

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

**In re:** ) **Chapter 11**  
 ) **Case No. 10-13779**  
**JENNIFER CONVERTIBLES, INC.<sup>1</sup>, et** )  
**al.,** )  
 ) **(Jointly Administered)**  
**Debtors.** )

**AFFIDAVIT OF SERVICE**

I, Julie Jung, state as follows:

1. I am over eighteen years of age and I believe the statements contained herein are true based on my personal knowledge. I am employed by BMC Group, Inc., the Claims and Noticing Agent for the Debtors in the above captioned cases, whose business address is 444 North Nash Street, El Segundo, California 90245.

2. At the direction of Olshan Grundman, Frome Rosenzweig & Wolosky LLP, Counsel to Debtors in the above captioned cases, copies of the documents identified below by exhibit number and attached hereto were served on the parties as set forth below in Exhibits "A" through "D" at the addresses shown thereon and via the mode of service indicated thereon, on October 22, 2010:

Exhibit 1 NOTICE OF SUBPOENA [re: GMM Consulting, Inc.]

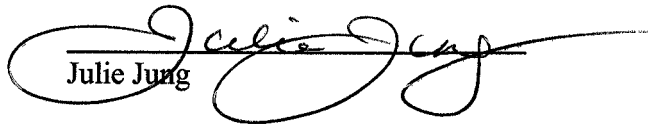
SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE  
10-13779 (ALG)

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: (i) Jennifer Convertibles, Inc. (4646); (ii) Jennifer Convertibles Boylston MA, Inc. (7904); (iii) Jennifer Chicago Ltd. (0505); (iv) Elegant Living Management, Ltd. (5049); (v) Hartsdale Convertibles, Inc. (1681); (vi) Jennifer Management III Corp. (3552); (vii) Jennifer Purchasing Corp. (7319); (viii) Jennifer Management II Corp. (9177); (ix) Jennifer Management V Ltd. (9876); (x) Jennifer Convertibles Natick, Inc. (2227); (xi) Nicole Convertibles, Inc. (5985); (xii) Washington Heights Convertibles, Inc. (0783).

- Exhibit 2 NOTICE OF SUBPOENA [re: Josalco, Inc.]  
SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE  
10-13779 (ALG)
- Exhibit 3 NOTICE OF SUBPOENA [re: TMCC, Inc.]  
SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE  
10-13779 (ALG)
- Exhibit "A" Those parties who have requested special notice, the Top  
Creditors and the Core Group Address List regarding  
Exhibits 1 through 3
- Exhibit "B" The Affected Party Address List regarding Exhibit 1
- Exhibit "C" The Affected Party Address List regarding Exhibit 2
- Exhibit "D" The Affected Parties Address List regarding Exhibit 3

DATED: October 25, 2010  
El Segundo, California

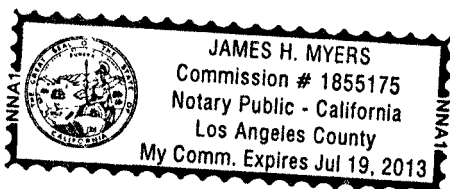
  
Julie Jung

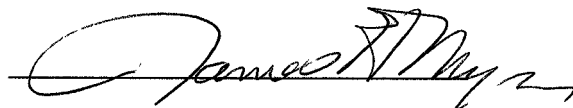
State of California     )  
                                      )  
County of Los Angeles    )

On October 25, 2010 before me, James H. Myers, a Notary Public, personally appeared Julie Jung, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





## **EXHIBIT 1**

**OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP**

Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022  
Michael S. Fox, Esq.  
Ellen V. Holloman, Esq.  
Jordanna Nadritch, Esq.

*Attorneys for Debtors and Debtors in Possession*

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

In re:

JENNIFER CONVERTIBLES, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 10-13779 (ALG)  
(Jointly Administered)

**NOTICE OF SUBPOENA**

PLEASE TAKE NOTICE THAT, pursuant to Rules 7030, 9014, 9016 of the Federal Rules of Bankruptcy Procedure and Rules 30 and 45 of the Federal Rules of Civil Procedure, Jennifer Convertibles, Inc. (“Jennifer Convertibles”) and its affiliated debtors, as debtors and debtors in possession (together, the “Debtors”), including Hartsdale Convertibles, Inc. (“Hartsdale”), through their undersigned counsel, will take the deposition upon oral examination of a designated representative of GMM Consulting, Inc. (“GMM”), regarding the topics identified in Exhibit A hereto. Pursuant to Rule 7030(b)(6) of the Federal Rules of Bankruptcy

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if applicable, are: (i) Jennifer Convertibles, Inc. (4646); (ii) Jennifer Convertibles Boylston MA, Inc. (7904); (iii) Jennifer Chicago Ltd. (0505); (iv) Elegant Living Management, Ltd. (5049); (v) Hartsdale Convertibles, Inc. (1681); (vi) Jennifer Acquisition Corp. (9587); (vii) Jennifer Management III Corp. (3552); (viii) Jennifer Media Corp. (3593); (ix) Jennifer Purchasing Corp. (7319); (x) Jennifer Convertibles Licensing Corp. (8920); (xi) Jennifer Management II Corp. (9177); (xii) Jennifer Management V Ltd. (9876); (xiii) Jennifer Convertibles Natick, Inc. (2227); (xiv) Nicole Convertibles, Inc. (5985); (xv) Washington Heights Convertibles, Inc. (0783).

Procedure, GMM shall designate one or more of its officers, directors or managing agents, or designate another person or persons who consent to testify on GMM's behalf.

PLEASE TAKE FURTHER NOTICE THAT, the deposition will be held before an officer duly authorized to administer oaths at the Offices of Olshan Grundman, Frome, Rosenzweig & Wolosky, LLP, located at Park Avenue Tower, 65 East 55<sup>th</sup> Street, New York, New York, 10022, on November 11, 2010, beginning at 10:00 a.m. The deposition will be recorded by stenographic and/or audiovisual means. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the attached Subpoena, GMM is directed to produce the documents identified in Schedule A to the Subpoena on November 4, 2010, no later than 5:00 p.m.

Dated: October 22, 2010  
New York, New York

OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP

/s/ Michael S. Fox  
Michael S. Fox, Esq.  
Jordanna Nadritch, Esq.  
Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022  
Tel: (212) 451-2300  
Fax: (212) 451-2222

*Attorneys for Debtors  
and Debtors in Possession*

## UNITED STATES BANKRUPTCY COURT

Southern

District of New York

In re **Jennifer Convertibles, Inc., et al,**  
Debtor

**SUBPOENA IN A CASE UNDER  
THE BANKRUPTCY CODE**

Case No. \* **10-13779 (ALG)**Chapter **11**

To: GMM Consulting, Inc.  
55 Price Parkway  
Farmingdale, New York 11735

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Olshan Grundman Frome Rosenzweig & Wolosky, LLP  
65 East 55th Street  
New York, New York 10022

DATE AND TIME

November 11, 2010 at 9:30 am

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Schedule A**

PLACE

Olshan Grundman Frome Rosenzweig & Wolosky, LLP  
65 East 55th Street  
New York, New York 10022

DATE AND TIME

November 4, 2010 at 9:30 am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in bankruptcy cases and proceedings by Rules 1018, 7030, and 9014, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE

DATE

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

**Ellen V. Holloman, Esq., Olshan Grundman Frome Rosenzweig & Wolosky, LLP, 65 East 55th St, NY 10022, 212.451.2300**

\* If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

## PROOF OF SERVICE

<b>SERVED</b>	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2007, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

**(c) Protecting a Person Subject to a Subpoena**

(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 issuing court 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 issuing court 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 issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(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 issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information,

(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; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(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

**(d) 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 to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## **SCHEDULE A TO SUBPOENA**

### **DEFINITIONS**

1. “And” as well as “or” shall be construed either as disjunctive or conjunctive so as to bring within the scope of any separately-numbered Document Request any documents that might otherwise be construed to be outside the scope of any separately-numbered Document Request.

2. The “Chapter 11 Proceeding” shall mean the chapter 11 cases of the Debtors proceeding in the United States Bankruptcy Court for the Southern District of New York, Case No. 10-13779, before the Honorable Alan L. Gropper, which cases are jointly administered.

3. “Communications,” includes every means of transmitting, receiving or recording transmission or receipt of facts, ideas, information, inquiries, opinion or thoughts.

4. “Concerning” means relating to, regarding, referring to, describing, evidencing, or constituting.

5. “Debtors” means Jennifer Convertibles, Inc., its affiliated debtors, and as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys, including, without limitation, Hartsdale Convertibles, Inc.

6. “Document” means any tangible object containing or conveying information regardless of the medium, and includes, but is not limited to, the following: correspondence, memoranda, notes, records, diaries, calendars, charts, indices, agreements, transcripts, work papers, minutes, books, articles, and brochures; information stored in or on analog, digital, or electronic devices such as computer disks, compact disks, DVDs, computer hard drives, computer file retrieval devices, PDAs, telephone answering and voice mail devices, audio and video tapes, and magnetic tape; photographic or optical devices such as photographs, transparencies, negatives, film, microfilm, microfiche, and videotape; and any other tangible storage medium of any kind. “Document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

7. “Exhibit B” means the document bearing the heading “Amended Exhibit B” that is attached to the Motion as Exhibit C, and any prior versions, amendments and revisions thereto.

8. “GMM” means GMM Consulting, Inc. and, as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.

9. “Josalco” means Josalco, Inc. and, as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.

10. “Master Lease” means the lease dated on or about September 29, 2007, for the premises located at 1821 Route 110, East Farmingdale, New York, between Josalco and TMCC.



11. "McCrystal" means Gerald McCrystal, Jr.
12. "Motion" means TMCC's *Motion for an Order Compelling Payment of Post-Petition Lease Obligations, Directing the Timely Performance of All Lease Obligations Or, in the Alternative, Compelling Debtor to Immediately Reject Lease*, dated September 28, 2010 and filed in the Chapter 11 Proceeding.
13. "Person" means any natural person or any business, legal or governmental entity or association.
14. "Picone" means Joseph Picone, Jr.
15. "Premises" means the premises located at 1821 Route 110, East Farmingdale, New York.
16. "Refer or relate," means to include, constitute, mention, define, explain or pertain to in any way, expressly or impliedly, to the matter called for by the separately-numbered Document Request.
17. "Rider" means the rider to the Sublease, dated on or about August 21, 2009, between TMCC and Hartsdale Convertibles, Inc.
18. "Sublease" means the sublease dated on or about August 18, 2009, for the premises located at 1821 Route 110, East Farmingdale, New York, between TMCC and Hartsdale Convertibles, Inc.
19. "TMCC" means and refers to TMCC, Inc. as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.
20. "You" and "Yours" means and refers to GMM.

