

Exhibit B

BRETT Von Borke - Engler Order

From: BRETT Von Borke
To: david.hendrix@gray-robinson.com
Date: 7/11/2011 9:38 AM
Subject: Engler Order
CC: DAVID SAMOLE; JESSICA ELLIOTT; TUCKER RONZETTI; alissa.ellison@gray-r...
Attachments: Engler Motion to Vacate Order.DOC

David,

Please find attached a draft of the proposed Order on SunTrust's Motion to Vacate. Please let us know if you have any comments or changes. Thanks.

Regards,

Brett

Brett von Borke, Esq.
Kozyak Tropin & Throckmorton
2525 Ponce de Leon, 9 FL, Miami, FL 33134
305.372.1800 | bvb@kttlaw.com

**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flsb.uscourts.gov**

IN RE:)	
)	Chapter 7
ULRICH FELIX ANTON ENGLER;)	CASE NO. 9:08-bk-04360-MGW
)	
PRIVATE COMMERCIAL OFFICE, INC.;)	
and PCO CLIENT MANAGEMENT, INC.)	
)	
Debtor.)	
	/	

**ORDER GRANTING IN PART SUNTRUST BANK’S EMERGENCY MOTION
FOR RECONSIDERATION AND FOR RELIEF FROM THE SANCTIONS
ORDER ENTERED AGAINST SUNTRUST BANK**

THIS CASE came on for hearing on July 7, 2011 at 10:00 a.m. on SunTrust Bank’s (“SunTrust”) Emergency Motion for Reconsideration and for Relief from the Sanctions Order Entered Against SunTrust Bank (the “**Motion**”) [D.E. 670]. The Court has considered the Motion, the Trustee’s Response to SunTrust Bank’s Emergency Motion for Reconsideration and for Relief from Sanctions Order (the “**Response**”) [D.E. 682], the arguments and representations of counsel, and is otherwise fully informed in the premises. Accordingly, it is

ORDERED and ADJUDGED as follows:

1. The Motion is **GRANTED IN PART** as set forth herein.
2. The Court’s Sanctions Order [D.E. 658] is vacated.
3. SunTrust Bank will answer the Trustee’s Subpoena and identify whether it

has documents responsive to each document request.

4. SunTrust Bank will provide the Trustee with a cost estimate for the production of the following categories of documents on or before Friday, July 15, 2011:

- SunTrust's policies and procedures pertaining to wire transfers;
- SunTrust's terms and conditions for the subpoenaed accounts;
- Documents sufficient to determine the fees, commissions, or benefits SunTrust derived from the subpoenaed accounts;
- Documents sufficient to determine the fees, commissions, payments, or benefits received by any SunTrust employee having responsibility for the subpoenaed accounts;
- All weekly balance fluctuation reports;
- All Monetary Instrument Logs;
- Documents related to the source of funds for the subpoenaed accounts;
- All wire advices associated with incoming wires;
- All correspondence, including e-mails, that relate to the subpoenaed accounts;
- All weekly ACH transaction activity reports;
- All funds flow reports;
- Verification of assets or income and tax returns for the principals of the subpoenaed accounts;
- Reports of International Transportation of Currency or Monetary Instruments;
- Reports of Foreign Bank and Financial Accounts;
- Form 8300s;
- Transaction Monitoring Reports;
- IRS Form 4789 Currency Transaction Reports;

- US Custom Form 47900 Reports of International Transportation of Currency of Monetary Instruments;
- Designation of Exempt Person Forms;
- Check kiting reports; and
- Insufficient Fund Reports or Overdraft Reports.

5. SunTrust Bank will produce any of the documents identified in Paragraph 4 subject to payment by the Trustee of SunTrust's reasonable costs within two weeks of any such payment.

6. The Court retains jurisdiction over this matter to the extent that there is a dispute over whether SunTrust's costs to produce any documents required by this Order are reasonable.

7. The Court adopts the reasoning in *Regions Bank v. Allen*, 33 So. 2d 72 (Fla. 5th DCA 2010), in determining what documents SunTrust must produce with respect to its investigation of the subpoenaed accounts. SunTrust must produce any internal investigation reports that are typically prepared by SunTrust in the ordinary course of business and are unrelated to the preparation of a Suspicious Activity Report ("SAR") or would otherwise disclose the preparation of a SAR.

8. SunTrust is not required to produce a draft SAR or internal memorandum prepared as part of a financial institution's process for complying with federal reporting requirements that would disclose the existence of a SAR.

9. Outside Counsel for SunTrust is required to review all documents responsive to the Subpoena and certify to the Court that the SAR privilege has been appropriately applied and that no documents or communications generated as part of

SunTrust's ordinary practice of investigating suspicious activity have been inappropriately withheld from production. That certification to the Court is required on or before Monday, July 18, 2011. All investigatory documents not subject to the SAR privilege will be produced on or before Monday, July 18, 2011.

10. SunTrust will provide the Trustee with a privilege log for any responsive document withheld from production on the basis of any privilege, including the SAR privilege. The privilege log will be provided to the Trustee on or before Monday, July 18, 2011.

11. The Court reserves jurisdiction to conduct an *in camera* review of any document withheld from production by SunTrust.

DONE AND ORDERED in Chambers in Tampa, Florida, on _____.

Honorable Michael G. Williamson
United States District Court

Copies to be provided by CM/ECF service
and to all parties on the attached Service List