit A.

2. Pursuant to the Subpoena, Suntrust Bank was required to produce documents on or before February 21, 2011. Suntrust Bank was to produce documents in response to thirty-four requests for production.

3. On February 11, 2011, Special Litigation Counsel spoke by telephone with Mr. Richard McDonald, Operations Analyst from Suntrust Bank regarding the Subpoena and documents that Special Litigation Counsel subpoenaed. Special Litigation Counsel and Mr. McDonald agreed that Suntrust Bank would produce certain documents responsive to the Subpoena and that Suntrust Bank would produce any additional documents responsive to the Subpoena that Special Litigation Counsel may later request.

4. On February 14 2011, Special Litigation Counsel sent a letter to Mr. McDonald at Suntrust Bank confirming the agreement reached on the February 11, 2011 phone call. Special Litigation Counsel requested that Suntrust Bank provide Special Litigation Counsel with the account opening documents, account statements, and wire transfer records for the accounts identified in the Subpoena and authorized payment of the charges associated with the production of those documents. A copy of the February 14, 2011 letter is attached as Exhibit B.

5. The documents requested in the February 14, 2011 letter were produced to Special Litigation Counsel on or about March 1, 2011.

6. On March 11, 2011, Special Litigation Counsel sent another letter to Mr. McDonald, requesting that certain additional responsive documents, including crucial e-mail communications and investigative reports related to the accounts subpoenaed that involve the subject matter of this investigation, be produced or that Mr. McDonald contact Special Litigation Counsel no later than March 17, 2011. A copy of the March 11, 2011 letter is attached as Exhibit C.

7. As of the date of the filing of this motion, Suntrust Bank has failed to produce the documents requested in the March 11, 2011 letter and neither Mr. McDonald nor any other representative of Suntrust Bank has contacted Special Litigation Counsel.

8. Accordingly, Special Litigation Counsel moves this Court for an order compelling Suntrust Bank to forthwith produce all documents requested in the March 11, 2011 letter and for such other relief as the Court deems just and proper.

Dated: April 11, 2011

Respectfully Submitted,

KOZYAK TROPIN & THROCKMORTON, P.A.
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By: /s/ David A. Samole

Thomas A. Tucker Ronzetti
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served (i) via the Court's CM/ECF notification to those parties who are registered CM/ECF participants in this case and (ii) was furnished by U.S. Mail on this 11th day of April, 2011 to: Ulrich Felix Anton Engler, Private Commercial Office, Inc., and PCO Client Management, Inc. (Non-Debtor), 1217 Cape Coral Parkway, Apt. 121, Cape Coral, FL 33904; Laurie Pennington, 200 South Orange Avenue, Orlando, Florida 32801; and Richard McDonald, SunTrust Banks Subpoena Services, 7455 Chancellor Drive, Orlando, Florida 32809.

By: /s/ David A. Samole
David A. Samole