#### INSTRUCTIONS

1. This Subpoena and attached Schedule A (collectively, the "Subpoena") is intended to cover all Documents in Your possession, and the possession of Your agents and representatives, and shall be deemed to be continuing.
2. Except when express reference is made to another Document Request, each Document Request herein should be construed independently and not by reference to any other Document Request. Limitation in one Document Request shall not limit any other Document Request. The terms "includes" and "including" as used herein are illustrative, and are in no way a limitation upon the information and Documents requested.
3. All the terms contained in this Subpoena this shall have the meaning ascribed to them as set forth in the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedures, and the Local Rules of this Court.

4. Responsive Documents shall be produced in the order and in the manner in which they appear in their original files or other storage areas, and shall not be shuffled or otherwise re-arranged.

5. Responsive Documents include all non-identical copies of such Documents in extant physical or electronic form (i.e., electronically-stored information), including drafts, revisions and other non-identical versions, whether maintained in paper form or on magnetic tape, videotape, microfilm, computer database, electronic mail, or any other electronic storage media.

6. Responsive Documents shall be produced with all attachments, enclosures, and exhibits to such Documents, whether now or at any time attached, enclosed or accompanying such Documents. If any portion of a Document is responsive to a Document Request, produce the entire Document, including all attachments, enclosures, "post-it"- type notes, and any other matter physically attached to the Document, whether by paper clip or any other manner. If responsive Documents are stored in a file, sub-file, binder, folder, or redwelds, whether labeled or unlabelled, produce such files, sub-files, binders, folders, or redwelds in their entirety and the labels attached thereto. If responsive Documents are further separated by tabs, dividers, or any other manner, produce such Documents with such tabs, dividers or any other manner of separation.

7. Documents should be produced in the form they are maintained. Electronically-stored information ("ESI") should be produced in TIFF format with a load file. Native format with metadata should be preserved and maintained, and the Debtors reserve the right to seek native format of ESI on a particularized basis where relevant and/or necessary to discover relevant metadata or evidence.

8. If any Document is currently not available and may be in the possession of another person, provide the name and address of the person(s) from whom the Document may be obtained.

9. If any Document which form a part of or the entire basis for any response to these Requests have been destroyed or lost, for each such Document state:

- a. when it was destroyed or lost;
- b. identify the person who destroyed or lost the Document; and
- c. the person who directed that it be destroyed. In addition, if the Document was destroyed, You shall:
- d. detail the reasons for the destruction;
- e. describe the nature of the Document;
- f. identify the person who created, sent and received the Document;
- g. state the date of the Document;

- h. state in as much detail as possible the contents of the Document; and
- i. produce the document retention polic(ies) or any other directions, authorizations, reasons, and communications concerning document destruction.

10. Unless otherwise provided below, this Subpoena applies to all responsive Documents prepared, generated, edited or received at any time during the period from January 1, 2007, to the date of Your response to the Subpoena (the "Relevant Time Period").

11. This Subpoena is continuing and requires supplemental production of responsive documents prepared or obtained after the time of initial production.

### PRIVILEGE

If You claim that any Document within the scope of the Subpoena is privileged or otherwise immune from disclosure, then, on a separate schedule, and as to each such Document, state: (a) the author of the Document; (b) the date of the Document; (c) the recipient or intended recipient of the Document or the addressee of the Document; (d) all other persons to whom the Document was circulated or distributed; (e) the reason for non-production (such as the attorney-client privilege, the work product doctrine, etc.); (f) the number of pages in the Document; and (g) the general subject matter of the Document.

### DOCUMENT REQUESTS

1. All Documents and Communications concerning the Lease, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Lease, a true, complete and correct copy of the executed Lease, and the payment of rent under the Lease.

2. All Documents and Communications concerning the decision to enter into the Sublease.

3. All Documents and Communications concerning the Sublease, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Sublease, a true, complete and correct copy of the executed Sublease, and the payment of rent to Josalco, TMCC and/or GMM under the Sublease.

4. All Documents and Communications concerning the Rider, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Rider and a true, complete and correct copy of the executed Rider.

5. All Documents and Communications concerning Exhibit B, including, without limitation, Documents and Communications concerning or evidencing the negotiation of Exhibit B, any prior versions, revisions, amendments and/or updates to Exhibit B, and a true, complete, and correct copy of the executed Exhibit B.

6. All Documents and Communications concerning Exhibit B between, by and/or among TMCC, GMM, Josalco, McCrystal, Picone or Debtors.

7. All Documents and Communications concerning the decision to amend Exhibit B in or around November 2009.
8. All Documents and Communications concerning rent to be paid to TMCC, as set forth on Exhibit B.
9. All Documents and Communications concerning “additional monthly rent” to be paid to Roma FLI, Inc., as set forth on Exhibit B.
10. All Documents and Communications concerning the consideration, or goods and/or services requested, exchanged or provided, for “additional monthly rent” to be paid to Roma FLI, Inc., as set forth on Exhibit B.
11. All Documents and Communications concerning “additional monthly rent” to be paid to GMM, as set forth on Exhibit B.
12. All Documents and Communications concerning consideration, or goods and/or services requested, exchanged or provided, for the “additional monthly rent” to be paid to GMM, as set forth on Exhibit B.
13. All Documents and Communications concerning Josalco’s agreement to the “additional monthly rent” to be paid to Roma FLI, Inc. and/or GMM, as set forth on Exhibit B.
14. All Documents and Communications concerning the decision to charge or otherwise require “additional monthly rent”, as set forth on Exhibit B.
15. All Documents and Communications concerning Josalco’s approval of or agreement to “additional monthly rent”, as set forth on Exhibit B.
16. All Documents and Communications concerning the payment of rent by the Debtors to TMCC pursuant to the Sublease, the Rider, Exhibit B or otherwise.
17. All Documents and Communications concerning the payment of rent by the Debtors to GMM pursuant to the Sublease, the Rider, Exhibit B, or otherwise.
18. All Documents and Communications concerning the payment of rent by TMCC to Josalco, pursuant to the Lease, the Sublease, the Rider, Exhibit B, or otherwise.
19. All Documents and Communications concerning the payment of rent by GMM to Josalco, pursuant to the Lease, the Sublease, the Rider, Exhibit B, or otherwise.
20. All Documents and Communications concerning the use of the proceeds of rent and “additional monthly rent” paid by Debtors.
21. All Documents and Communications between, by or among Josalco, TMCC and/or GMM concerning “additional monthly rent” as set forth on Exhibit B.

22. All Documents and Communications (excluding privileged communications) referenced and/or relied upon in the preparation of the Motion.

TOPICS OF TESTIMONY

1. The Lease.
2. The Sublease.
3. The Rider.
4. Exhibit B and any amendments or revisions thereto, and negotiations and/or discussions concerning.
5. The “additional monthly rent” set forth on Exhibit B.
6. The Premises.
7. GMM’s relationship to TMCC and Roma FLI, Inc.
8. GMM’s relationship to Gerald McCrystal.
9. Communications between and among Josalco (including, without limitation, Picone) and TMCC/GMM (including, without limitation, McCrystal) concerning payment of rent and “additional monthly rent” for the Premises by the Debtors.

## **EXHIBIT 2**

OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP  
Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022  
Michael S. Fox, Esq.  
Ellen V. Holloman, Esq.  
Jordanna Nadritch, Esq.  
*Attorneys for Debtors and Debtors in Possession*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

JENNIFER CONVERTIBLES, INC.,<sup>1</sup>

Debtor.

Chapter 11

Case No. 10-13779 (ALG)  
(Jointly Administered)

**NOTICE OF SUBPOENA**

PLEASE TAKE NOTICE THAT, pursuant to Rules 7030, 9014, 9016 of the Federal Rules of Bankruptcy Procedure and Rules 30 and 45 of the Federal Rules of Civil Procedure, Jennifer Convertibles, Inc. (“Jennifer Convertibles”) and its affiliated debtors, as debtors and debtors in possession (together, the “Debtors”), including Hartsdale Convertibles, Inc. (“Hartsdale”), through their undersigned counsel, will take the deposition upon oral examination of a designated representative of Josalco, Inc. (“Josalco”), regarding the topics identified in Exhibit A hereto. Pursuant to Rule 7030(b)(6) of the Federal Rules of Bankruptcy Procedure,

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if applicable, are: (i) Jennifer Convertibles, Inc. (4646); (ii) Jennifer Convertibles Boylston MA, Inc. (7904); (iii) Jennifer Chicago Ltd. (0505); (iv) Elegant Living Management, Ltd. (5049); (v) Hartsdale Convertibles, Inc. (1681); (vi) Jennifer Acquisition Corp. (9587); (vii) Jennifer Management III Corp. (3552); (viii) Jennifer Media Corp. (3593); (ix) Jennifer Purchasing Corp. (7319); (x) Jennifer Convertibles Licensing Corp. (8920); (xi) Jennifer Management II Corp. (9177); (xii) Jennifer Management V Ltd. (9876); (xiii) Jennifer Convertibles Natick, Inc. (2227); (xiv) Nicole Convertibles, Inc. (5985); (xv) Washington Heights Convertibles, Inc. (0783).

Josalco shall designate one or more of its officers, directors or managing agents, or designate another person or persons who consent to testify on Josalco's behalf.

PLEASE TAKE FURTHER NOTICE THAT, the deposition will be held before an officer duly authorized to administer oaths at the Offices of Olshan Grundman, Frome, Rosenzweig & Wolosky, LLP, located at Park Avenue Tower, 65 East 55<sup>th</sup> Street, New York, New York, 10022, on November 10, 2010, beginning at 10:00 a.m. The deposition will be recorded by stenographic and/or audiovisual means. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the attached Subpoena, Josalco is directed to produce the documents identified in Schedule A to the Subpoena on November 4, 2010 no later than 5:00 p.m.

Dated: October 22, 2010  
New York, New York

OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP

/s/ Michael S. Fox  
Michael S. Fox, Esq.  
Ellen V. Holloman, Esq.  
Jordanna Nadritch, Esq.  
Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022  
Tel: (212) 451-2300  
Fax: (212) 451-2222

*Attorneys for Debtors and  
Debtors in Possession*



## UNITED STATES BANKRUPTCY COURT

Southern

District of New YorkIn re **Jennifer Convertibles, Inc., et al,**  
Debtor**SUBPOENA IN A CASE UNDER  
THE BANKRUPTCY CODE**Case No. \* 10-13779 (ALG)To: **Josalco, Inc.**  
1637 Broad Hollow Road  
Farmingdale New York 11735Chapter 11☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Olshan Grundman Frome Rosenzweig & Wolosky, LLP  
65 East 55th Street  
New York, New York 10022

DATE AND TIME

November 10, 2010 at 9:30 am

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Schedule A**

PLACE

Olshan Grundman Frome Rosenzweig & Wolosky, LLP  
65 East 55th Street  
New York, New York 10022

DATE AND TIME

November 4, 2010 at 9:30 am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in bankruptcy cases and proceedings by Rules 1018, 7030, and 9014, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE

DATE

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

**Ellen V. Holloman, Esq., Olshan Grundman Frome Rosenzweig & Wolosky, LLP, 65 East 55th St, NY 10022, 212.451.2300**

\* If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

## PROOF OF SERVICE

<b>SERVED</b>	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2007, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure

**(c) Protecting a Person Subject to a Subpoena**

(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 issuing court 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 issuing court 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 issuing court must quash or modify a subpoena that

(i) fails to allow a reasonable time to comply,  
(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held,  
(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 issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;  
(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; or  
(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(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.

**(d) 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 to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## **SCHEDULE A TO SUBPOENA**

### **DEFINITIONS**

1. “And” as well as “or” shall be construed either as disjunctive or conjunctive so as to bring within the scope of any separately-numbered Document Request any documents that might otherwise be construed to be outside the scope of any separately-numbered Document Request.

2. The “Chapter 11 Proceeding” shall mean the chapter 11 cases of the Debtors proceeding in the United States Bankruptcy Court for the Southern District of New York, Case No. 10-13779, before the Honorable Alan L. Gropper, which cases are jointly administered.

3. “Communications,” includes every means of transmitting, receiving or recording transmission or receipt of facts, ideas, information, inquiries, opinion or thoughts.

4. “Concerning” means relating to, regarding, referring to, describing, evidencing, or constituting.

5. “Debtors” means Jennifer Convertibles, Inc., its affiliated debtors, and as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys, including, without limitation, Hartsdale Convertibles, Inc.

6. “Document” means any tangible object containing or conveying information regardless of the medium, and includes, but is not limited to, the following: correspondence, memoranda, notes, records, diaries, calendars, charts, indices, agreements, transcripts, work papers, minutes, books, articles, and brochures; information stored in or on analog, digital, or electronic devices such as computer disks, compact disks, DVDs, computer hard drives, computer file retrieval devices, PDAs, telephone answering and voice mail devices, audio and video tapes, and magnetic tape; photographic or optical devices such as photographs, transparencies, negatives, film, microfilm, microfiche, and videotape; and any other tangible storage medium of any kind. “Document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

7. “Exhibit B” means the document bearing the heading “Amended Exhibit B” that is attached to the Motion as Exhibit C, and any prior versions, amendments and revisions thereto.

8. “GMM” means GMM Consulting, Inc. and, as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.

9. “Josalco” means Josalco, Inc. and, as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.

10. “Master Lease” means the lease dated on or about September 29, 2007, for the premises located at 1821 Route 110, East Farmingdale, New York, between Josalco and TMCC.

11. "McCrystal" means Gerald McCrystal, Jr.
12. "Motion" means TMCC's *Motion for an Order Compelling Payment of Post-Petition Lease Obligations, Directing the Timely Performance of All Lease Obligations Or, in the Alternative, Compelling Debtor to Immediately Reject Lease*, dated September 28, 2010 and filed in the Chapter 11 Proceeding.
13. "Person" means any natural person or any business, legal or governmental entity or association.
14. "Picone" means Joseph Picone, Jr.
15. "Premises" means the premises located at 1821 Route 110, East Farmingdale, New York.
16. "Refer or relate," means to include, constitute, mention, define, explain or pertain to in any way, expressly or impliedly, to the matter called for by the separately-numbered Document Request.
17. "Rider" means the rider to the Sublease, dated on or about August 21, 2009, between TMCC and Hartsdale Convertibles, Inc.
18. "Sublease" means the sublease dated on or about August 18, 2009, for the premises located at 1821 Route 110, East Farmingdale, New York, between TMCC and Hartsdale Convertibles, Inc.
19. "TMCC" means and refers to TMCC, Inc. as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.
20. "You" and "Yours" means and refers to Josalco.

#### INSTRUCTIONS

1. This Subpoena and attached Schedule A (collectively, the "Subpoena") is intended to cover all Documents in Your possession, and the possession of Your agents and representatives, and shall be deemed to be continuing.
2. Except when express reference is made to another Document Request, each Document Request herein should be construed independently and not by reference to any other Document Request. Limitation in one Document Request shall not limit any other Document Request. The terms "includes" and "including" as used herein are illustrative, and are in no way a limitation upon the information and Documents requested.
3. All the terms contained in this Subpoena shall have the meaning ascribed to them as set forth in the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedures, and the Local Rules of this Court.

4. Responsive Documents shall be produced in the order and in the manner in which they appear in their original files or other storage areas, and shall not be shuffled or otherwise re-arranged.

5. Responsive Documents include all non-identical copies of such Documents in extant physical or electronic form (i.e., electronically-stored information), including drafts, revisions and other non-identical versions, whether maintained in paper form or on magnetic tape, videotape, microfilm, computer database, electronic mail, or any other electronic storage media.

6. Responsive Documents shall be produced with all attachments, enclosures, and exhibits to such Documents, whether now or at any time attached, enclosed or accompanying such Documents. If any portion of a Document is responsive to a Document Request, produce the entire Document, including all attachments, enclosures, "post-it"- type notes, and any other matter physically attached to the Document, whether by paper clip or any other manner. If responsive Documents are stored in a file, sub-file, binder, folder, or redwelds, whether labeled or unlabelled, produce such files, sub-files, binders, folders, or redwelds in their entirety and the labels attached thereto. If responsive Documents are further separated by tabs, dividers, or any other manner, produce such Documents with such tabs, dividers or any other manner of separation.

7. Documents should be produced in the form they are maintained. Electronically-stored information ("ESI") should be produced in TIFF format with a load file. Native format with metadata should be preserved and maintained, and the Debtors reserve the right to seek native format of ESI on a particularized basis where relevant and/or necessary to discover relevant metadata or evidence.

8. If any Document is currently not available and may be in the possession of another person, provide the name and address of the person(s) from whom the Document may be obtained.

9. If any Document which form a part of or the entire basis for any response to these Requests have been destroyed or lost, for each such Document state:

- a. when it was destroyed or lost;
- b. identify the person who destroyed or lost the Document; and
- c. the person who directed that it be destroyed. In addition, if the Document was destroyed, You shall:
  - d. detail the reasons for the destruction;
  - e. describe the nature of the Document;
  - f. identify the person who created, sent and received the Document;
  - g. state the date of the Document;

- h. state in as much detail as possible the contents of the Document; and
- i. produce the document retention polic(ies) or any other directions, authorizations, reasons, and communications concerning document destruction.

10. Unless otherwise provided below, this Subpoena applies to all responsive Documents prepared, generated, edited or received at any time during the period from January 1, 2007, to the date of Your response to the Subpoena (the “Relevant Time Period”).

11. This Subpoena is continuing and requires supplemental production of responsive documents prepared or obtained after the time of initial production.

#### PRIVILEGE

If You claim that any Document within the scope of the Subpoena is privileged or otherwise immune from disclosure, then, on a separate schedule, and as to each such Document, state: (a) the author of the Document; (b) the date of the Document; (c) the recipient or intended recipient of the Document or the addressee of the Document; (d) all other persons to whom the Document was circulated or distributed; (e) the reason for non-production (such as the attorney-client privilege, the work product doctrine, etc.); (f) the number of pages in the Document; and (g) the general subject matter of the Document.

#### DOCUMENT REQUESTS

1. All Documents and Communications concerning the Lease, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Lease, a true, complete and correct copy of the executed Lease, and the payment of rent under the Lease.

2. All Documents and Communications concerning the decision to enter into the Sublease.

3. All Documents and Communications concerning the Sublease, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Sublease, a true, complete and correct copy of the executed Sublease, and the payment of rent to Josalco, TMCC and/or GMM under the Sublease.

4. All Documents and Communications concerning the Rider, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Rider and a true, complete and correct copy of the executed Rider.

5. All Documents and Communications concerning Exhibit B, including, without limitation, Documents and Communications concerning or evidencing the negotiation of Exhibit B, any prior versions, revisions, amendments and/or updates to Exhibit B, and a true, complete, and correct copy of the executed Exhibit B.

6. All Documents and Communications concerning Exhibit B between, by and/or among TMCC, GMM, Josalco, McCrystal, Picone or Debtors.

7. All Documents and Communications concerning the decision to amend Exhibit B in or around November 2009.
8. All Documents and Communications concerning rent to be paid to TMCC, as set forth on Exhibit B.
9. All Documents and Communications concerning “additional monthly rent” to be paid to Roma FLI, Inc., as set forth on Exhibit B.
10. All Documents and Communications concerning the consideration, or goods and/or services requested, exchanged or provided, for “additional monthly rent” to be paid to Roma FLI, Inc., as set forth on Exhibit B.
11. All Documents and Communications concerning “additional monthly rent” to be paid to GMM, as set forth on Exhibit B.
12. All Documents and Communications concerning consideration, or goods and/or services requested, exchanged or provided, for the “additional monthly rent” to be paid to GMM, as set forth on Exhibit B.
13. All Documents and Communications concerning Josalco’s agreement to the “additional monthly rent” to be paid to Roma FLI, Inc. and/or GMM, as set forth on Exhibit B.
14. All Documents and Communications concerning the decision to charge or otherwise require “additional monthly rent”, as set forth on Exhibit B.
15. All Documents and Communications concerning Josalco’s approval of or agreement to “additional monthly rent”, as set forth on Exhibit B.
16. All Documents and Communications concerning the payment of rent by the Debtors to TMCC pursuant to the Sublease, the Rider, Exhibit B or otherwise.
17. All Documents and Communications concerning the payment of rent by the Debtors to GMM pursuant to the Sublease, the Rider, Exhibit B, or otherwise.
18. All Documents and Communications concerning the payment of rent by TMCC to Josalco, pursuant to the Lease, the Sublease, the Rider, Exhibit B, or otherwise.
19. All Documents and Communications concerning the payment of rent by GMM to Josalco, pursuant to the Lease, the Sublease, the Rider, Exhibit B, or otherwise.
20. All Documents and Communications concerning the use of the proceeds of rent and “additional monthly rent” paid by Debtors.
21. All Documents and Communications between, by or among Josalco, TMCC and/or GMM concerning “additional monthly rent” as set forth on Exhibit B.

22. All Documents and Communications (excluding privileged communications) referenced and/or relied upon in the preparation of the Motion.

TOPICS OF TESTIMONY

1. The Lease.
2. The Sublease.
3. The Rider.
4. Exhibit B and any amendments or revisions thereto, and negotiations and/or discussions concerning.
5. The “additional monthly rent” set forth on Exhibit B.
6. The Premises.
7. GMM’s relationship to TMCC and Roma FLI, Inc.
8. GMM’s relationship to Gerald McCrystal.
9. Communications between and among Josalco (including, without limitation, Picone) and TMCC/GMM (including, without limitation, McCrystal) concerning payment of rent and “additional monthly rent” for the Premises by the Debtors.





UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:

JENNIFER CONVERTIBLES, INC., et al.,  
  
Debtor,

Case No. 10-13779 (ALG)

**AFFIDAVIT OF SERVICE**

-----X  
STATE OF NEW YORK )  
S.S.:  
COUNTY OF NEW YORK)

NELSON CARVAJAL, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

That on the 18<sup>th</sup> day of October, 2010, at approximately 1:30 pm, deponent served a true copy of the **SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE** upon **JOSALCO, INC. c/o Joseph Picone & Son** at 1815 Broad Hollow Road, Farmingdale, NY, by personally delivering and leaving the same with **JOE PICONE Jr.**, who informed deponent that he is a Manager authorized by appointment to receive service at that address. At the time of service, a witness fee in the amount of \$40.00 was tendered.

Joseph Picone Jr. is a white male, approximately 34 years of age, stands approximately 5 feet 6 inches tall, weighs approximately 160 pounds with brown hair and green eyes.

  
NELSON CARVAJAL, # 965441

Sworn to before me this  
22<sup>nd</sup> day of October, 2010

D.L.S., Inc.  
401 Broadway  
Ste. 510  
New York, NY 10013  
212-925-1220  
www.dlsnational.com

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
NOTARY PUBLIC - STATE OF NEW YORK  
NO. 01R16109718  
QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES MAY 17, 2012

## **EXHIBIT 3**

**OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP**

Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022  
Michael S. Fox, Esq.  
Ellen V. Holloman, Esq.  
Jordanna Nadritch, Esq.

*Attorneys for Debtors and Debtors in Possession*

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

In re:

JENNIFER CONVERTIBLES, INC.,<sup>1</sup>

Debtors.

Chapter 11

Case No. 10-13779 (ALG)  
(Jointly Administered)

**NOTICE OF SUBPOENA**

PLEASE TAKE NOTICE THAT, pursuant to Rules 7030, 9014, 9016 of the Federal Rules of Bankruptcy Procedure and Rules 30 and 45 of the Federal Rules of Civil Procedure, Jennifer Convertibles, Inc. (“Jennifer Convertibles”) and its affiliated debtors, as debtors and debtors in possession (together, the “Debtors”), including Hartsdale Convertibles, Inc. (“Hartsdale”), through their undersigned counsel, will take the deposition upon oral examination of a designated representative of TMCC, Inc. (“TMCC”), regarding the topics identified in Exhibit A hereto. Pursuant to Rule 7030(b)(6) of the Federal Rules of Bankruptcy Procedure,

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, if applicable, are: (i) Jennifer Convertibles, Inc. (4646); (ii) Jennifer Convertibles Boylston MA, Inc. (7904); (iii) Jennifer Chicago Ltd. (0505); (iv) Elegant Living Management, Ltd. (5049); (v) Hartsdale Convertibles, Inc. (1681); (vi) Jennifer Acquisition Corp. (9587); (vii) Jennifer Management III Corp. (3552); (viii) Jennifer Media Corp. (3593); (ix) Jennifer Purchasing Corp. (7319); (x) Jennifer Convertibles Licensing Corp. (8920); (xi) Jennifer Management II Corp. (9177); (xii) Jennifer Management V Ltd. (9876); (xiii) Jennifer Convertibles Natick, Inc. (2227); (xiv) Nicole Convertibles, Inc. (5985); (xv) Washington Heights Convertibles, Inc. (0783).

TMCC shall designate one or more of its officers, directors or managing agents, or designate another person or persons who consent to testify on TMCC's behalf.

PLEASE TAKE FURTHER NOTICE THAT, the deposition will be held before an officer duly authorized to administer oaths at the Offices of Olshan Grundman, Frome, Rosenzweig & Wolosky, LLP, located at Park Avenue Tower, 65 East 55<sup>th</sup> Street, New York, New York, 10022, on November 12, 2010, beginning at 10:00 a.m. The deposition will be recorded by stenographic and/or audiovisual means. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to the attached Subpoena, TMCC is directed to produce the documents identified in Schedule A to the Subpoena on November 4, 2010, no later than 5:00 p.m.

Dated: October 22, 2010  
New York, New York

OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP

/s/ Michael S. Fox  
Michael S. Fox, Esq.  
Ellen V. Holloman, Esq.  
Jordanna Nadritch, Esq.  
Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022  
Tel: (212) 451-2300  
Fax: (212) 451-2222

*Attorneys for Debtors and  
Debtors in Possession*

## UNITED STATES BANKRUPTCY COURT

Southern

District of New YorkIn re **Jennifer Convertibles, Inc., et al,**  
Debtor**SUBPOENA IN A CASE UNDER  
THE BANKRUPTCY CODE**Case No. \* 10-13779 (ALG)To: **TMCC, Inc.**  
**55 Price Parkway**  
**Farmingdale, New York 11735**Chapter 11☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

**Olshan Grundman Frome Rosenzweig & Wolosky, LLP**  
**65 East 55th Street**  
**New York, New York 10022**

DATE AND TIME

**November 12, 2010 at 9:30 am**☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Schedule A**

PLACE

**Olshan Grundman Frome Rosenzweig & Wolosky, LLP**  
**65 East 55th Street**  
**New York, New York 10022**

DATE AND TIME

**November 4, 2010 at 9:30 am**☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in bankruptcy cases and proceedings by Rules 1018, 7030, and 9014, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE

DATE

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

**Ellen V. Holloman, Esq., Olshan Grundman Frome Rosenzweig & Wolosky, LLP, 65 East 55th St, NY 10022, 212.451.2300**

\* If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

## PROOF OF SERVICE

<b>SERVED</b>	DATE	PLACE	
SERVED ON (PRINT NAME)			MANNER OF SERVICE
SERVED BY (PRINT NAME)			TITLE

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2007, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

**(c) Protecting a Person Subject to a Subpoena.**

(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 issuing court 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 issuing court 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 issuing court must quash or modify a subpoena that.

(i) fails to allow a reasonable time to comply,

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held,

(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 issuing court may, on motion, quash or modify the subpoena if it requires

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(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; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(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

**(d) 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 to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(e) Contempt.**

The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

## **SCHEDULE A TO SUBPOENA**

### **DEFINITIONS**

1. “And” as well as “or” shall be construed either as disjunctive or conjunctive so as to bring within the scope of any separately-numbered Document Request any documents that might otherwise be construed to be outside the scope of any separately-numbered Document Request.

2. The “Chapter 11 Proceeding” shall mean the chapter 11 cases of the Debtors proceeding in the United States Bankruptcy Court for the Southern District of New York, Case No. 10-13779, before the Honorable Alan L. Gropper, which cases are jointly administered.

3. “Communications,” includes every means of transmitting, receiving or recording transmission or receipt of facts, ideas, information, inquiries, opinion or thoughts.

4. “Concerning” means relating to, regarding, referring to, describing, evidencing, or constituting.

5. “Debtors” means Jennifer Convertibles, Inc., its affiliated debtors, and as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys, including, without limitation, Hartsdale Convertibles, Inc.

6. “Document” means any tangible object containing or conveying information regardless of the medium, and includes, but is not limited to, the following: correspondence, memoranda, notes, records, diaries, calendars, charts, indices, agreements, transcripts, work papers, minutes, books, articles, and brochures; information stored in or on analog, digital, or electronic devices such as computer disks, compact disks, DVDs, computer hard drives, computer file retrieval devices, PDAs, telephone answering and voice mail devices, audio and video tapes, and magnetic tape; photographic or optical devices such as photographs, transparencies, negatives, film, microfilm, microfiche, and videotape; and any other tangible storage medium of any kind. “Document” is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

7. “Exhibit B” means the document bearing the heading “Amended Exhibit B” that is attached to the Motion as Exhibit C, and any prior versions, amendments and revisions thereto.

8. “GMM” means GMM Consulting, Inc. and, as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.

9. “Josalco” means Josalco, Inc. and, as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.

10. “Master Lease” means the lease dated on or about September 29, 2007, for the premises located at 1821 Route 110, East Farmingdale, New York, between Josalco and TMCC.

11. "McCrystal" means Gerald McCrystal, Jr.
12. "Motion" means TMCC's *Motion for an Order Compelling Payment of Post-Petition Lease Obligations, Directing the Timely Performance of All Lease Obligations Or, in the Alternative, Compelling Debtor to Immediately Reject Lease*, dated September 28, 2010 and filed in the Chapter 11 Proceeding.
13. "Person" means any natural person or any business, legal or governmental entity or association.
14. "Picone" means Joseph Picone, Jr.
15. "Premises" means the premises located at 1821 Route 110, East Farmingdale, New York.
16. "Refer or relate," means to include, constitute, mention, define, explain or pertain to in any way, expressly or impliedly, to the matter called for by the separately-numbered Document Request.
17. "Rider" means the rider to the Sublease, dated on or about August 21, 2009, between TMCC and Hartsdale Convertibles, Inc.
18. "Sublease" means the sublease dated on or about August 18, 2009, for the premises located at 1821 Route 110, East Farmingdale, New York, between TMCC and Hartsdale Convertibles, Inc.
19. "TMCC" means and refers to TMCC, Inc. as applicable, its officers, directors, employees, partners, affiliates, subsidiaries, agents or attorneys.
20. "You" and "Yours" means and refers to TMCC.

#### INSTRUCTIONS

1. This Subpoena and attached Schedule A (collectively, the "Subpoena") is intended to cover all Documents in Your possession, and the possession of Your agents and representatives, and shall be deemed to be continuing.
2. Except when express reference is made to another Document Request, each Document Request herein should be construed independently and not by reference to any other Document Request. Limitation in one Document Request shall not limit any other Document Request. The terms "includes" and "including" as used herein are illustrative, and are in no way a limitation upon the information and Documents requested.
3. All the terms contained in this Subpoena shall have the meaning ascribed to them as set forth in the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedures, and the Local Rules of this Court.



4. Responsive Documents shall be produced in the order and in the manner in which they appear in their original files or other storage areas, and shall not be shuffled or otherwise re-arranged.

5. Responsive Documents include all non-identical copies of such Documents in extant physical or electronic form (i.e., electronically-stored information), including drafts, revisions and other non-identical versions, whether maintained in paper form or on magnetic tape, videotape, microfilm, computer database, electronic mail, or any other electronic storage media.

6. Responsive Documents shall be produced with all attachments, enclosures, and exhibits to such Documents, whether now or at any time attached, enclosed or accompanying such Documents. If any portion of a Document is responsive to a Document Request, produce the entire Document, including all attachments, enclosures, "post-it"- type notes, and any other matter physically attached to the Document, whether by paper clip or any other manner. If responsive Documents are stored in a file, sub-file, binder, folder, or redwelds, whether labeled or unlabelled, produce such files, sub-files, binders, folders, or redwelds in their entirety and the labels attached thereto. If responsive Documents are further separated by tabs, dividers, or any other manner, produce such Documents with such tabs, dividers or any other manner of separation.

7. Documents should be produced in the form they are maintained. Electronically-stored information ("ESI") should be produced in TIFF format with a load file. Native format with metadata should be preserved and maintained, and the Debtors reserve the right to seek native format of ESI on a particularized basis where relevant and/or necessary to discover relevant metadata or evidence.

8. If any Document is currently not available and may be in the possession of another person, provide the name and address of the person(s) from whom the Document may be obtained.

9. If any Document which form a part of or the entire basis for any response to these Requests have been destroyed or lost, for each such Document state:

- a. when it was destroyed or lost;
- b. identify the person who destroyed or lost the Document; and
- c. the person who directed that it be destroyed. In addition, if the Document was destroyed, You shall:
- d. detail the reasons for the destruction;
- e. describe the nature of the Document;
- f. identify the person who created, sent and received the Document;
- g. state the date of the Document;

- h. state in as much detail as possible the contents of the Document; and
- i. produce the document retention polic(ies) or any other directions, authorizations, reasons, and communications concerning document destruction.

10. Unless otherwise provided below, this Subpoena applies to all responsive Documents prepared, generated, edited or received at any time during the period from January 1, 2007, to the date of Your response to the Subpoena (the “Relevant Time Period”).

11. This Subpoena is continuing and requires supplemental production of responsive documents prepared or obtained after the time of initial production.

#### PRIVILEGE

If You claim that any Document within the scope of the Subpoena is privileged or otherwise immune from disclosure, then, on a separate schedule, and as to each such Document, state: (a) the author of the Document; (b) the date of the Document; (c) the recipient or intended recipient of the Document or the addressee of the Document; (d) all other persons to whom the Document was circulated or distributed; (e) the reason for non-production (such as the attorney-client privilege, the work product doctrine, etc.); (f) the number of pages in the Document; and (g) the general subject matter of the Document.

#### DOCUMENT REQUESTS

1. All Documents and Communications concerning the Lease, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Lease, a true, complete and correct copy of the executed Lease, and the payment of rent under the Lease.

2. All Documents and Communications concerning the decision to enter into the Sublease.

3. All Documents and Communications concerning the Sublease, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Sublease, a true, complete and correct copy of the executed Sublease, and the payment of rent to Josalco, TMCC and/or GMM under the Sublease.

4. All Documents and Communications concerning the Rider, including, without limitation, Documents and Communications concerning or evidencing the negotiation of the Rider and a true, complete and correct copy of the executed Rider.

5. All Documents and Communications concerning Exhibit B, including, without limitation, Documents and Communications concerning or evidencing the negotiation of Exhibit B, any prior versions, revisions, amendments and/or updates to Exhibit B, and a true, complete, and correct copy of the executed Exhibit B.

6. All Documents and Communications concerning Exhibit B between, by and/or among TMCC, GMM, Josalco, McCrystal, Picone or Debtors.

7. All Documents and Communications concerning the decision to amend Exhibit B in or around November 2009.

8. All Documents and Communications concerning rent to be paid to TMCC, as set forth on Exhibit B.

9. All Documents and Communications concerning “additional monthly rent” to be paid to Roma FLI, Inc., as set forth on Exhibit B.

10. All Documents and Communications concerning the consideration, or goods and/or services requested, exchanged or provided, for “additional monthly rent” to be paid to Roma FLI, Inc., as set forth on Exhibit B.

11. All Documents and Communications concerning “additional monthly rent” to be paid to GMM, as set forth on Exhibit B.

12. All Documents and Communications concerning consideration, or goods and/or services requested, exchanged or provided, for the “additional monthly rent” to be paid to GMM, as set forth on Exhibit B.

13. All Documents and Communications concerning Josalco’s agreement to the “additional monthly rent” to be paid to Roma FLI, Inc. and/or GMM, as set forth on Exhibit B.

14. All Documents and Communications concerning the decision to charge or otherwise require “additional monthly rent”, as set forth on Exhibit B.

15. All Documents and Communications concerning Josalco’s approval of or agreement to “additional monthly rent”, as set forth on Exhibit B.

16. All Documents and Communications concerning the payment of rent by the Debtors to TMCC pursuant to the Sublease, the Rider, Exhibit B or otherwise.

17. All Documents and Communications concerning the payment of rent by the Debtors to GMM pursuant to the Sublease, the Rider, Exhibit B, or otherwise.

18. All Documents and Communications concerning the payment of rent by TMCC to Josalco, pursuant to the Lease, the Sublease, the Rider, Exhibit B, or otherwise.

19. All Documents and Communications concerning the payment of rent by GMM to Josalco, pursuant to the Lease, the Sublease, the Rider, Exhibit B, or otherwise.

20. All Documents and Communications concerning the use of the proceeds of rent and “additional monthly rent” paid by Debtors.

21. All Documents and Communications between, by or among Josalco, TMCC and/or GMM concerning “additional monthly rent” as set forth on Exhibit B.

22. All Documents and Communications (excluding privileged communications) referenced and/or relied upon in the preparation of the Motion.

TOPICS OF TESTIMONY

1. The Lease.
2. The Sublease.
3. The Rider.
4. Exhibit B and any amendments or revisions thereto, and negotiations and/or discussions concerning.
5. The “additional monthly rent” set forth on Exhibit B.
6. The Premises.
7. GMM’s relationship to TMCC and Roma FLI, Inc.
8. GMM’s relationship to Gerald McCrystal.
9. Communications between and among Josalco (including, without limitation, Picone) and TMCC/GMM (including, without limitation, McCrystal) concerning payment of rent and “additional monthly rent” for the Premises by the Debtors.

## **EXHIBIT A**

# Jennifer Convertibles

Total number of parties: 189

## Exhibit A - Jennifer Convertibles

Svc Lst	Name and Address of Served Party	Mode of Service
40645	111 REALTY COMPANY MAJESTIC MANAGEM, 60 CUTTER MILL ROAD -SUITE 303,, GREAT NECK, NY, 11021	US Mail (1st Class)
40645	301 EAST 66TH ST ASSOC LTD PTNSHP, ANTHONY BARRETT, (RE: COMMITTEE OF UNSECURED CREDITORS), C/O OSSA PROPERTIES INC, 301 EAST 66TH STREET, NEW YORK, NY, 10065	US Mail (1st Class)
40645	376 BOYLSTON ST. REALTY TRUST, 400 BOYLSTON ST., BOSTON, MA, 02116	US Mail (1st Class)
40645	83RD ST. INVESTORS LLC, C/O THE BROMLEY COMPANIES, 120 5TH AVENUE, 11TH FLOOR, NEW YORK, NY, 10011	US Mail (1st Class)
40645	ACCOUNTING DEPT, PO BOX 809, JEFFERSON CITY, MO, 65102-0809	US Mail (1st Class)
40645	ACCOUNTING OFFICE, PO BOX 30026, LANSING, MI, 48909-7526	US Mail (1st Class)
40645	ANSELL GRIMM & AARON, JAMES G AARON ESQ, (RE: LE BARASCH), 1500 LAWRENCE AVE, CN - 7807, OCEAN, NJ, 07712	US Mail (1st Class)
40645	ARIZONA DEPT OF ECONOMIC SECURITY, 2500 E COOLEY ST #410, SHOW LOW, AZ, 85901-5266	US Mail (1st Class)
40645	ASHLEY FURNITURE INDUSTRIES, INC., PO BOX 190, ARCADIA, WI, 54612	US Mail (1st Class)
40645	ASSESSMENT DEPT, 45 CALVERT ST FL 3, ANNAPOLIS, MD, 21401-1994	US Mail (1st Class)
40645	ASSISTANT ATTORNEY GENERAL, JUANDISHA M HARRIS, (RE: STATE OF MICHIGAN, DEPT OF TREASURY), CADILLAC PLACE, STE 10-200, 3030 W GRAND BLVD, DETROIT, MI, 48202	US Mail (1st Class)
40645	AVOLIO & HANLON PC, ROBERT AVOLIO ESQ, (RE: TODD GARRETT LLC), 3150 BRUNSWICK PIKE, STE 120, LAWRENCEVILLE, NJ, 08648	US Mail (1st Class)
40645	BALLARD SPAHR LLP, DAVID L POLLACK, JEFFREY MEYERS, (RE: FEDERAL REALTY INVESTMENT TRUST), 51ST FL - MELLON BANK CENTER, 1735 MARKET ST, PHILADELPHIA, PA, 19103	US Mail (1st Class)
40645	BEAU BIDEN, CARVEL STATE OFFICE BLDG, 820 N. FRENCH STREET, WILMINGTON, DE, 19801	US Mail (1st Class)
40645	BELKIN BURDEN WENIG & GOLDMAN LLP, JOSHUA G LOSARDO ESQ, (RE: 902 ASSOCIATES), 270 MADISON AVE, NEW YORK, NY, 10016	US Mail (1st Class)
40645	BEWLEY LASSLEBEN & MILLER LLP, ERNIE ZACHARY PARK, (RE: THE IRVINE COMPANY), 13215 E PENN ST, STE 510, WHITTIER, CA, 90602-1797	US Mail (1st Class)
40645	BINDER & MALTER LLP, JULIE H ROME-BANKS ESQ, (RE: WINFIELD GROUP), 2775 PARK AVE, SANTA CLARA, CA, 95050	US Mail (1st Class)
40645	BOSTON GLOBE, PO BOX 415071, BOSTON, MA, 02241-5071	US Mail (1st Class)
40645	BRENT ASSOCIATES, INC., CLAUDIA COSITORE, (RE: COMMITTEE OF UNSECURED CREDITORS), 931 B CONKLIN AVE, FARMINGDALE, NY, 11735	US Mail (1st Class)
40645	BROKER & ASSOCIATES PC, JEFFREY W BROKER, ESQ., (RE: B./J. ESCALLIER & GOODMAN FAMILY), 18191 VON KARMAN AVE, STE 470, IRVINE, CA, 92612-7114	US Mail (1st Class)
40645	BROWN RUDNICK LLP, DANIEL J SAVAL, DANIELLE M BENNETT, (RE: HANNINGTON LP), SEVEN TIMES SQUARE, NEW YORK, NY, 10036	US Mail (1st Class)
40645	BROWN RUDNICK LLP, WAYNE F DENNISON ESQ, (RE: HANNINGTON LP), ONE FINANCIAL CENTER, BOSTON, MA, 02111	US Mail (1st Class)
40645	CA ATTY GENERAL'S OFFICE, EDMUND G BROWN JR, CONSUMER LAW SECT ATTN BKRPTCY, 455 GOLDEN GATE AVE, #11000, SAN FRANCISCO, CA, 94102-7004	US Mail (1st Class)
40645	CA STATE BOARD OF EQUALIZATION, P.O. BOX 942879, SACRAMENTO, CA, 94279-8042	US Mail (1st Class)
40645	CAYE HOME FURNISHINGS LLC, R WAYNE STEWART, (RE: COMMITTEE OF UNSECURED CREDITORS), 1201 WEST BANKHEAD ST, NEW ALBANY, MS, 38652	US Mail (1st Class)
40645	CERTILMAN BALIN ADLER & HYMAN LLP, RICHARD J MCCORD, CAROL A GLICK, (RE: JACOB PEARLSTEIN LLC), 90 MERRICK AVE, EAST MEADOW, NY, 11554	US Mail (1st Class)
40645	COMMISSIONER OF REVENUE SERVICES, P.O. BOX 5030, HARTFORD, CT, 06102-5030	US Mail (1st Class)
40645	COMPTROLLER, S SWAN ST FL 6, ALBANY, NY, 12236-0001	US Mail (1st Class)
40645	COMPTROLLER, 201 STATE HOUSE, SPRINGFIELD, IL, 62706-0001	US Mail (1st Class)
40645	COMPTROLLER OF THE TREASURY, 110 CARROLL ST # 1, ANNAPOLIS, MD, 21411-0001	US Mail (1st Class)
40645	COMPTROLLER OFFICE, 55 ELM ST, HARTFORD, CT, 06106-1746	US Mail (1st Class)
40645	COMPTROLLER OFFICE, 1 ASHBURTON PL # 900, BOSTON, MA, 02108-1518	US Mail (1st Class)
40645	COMPTROLLER OPERATIONS, 207 FINANCE BUILDING, HARRISBURG, PA, 17120-0018	US Mail (1st Class)

**Exhibit A - Jennifer Convertibles**

<b>Svc Lst</b>	<b>Name and Address of Served Party</b>	<b>Mode of Service</b>
40645	CONNOLLY BOVE LODGE & HUTZ LLP, KAREN BIFFERATO, CHRISTINA THOMPSON, (RE: INLAND AMERICAN RETAIL MGMT LLC), THE NEMOURS BUILDING, PO BOX 2207, WILMINGTON, DE, 19899-2207	US Mail (1st Class)
40645	CONTROLLER OFFICE, 101 N CARSON ST # 5, CARSON CITY, NV, 89701-4786	US Mail (1st Class)
40645	CONTROLLER OFFICE, 325 N SALISBURY ST # 914, RALEIGH, NC, 27603-1388	US Mail (1st Class)
40645	CONTROLLER OFFICE, 616 OBERLIN RD, RALEIGH, NC, 27605-1127	US Mail (1st Class)
40645	CREATIVE TELEVISION MARKETING, RICHARD STORRS, (RE: COMMITTEE OF UNSECURED CREDITORS), 2550 NORTH HOLLYWOOD WAY, STE 100, BURBANK, CA, 91505	US Mail (1st Class)
40645	CULLEN & DYKMAN LLP, BONNIE L POLLACK ESQ, (RE: TMCC INC), 100 QUENTIN ROOSEVELT BLVD, GARDEN CITY, NY, 11530	US Mail (1st Class)
40645	DAILY NEWS, LP, 125 THEODORE CONRAD DR., JERSEY CITY, NJ, 07305-4698	US Mail (1st Class)
40645	DC TREASURER, PO BOX 96384, WASHINGTON, DC, 20090-6384	US Mail (1st Class)
40645	DEPARTMENT OF REVENUE SERVICES, 25 SIGOURNEY ST, HARTFORD, CT, 06106-5001	US Mail (1st Class)
40645	DIVISION OF REVENUE, CARVEL STATE OFFICE BLDG, 820 N. FRENCH ST., 4TH F, WILMINGTON, DE, 19801	US Mail (1st Class)
40645	DOBBIN CORNER, LLC, C/O GDR GROUP, LLC, P O BOX 800, BELTSVILLE, MD, 20704	US Mail (1st Class)
40645	DOUGLAS F GANSLER, OFFICE OF THE ATTY GENERAL, 200 ST PAUL PLACE, BALTIMORE, MD, 21202-2202	US Mail (1st Class)
40645	DUNN LEE & KEARY, GRANT C KEARY ESQ, (RE: MJD INVESTMENT CO), 26000 TOWNE CENTRE DR, STE 200, FOOTHILL RANCH, CA, 92610	US Mail (1st Class)
40645	EDWARD E FINCH AND CO. INC., 1400 OLD COUNTRY RD # 420, WESTBURY, NY, 11590	US Mail (1st Class)
40645	FATA EQUITIES, LLC, GENE FATA, (RE: COMMITTEE OF UNSECURED CREDITORS), 360 WEST 125TH ST, SUITE 10, NEW YORK, NY, 10027	US Mail (1st Class)
40645	FINANCIAL SERVICES DIV, 530 W ALLEGAN ST, LANSING, MI, 48933-1521	US Mail (1st Class)
40645	FLORIDA DEPARTMENT OF REVENUE, M.STRANBURG ESQ - GEN COUNSEL, 204 CARLTON BUILDING, PO BOX 6668, TALLAHASSEE, FL, 32314-6668	US Mail (1st Class)
40645	FRANCHISE TAX BOARD, BE BK MS-A-345, PO BOX 2952, SACRAMENTO, CA, 95812-2952	US Mail (1st Class)
40645	FRANCHISE TAX BOARD, BE BK MS-A-345 PO BOX 2952, SACRAMENTO, CA, 95812-2952	US Mail (1st Class)
40645	GEORGIA DEPARTMENT OF REVENUE, 630 NORTH AVE # B, MACON, GA, 31211-3125	US Mail (1st Class)
40645	GEORGIA DEPT OF REVENUE, PO BOX 1079, LITHIA SPRINGS, GA, 30122-7079	US Mail (1st Class)
40645	GEORGIA'S ATTORNEY GENERAL, THURBERT E BAKER, 40 CAPITOL SQUARE, SW, ATLANTA, GA, 30334-1300	US Mail (1st Class)
40645	HAINING MENGNU GROUP CO. LTD., ECONOMIC DEVELOPMENT ZONE, 101 LONGXING ROAD, HAINING, ZHEJIANG, 314400 CHINA	US Mail (1st Class)
40645	HAMBURGER MAXSON ET AL, LANE T MAXSON, WILLIAM P CAFFREY JR, (RE: 415 CROSSWAYS PK DR LLC ET AL), 225 BROADHOLLOW RD, SUITE 301E, MELVILLE, NY, 11747	US Mail (1st Class)
40645	HARRIS & RUBLE, ALAN HARRIS, (RE: CLASS ACTION LITIGATION), CASE NO.: C-09-3242-SI, 6424 SANTA MONICA BLVD., LOS ANGELES, CA, 90038	US Mail (1st Class)
40645	HARRIS & RUBLE, ALAN HARRIS ESQ (AYISHA COMBS), (RE: COMMITTEE OF UNSECURED CREDITORS), 6424 SANTA MONICA BLVD, LOS ANGELES, CA, 90038	US Mail (1st Class)
40645	HINSHAW & CULBERTSON LLP, PHILIP TOUITOU, (RE: 376 BOYLSTON STREET REALTY TRUST), 780 THIRD AVE, 4TH FL, NEW YORK, NY, 10017	US Mail (1st Class)
40645	ILLINOIS ATTORNEY GENERAL, LISA MADIGAN, SPRINGFIELD MAIN OFFICE, 500 SOUTH SECOND STREET, SPRINGFIELD, IL, 62706	US Mail (1st Class)
40645	ILLINOIS REVENUE DEPT, 9511 HARRISON ST, DES PLAINES, IL, 60016-1563	US Mail (1st Class)
40645	ILLINOIS REVENUE DEPT, 245 W ROOSEVELT RD # 28, WEST CHICAGO, IL, 60185-4806	US Mail (1st Class)
40645	INDIANA ATTORNEY GENERAL, GREG ZOELLER, INDIANA GOV'T CENTER SOUTH, 302 W WASHINGTON ST 5TH FL, INDIANAPOLIS, IN, 46204	US Mail (1st Class)
40645	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATION, 11601 ROOSEVELT BL MAIL DRP PT N781, PHILADELPHIA, PA, 19154	US Mail (1st Class)
40645	INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATION, PO BOX 21126, PHILADELPHIA, PA, 19114	US Mail (1st Class)
40645	JARA ENTERPRISES, INC., C/O WARNER & SCHEUERMAN, 6 WEST 18TH ST - 10TH FL, NEW YORK, NY, 10011	US Mail (1st Class)
40645	KATTEN MUCHIN ROSENMAN LLP, T LEANSE, D BRANCH, B HUBEN, (RE: WEST VALLEY PROPERTIES), 2029 CENTURY PARK EAST, STE 2600, LOS ANGELES, CA, 90067-3012	US Mail (1st Class)
40645	KAUSSNER FURNITURE INDUSTRIES INC, KIM COCKERHAM, (RE: COMMITTEE OF UNSECURED CREDITORS), PO DRAWER 220, ASHEBORO, NC, 27205	US Mail (1st Class)

**Exhibit A - Jennifer Convertibles**

<b>Svc Lst</b>	<b>Name and Address of Served Party</b>	<b>Mode of Service</b>
40645	KELLEY DRYE & WARREN LLP, JAMES CARR ERIC WILSON JASON ADAMS, (RE: COUNSEL TO COMM OF UNSECURED CRDTS), 101 PARK AVE, NEW YORK, NY, 10178	US Mail (1st Class)
40645	KENNETH T. CUCCINELLI, OFFICE OF THE ATTORNEY GENERAL, 900 EAST MAIN STREET, RICHMOND, VA, 23219	US Mail (1st Class)
40645	KING & WOOD, JAMES JIANG, (RE: HAINING MENGNU GROUP CO. LTD.), 444 MADISON AVE 42D FLOOR, NEW YORK, NY, 10022	US Mail (1st Class)
40645	KLAUSSNER FURNITURE INDUSTRIES, 405 LEWALLEN ST, PO BOX 220, ASHEBORO, NC, 27205	US Mail (1st Class)
40645	KLEHR HARRISON HARVEY BRANZBURG LLP, JEFFREY KURTZMAN ESQ, (RE: HUDSON MALL ASSOCIATES), 1835 MARKET ST, STE 1400, PHILADELPHIA, PA, 19103	US Mail (1st Class)
40645	KUPELLIAN ORMOND & MAGY PC, DAVID M BLAU, PAUL S MAGY, (RE: MACOMB MALL LLC), 25800 NORTHWESTERN HWY, STE 950, SOUTHFIELD, MI, 48075	US Mail (1st Class)
40645	LAMONICA HERBST & MANISCALCO LLP, SALVATORE LAMONICA, JACQULYN GIUNTA, (RE: METROVEST), 3305 JERUSALEM AVE, WANTAGH, NY, 11793	US Mail (1st Class)
40645	LANDSBERG & ASSOCIATES PC, IAN S LANDSBERG ESQ, (RE: GGF HUNTINGTON LLC), 16030 VENTURA BLVD, STE 470, ENCINO, CA, 91436	US Mail (1st Class)
40645	LAW OFFICES OF STEVEN M NACHMAN, STEVEN M NACHMAN, (RE: 26 WEST 23RD STREET LLC), 675 THIRD AVE, 29TH FL, NEW YORK, NY, 10017	US Mail (1st Class)
40645	LAWRENCE A. DARBY, III, 410 PARK AVENUE, SUITE 1530, NEW YORK, NY, 10022	US Mail (1st Class)
40645	LOS ANGELES TIMES, FILE 54221, A/C # 026729006, LOS ANGELES, CA, 90074-4221	US Mail (1st Class)
40645	MARTHA COAKLEY, MA ATTORNEY GENERAL BOSTON OFFC, 1 ASHBURTON PLACE, BOSTON, MA, 02108-1698	US Mail (1st Class)
40645	MARYLAND COMPTROLLER OF TREASURER,, PO BOX 17405, BALTIMORE, MD, 21297-1405	US Mail (1st Class)
40645	MASSACHUSETTS DEPARTMENT OF REVENUE, PO BOX 7010, BOSTON, MA, 02204	US Mail (1st Class)
40645	MIAMI-DADE COUNTY TAX COLLECTOR, PRISCILLA A WINDLEY, MIAMI-DADE BANKRUPTCY UNIT, 140 W FLAGLER ST; STE 1403, MIAMI, FL, 33130-1575	US Mail (1st Class)
40645	MICHAEL A DELANEY, NEW HAMPSHIRE ATTY GENERAL, 33 CAPITOL STREET, CONCORD, NH, 03301-6397	US Mail (1st Class)
40645	MICHIGAN ATTY GENERAL, MIKE COX, G MENNEN WILLIAMS BLDG, 7TH FL, 525 W OTTAWA ST, PO BOX 30212, LANSING, MI, 48909-0212	US Mail (1st Class)
40645	MISSOURI ATTORNEY GENERAL, CHRIS KOSTER, SUPREME COURT BLDG, 207 W HIGH ST, PO BOX 899, JEFFERSON CITY, MO, 65102	US Mail (1st Class)
40645	MISSOURI DEPARTMENT OF REVENUE, STEVE A GINTHER, BANKRUPTCY UNIT, PO BOX 475, JEFFERSON CITY, MO, 65105-0475	US Mail (1st Class)
40645	MISSOURI SALES TAX, PO BOX 629, JEFFERSON CITY, MO, 65105-0629	US Mail (1st Class)
40645	MISSOURI TAX CLEARANCE, PO BOX 3666, JEFFERSON CITY, MO, 65105-3666	US Mail (1st Class)
40645	MORGAN LEWIS & BOCKIUS LLP, NEIL E HERMAN ESQ, (RE: KIMCO REALTY CORPORATION), 101 PARK AVE, NEW YORK, NY, 10178-0600	US Mail (1st Class)
40645	NAM WON PAEK OR SOON M PAEK, 9217 BEECH HILL DRIVE, BETHESDA, MD, 20817	US Mail (1st Class)
40645	NATIONAL REALTY & DEVELOPMENT CORP, 3 MANHATTANVILLE RD, PURCHASE, NY, 10577	US Mail (1st Class)
40645	NBC UNIVERSAL, PO BOX 402971, ATLANTA, GA, 30384-2971	US Mail (1st Class)
40645	NEIGER LLP, EDWARD E NEIGER, DINA GIELCHINSKY, (RE: HAINING MENGNU GROUP CO LTD), 317 MADISON AVE, 21ST FL, NEW YORK, NY, 10017	US Mail (1st Class)
40645	NEVADA ATTORNEY GENERAL, CATHERINE CORTEZ MASTO, OLD SUPREME COURT BLDG, 100 N CARSON ST, CARSON CITY, NV, 89701	US Mail (1st Class)
40645	NEVADA DEPT OF TAXATION, PO BOX 52609, PHOENIX, AZ, 85072-2609	US Mail (1st Class)
40645	NEW YORK STATE COMPTROLLER OFC, SWAN ST, ALBANY, NY, 12236-0001	US Mail (1st Class)
40645	NEWSDAY INC., 235 PINELAWN RD, MELVILLE, NY, 11747	US Mail (1st Class)
40645	NORDMAN CORMANY HAIR & COMPTON LLP, WILLIAM E WINFIELD, (RE: CREATIVE TELEVISION MARKETING), PO BOX 9100, OXNARD, CA, 93031-9100	US Mail (1st Class)
40645	NY ATTORNEY GENERAL, ANDREW CUOMO, DEPT OF LAW, THE CAPITOL 2ND FLOOR, ALBANY, NY, 12224	US Mail (1st Class)
40645	NY STATE COMPTROLLER-MUNICIPAL, 22 COMPUTER DR W, ALBANY, NY, 12205-1695	US Mail (1st Class)
40645	NYC DEPARTMENT OF FINANCE, CORRESPONDENCE UNIT, 66 JOHN STREET, 3RD FLOOR, NEW YORK, NY, 10038-3735	US Mail (1st Class)
40645	NYS DIVISION TREASURY DEPT TAX & FI, PO BOX 22119, ALBANY, NY, 12201-2119	US Mail (1st Class)
40645	NYS SALES TAX, RECIPROCAL TAX AGREEMENT, PO BOX 15173, NEW YORK, NY, 12212-5173	US Mail (1st Class)
40645	NYS SALES TAX, PO BOX 15172, ALBANY, NY, 12212-5172	US Mail (1st Class)



**Exhibit A - Jennifer Convertibles**

<b>Svc Lst</b>	<b>Name and Address of Served Party</b>	<b>Mode of Service</b>
40645	OFFICE OF ATTORNEY GENERAL, ARABELLA W TEAL, ONE JUDICIARY SQUARE, 441 4TH ST, NW SUITE 1145S, WASHINGTON, DC, 20001	US Mail (1st Class)
40645	OFFICE OF ATTORNEY GENERAL, BILL MCCOLLUM, STATE OF FLORIDA, THE CAPITOL PL-01, TALLAHASSEE, FL, 32399-1050	US Mail (1st Class)
40645	OFFICE OF TAX AND REVENUE, 941 NORTH CAPITOL STREET, NE, WASHINGTON, DC, 20002	US Mail (1st Class)
40645	OFFICE OF THE ATTORNEY GENERAL, PETER NICKLES, ONE JUDICIARY SQUARE, 441 4TH STREET NW SUITE 1145S, WASHINGTON, DC, 20001	US Mail (1st Class)
40645	OFFICE OF THE ATTY GENERAL, EDMUND G BROWN JR, 1300 I STREET, SACRAMENTO, CA, 95814-2919	US Mail (1st Class)
40645	OFFICE OF THE SECRETARY OF STATE, 401 FEDERAL ST., SUITE 3, DOVER, DE, 19901	US Mail (1st Class)
40645	OHIO ATTORNEY GENRAL, RICHARD CORDRAY, STATE OFFICE TOWER, 30 E BROAD ST 17TH FLOOR, COLUMBUS, OH, 43215	US Mail (1st Class)
40645	OLSHAN GRUNDMAN FROME, ET AL., JORDANNA L NADRITCH, (RE: COUNSEL TO THE DEBTORS), PARK AVENUE TOWER, 65 EAST 55TH ST, NEW YORK, NY, 10022	US Mail (1st Class)
40645	OLSHAN GRUNDMAN FROME, ET AL., MICHAEL S FOX, (RE: COUNSEL TO THE DEBTORS), PARK AVENUE TOWER, 65 EAST 55TH ST, NEW YORK, NY, 10022	US Mail (1st Class)
40645	PA DEPARTMENT OF REVENUE, PO BOX 280905, HARRISBURG, PA, 17128-0905	US Mail (1st Class)
40645	PAULA T DOW, RICHARD J HUGHES JUSTICE COMPLEX, 25 MARKET ST, PO BOX 080, TRENTON, NJ, 08625	US Mail (1st Class)
40645	PIC MGMT GROUP DBA PIC MEDIA GROUP, DAVID HANSFIELD, (RE: COMMITTEE OF UNSECURED CREDITORS), 16130 VENTURA BLVD, #250, ENCINO, CA, 91436	US Mail (1st Class)
40645	PIC TV INCORPORATED, PO BOX 59665, CHICAGO, IL, 60659-0665	US Mail (1st Class)
40645	PS PROMOTION, DAN GREENE, (RE: COMMITTEE OF UNSECURED CREDITORS), 10798 E LAS POSAS RD, CAMARILLO, CA, 93012	US Mail (1st Class)
40645	REED SMITH LLP, CHRISTOPHER A. LYNCH, ESQ, (RE: EAST GATE TENANTS IN COMMON), 599 LEXINGTON AVENUE, 22ND FLOOR, NEW YORK, NY, 10022	US Mail (1st Class)
40645	REED SMITH LLP, DEREK J. BAKER, ESQ, (RE: EAST GATE TENANTS IN COMMON), 2500 ONE LIBERTY PLACE, 1650 MARKET STREET, PHILADELPHIA, PA, 19103	US Mail (1st Class)
40645	RESTFUL FURNITURE CORP, 18 WIMBLEDON CT, JERICHO, NY, 11753	US Mail (1st Class)
40645	REVENUE ADMINISTRATION, PO BOX 475, JEFFERSON CITY, MO, 65105-0475	US Mail (1st Class)
40645	REVENUE ADMINISTRATION DEPT, PO BOX 457, CONCORD, NH, 03302-0457	US Mail (1st Class)
40645	REVENUE BUREAU, 430 W ALLEGAN ST, LANSING, MI, 48922-0001	US Mail (1st Class)
40645	REVENUE DEPT, 1600 W MONROE ST, PHOENIX, AZ, 85007-2612	US Mail (1st Class)
40645	REVENUE DEPT, 501 N WILMINGTON ST, RALEIGH, NC, 27604-8002	US Mail (1st Class)
40645	REVENUE DEPT, 19 STANIFORD ST, BOSTON, MA, 02114-2502	US Mail (1st Class)
40645	REVENUE DEPT, 100 N SENATE AVE # N248, INDIANAPOLIS, IN, 46204-2217	US Mail (1st Class)
40645	REVENUE DEPT, 1854 BROOKWOOD ST, HARRISBURG, PA, 17104-2244	US Mail (1st Class)
40645	REVENUE DEPT, 711 GIBSON BLVD, HARRISBURG, PA, 17104-3218	US Mail (1st Class)
40645	REVENUE DEPT, 1133 STRAWBERRY SQ, HARRISBURG, PA, 17128	US Mail (1st Class)
40645	RICHARD BLUMENTHAL, 55 ELM ST, HARTFORD, CT, 06106	US Mail (1st Class)
40645	ROBERT J SABBAGH, GEORGE A, 8107 COLONIAL RD, BROOKLYN, NY, 11209	US Mail (1st Class)
40645	ROBINSON BROG ET AL, RUSSELL P MCRORY ESQ, (RE: RESTFUL FURNITURE CORPORATION), 875 THIRD AVE, 9TH FL, NEW YORK, NY, 10022	US Mail (1st Class)
40645	ROE TAROFF TAITZ & PORTMAN LLP, STEVEN TAITZ, (RE: SIVAN PROPERTIES CORP), ONE CORPORATE DR, STE 102, BOHEMIA, NY, 11716	US Mail (1st Class)
40645	ROY COOPER, NORTH CAROLINA ATTY GENERAL, DEPT OF JUSTICE, PO BOX 629, RALEIGH, NC, 27602-0629	US Mail (1st Class)
40645	RUSKIN MOSCOU FALTISCHEK PC, JEFFREY WURST, DANIEL MCAULIFFE, (RE: 111 REALTY COMPANY), EAST TOWER, 15TH FLOOR, 1425 RXR PLAZA, UNIONDALE, NY, 11556-1425	US Mail (1st Class)
40645	SALES & USE TAX, 28 CIVIC CENTER PLZ # 239, SANTA ANA, CA, 92701-4011	US Mail (1st Class)
40645	SATTERLEE STEPHENS BURKE & BURKE, T BROCK, D GURFEIN, A SNOW, (RE: MERRICK BANK CORPORATION), 230 PARK AVE, STE 1130, NEW YORK, NY, 10169	US Mail (1st Class)
40645	SCHWARTZ LICHTENBERG LLP, BARRY E LICHTENBERG ESQ, (RE: WESTPORT RETAIL LLC), 405 LEXINGTON AVE, 7TH FL, NEW YORK, NY, 10174	US Mail (1st Class)
40645	SECURITY EXCHANGE COMMISSION, NORTHEAST REGIONAL, THE WOOLWORTH BUILDING, 233 BROADWAY-JOHN MURRAY, NEW YORK, NY, 10279	US Mail (1st Class)
40645	SHEPPARD MULLIN RICHTER & HAMPTON, CARREN SHULMAN, MALANI CADEMARTORI, (RE: WINFIELD GROUP), 30 ROCKEFELLER PLAZA, 24TH FL, NEW YORK, NY, 10112	US Mail (1st Class)

## Exhibit A - Jennifer Convertibles

Svc Lst	Name and Address of Served Party	Mode of Service
40645	STATE AUDITOR, 200 W WASHINGTON ST # 240, INDIANAPOLIS, IN, 46204-2793	US Mail (1st Class)
40645	STATE CONTROLLER, 101 N CARSON ST, CARSON CITY, NV, 89701-3713	US Mail (1st Class)
40645	STATE CONTROLLER, 3512 BUSH ST, RALEIGH, NC, 27609-7509	US Mail (1st Class)
40645	STATE OF MICHIGAN, DEPT. 77003, DETROIT, MI, 48277-0003	US Mail (1st Class)
40645	STATE OF NEW JERSEY, STATE HOUSE, TRENTON, NJ, 08611	US Mail (1st Class)
40645	STATE OF NEW JERSEY, NEW JERSEY DIVISION OF TAXATION, PO BOX 281, TRENTON, NJ, 08695-0281	US Mail (1st Class)
40645	STATE TREASURER, 1700 W WASHINGTON ST, PHOENIX, AZ, 85007-2812	US Mail (1st Class)
40645	STATE TREASURER, 25 CAPITOL ST # 121, CONCORD, NH, 03301-6399	US Mail (1st Class)
40645	STATE TREASURER, 125 W STATE ST, TRENTON, NJ, 08608-1101	US Mail (1st Class)
40645	STATE TREASURER, 400 W MONROE ST, STE 400, SPRINGFIELD, IL, 62704-1848	US Mail (1st Class)
40645	STATE TREASURER, 219 STATE CAPITOL, SPRINGFIELD, IL, 62706-0001	US Mail (1st Class)
40645	STATE TREASURER, PO BOX 210, JEFFERSON CITY, MO, 65102-0210	US Mail (1st Class)
40645	STATE TREASURER, 200 W WASHINGTON ST # 242, INDIANAPOLIS, IN, 46204-2792	US Mail (1st Class)
40645	STATE TREASURER, 30 E BROAD ST FL 9, COLUMBUS, OH, 43215-3414	US Mail (1st Class)
40645	STATE TREASURER, FINANCE BLDG # 129, HARRISBURG, PA, 17120-0018	US Mail (1st Class)
40645	STRATFORD COMPANY/CAYE UPHOLS., BOA LOCKBOX, 13933 COLLECTION DRIVE, CHICAGO, IL, 60693	US Mail (1st Class)
40645	TAX COMMISSION, PO BOX 146, JEFFERSON CITY, MO, 65102-0146	US Mail (1st Class)
40645	TAX DEPT, 3301 C ST # 715, SACRAMENTO, CA, 95816-3300	US Mail (1st Class)
40645	TAX OFFICE, 2055 EISENHOWER PKWY BLDG C, MACON, GA, 31206-3151	US Mail (1st Class)
40645	TAXATION DEPT, 1550 E COLLEGE PKWY, CARSON CITY, NV, 89706-7944	US Mail (1st Class)
40645	TAXATION DIVISION, 50 BARRACK ST, TRENTON, NJ, 08608-2006	US Mail (1st Class)
40645	TAXATION DIVISION, 30 E BROAD ST FL 22, COLUMBUS, OH, 43215-3414	US Mail (1st Class)
40645	TAXATION DIVISION, 1030 FREEWAY DR N, COLUMBUS, OH, 43229-5429	US Mail (1st Class)
40645	TERRY GODDARD, 1275 W WASHINGTON ST, PHOENIX, AZ, 85007	US Mail (1st Class)
40645	THE STAR LEDGER, PO BOX 5718, HICKSVILLE, NY, 11802-5718	US Mail (1st Class)
40645	TMCC, INC., 55 PRICE PARKWAY, FARMINGDALE, NY, 11735	US Mail (1st Class)
40645	TOM CORBETT, PENNSYLVANIA ATTORNEY GENERAL, 1600 STRAWBERRY SQUARE, HARRISBURG, PA, 17120	US Mail (1st Class)
40645	TREASURER & RECEIVER GENERAL, 1 ASHBURTON PL, BOSTON, MA, 02108-1518	US Mail (1st Class)
40645	TREASURER DEPT, PO BOX 210, JEFFERSON CITY, MO, 65102-0210	US Mail (1st Class)
40645	TREASURER DEPT, 101 N CARSON ST # 4, CARSON CITY, NV, 89701-4786	US Mail (1st Class)
40645	TREASURER DEPT, 325 N SALISBURY ST, RALEIGH, NC, 27603-1388	US Mail (1st Class)
40645	TREASURY DEPT, 50 W STATE ST, TRENTON, NJ, 08608-1220	US Mail (1st Class)
40645	US DEPT OF JUSTICE, ERIC H HOLDER, JR, OFFICE OF US ATTORNEY GENERAL, 950 PENNSYLVANIA AVE, NW, WASHINGTON, DC, 20530-0001	US Mail (1st Class)
40645	US TRUSTEE, NAZAR KHODOROVSKY, 33 WHITEHALL STREET, 21ST FLOOR, NEW YORK, NY, 10004	US Mail (1st Class)
40645	VA DEPARTMENT OF TAXATION, P.O. BOX 26626, RICHMOND, VA, 23261-6626	US Mail (1st Class)
40645	VA DEPARTMENT OF TAXATION, PO BOX 1880, RICHMOND, VA, 23218-1880	US Mail (1st Class)
40645	VIRGINIA DEPARTMENT OF TAXATION, 3600 WEST BROAD STREET, RICHMOND, VA, 23230-4915	US Mail (1st Class)
40645	WABC TV (CH7), GPO - PO BOX 5723, NEW YORK, NY, 10087-5723	US Mail (1st Class)
40645	WOODBURY OFFICE SEVEN, P O BOX 422, LAUREL, NY, 11948-0422	US Mail (1st Class)
40645	ZIMMERMAN ADVERTISING, PO BOX 934130, ATLANTA, GA, 31193-4130	US Mail (1st Class)

**Subtotal for this group: 184**

## **EXHIBIT B**

Exhibit B - Jennifer Convertibles

Svc Lst	Name and Address of Served Party	Mode of Service
40646	GMM CONSULTING, INC., GERALD MCCRYSTAL, 55 PRICE PARKWAY, FARMINGDALE, NY, 11735	US Mail (1st Class)
Subtotal for this group: 1		

## **EXHIBIT C**

Exhibit C - Jennifer Convertibles

Svc Lst	Name and Address of Served Party	Mode of Service
40647	JOSALCO, INC., 1637 BROAD HOLLOW ROAD, FARMINGDALE, NY, 11735	US Mail (1st Class)
Subtotal for this group: 1		

## **EXHIBIT D**

## Exhibit D - Jennifer Convertibles

Svc Lst	Name and Address of Served Party	Mode of Service
40648	CULLEN & DYKMAN LLP, (RE: TMCC, INC.), BONNIE L POLLACK, 100 QUENTIN ROOSEVELT BLVD, GARDEN CITY, NY, 11530	US Mail (1st Class)
40648	TMCC INC, BONNIE L POLLACK ESQ, CULLEN & DYKMAN LLP, 100 QUENTIN ROOSEVELT BLVD, GARDEN CITY, NY, 11530	US Mail (1st Class)
40648	TMCC, INC., 55 PRICE PARKWAY, FARMINGDALE, NY, 11735	US Mail (1st Class)
Subtotal for this group: 3		