

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO.: 07-43672 CA 09

STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION,

Plaintiff,

v.

BERMAN MORTGAGE CORPORATION,
a Florida corporation, M.A.M.C.
INCORPORATED, a Florida corporation,
DANA J. BERMAN, as Owner and Managing
Member,

Defendants,

and,

DB ATLANTA, LLC, a Florida limited liability
company, et al.

Relief Defendants.

**INTERVENOR IRA SUKOFF'S FIRST REQUEST FOR PRODUCTION TO
RECEIVER MICHAEL I. GOLDBERG**

Intervenor, **IRA SUKOFF ("SUKOFF")**, by his undersigned counsel, and pursuant to Florida Rules of Civil Procedure, Rule 1.350, serves the following Request for Production of Documents on Receiver, **MICHAEL I. GOLDBERG, ("RECEIVER")**. **SUKOFF** requests that the following documents be produced at

KAHN, CHENKIN & RESNIK, P.L.
1815 Griffin Road, Suite 207, Dania, Florida 33004
Tel: (954) 321-0176; Fax: (954) 321-0177

the offices of Kahn, Chenkin & Resnik, P.L., 1815 Griffin Road, Suite 207, Dania, Florida 33004, within the time allowed by the Florida Rules of Civil Procedure or such time as may be set by the Court or as agreed upon by the parties hereto.

INSTRUCTIONS

In producing documents, furnish all documents known or available to you, or in your possession, custody or control, regardless of whether such documents are possessed directly by you or any of your agents, employees, attorneys, representatives, investigators, or consultants or by any corporation, partnership, association, or other entity in which you are employed, have an ownership interest in or affiliated with in any manner. If any document requested cannot be produced in full because it is in part privileged, partially destroyed, or for any other reason, produce such documents to the extent possible.

DEFINITIONS

As used herein, the following terms are defined as indicated:

A. **"GOLDBERG"**, **"RECEIVER"**, "You", "your", "yours", "yourself", "its" or "theirs" refers to Receiver, **MICHAEL I. GOLDBERG**, and all of his/hers/its/their agents, officers, representatives, attorneys, employees, investigators, partners or consultants and any other person and/or entity acting or purporting to act on his/hers/its/their behalf or under his control.

B. "**SUKOFF**" refers to Intervenor, **IRA SUKOFF** and all of his agents, officers, representatives, attorneys, employees, investigators, partners or consultants and any other person acting or purporting to act on his behalf or under her control.

C. "**NORMANDY**" refers to Defendants **NORMANDY HOLDINGS, II, LLC** and **NORMANDY HOLDINGS, III, LLC** and all of its agents, officers, representatives, attorneys, employees, investigators, partners or consultants and any other person acting or purporting to act on its behalf or under its control.

D. The words "and" and "or" as used herein shall be construed either disjunctively or conjunctively as required by the context to bring within the scope of these Interrogatories any answer that might be deemed outside their scope by another construction.

E. "Document" or "Documents" includes, but is not limited to, the original and any identical or non-identical copy or draft thereof, regardless of origin or location and includes any record of any type or description, whether handwritten, typed, printed, punched, taped, filed, transcribed, or otherwise created or produced, and regardless of whether it is produced or stored on disks, tapes, cards or other computer or electronic devices.

F. "Electronic Data" as used herein shall mean the original (or identical

duplicate when the original is not available), and any non-identical copies (whether non-identical because of notes made on copies or attached comments, annotations, marks, transmissions notations or highlighting of any kind) of writings of every kind and description whether inscribed by mechanical, facsimile, electronic, magnetic, digital, or other means. Electronic data includes, by way of example only, computer programs (whether private, commercial or work-in-progress), programming notes or instructions, activity listing of electronic mail receipts and/or transmittals, output resulting from the use of any software program, including word processing documents, spreadsheets, database files, charts, graphs and outlines, electronic mail, operating systems, source code of all types, peripheral drivers, PIF files, batch files, ASCII files, and any and all miscellaneous files and/or file fragments, regardless of the media on which they reside and regardless of whether said electronic data consists in active file, deleted file or file fragment. Electronic data includes any and all terms stored on computer memories, hard disks, floppy disks, CD-ROMs, removable media such as Bernoulli Boxes and their equivalent, magnetic tapes of all types, microfiche, punched cards, punched tape, computer chips, including, but not limited to EPROM, PROM, RAM, and ROM, on or in any other vehicle for digital data storage and/or transmittal. Electronic data also includes the file, folder tabs and/or

containers and labels appended to, or associated with, any physical storage device associated with each original and/or copy.

G. "Communication" or "correspondence" means each and every disclosure, transfer or exchange of information, whether oral or in writing, and whether in person, by telephone, by mail or otherwise, including, but not limited to: letters, discussions, statements, negotiations, inquiries, requests, notices, responses, demands or complaints.

H. "Relating to" means constituting or evidencing and directly or indirectly mentioning, describing, referring to, pertaining to, being connected with or reflecting upon the stated subject matter.

I. "Identify" or "specify", when used in connection with a natural person, means to state his or her full name, present or last known business and home addresses and business and home telephone numbers, job title, and the relationship, business or otherwise, between such person and the person answering the Interrogatory.

J. "Identify" or "specify" when used with reference to any entity other than a natural person, means to state the full name of the entity, the type of entity (e.g., corporation, partnership, etc.); the address of its principal place of business, its principal business activity and, if it is a corporation, the jurisdiction under the laws of which it has been organized and the date of such organization.

K. "Identify", or "specify" when used with reference to a Document or

Communication, means to state (a) its nature (e.g., letter, telegram, memorandum, chart, report or study), date, author, date and place of preparation and the name and address of each addressee, if there is an addressee; (b) the identity of each signer to the Document or Communication; (c) the title or heading of the Document or Communication; (d) its substance; and (e) its present (or, if the present is not known, the last known) location and custodian.

L. "Identify", or "specify" when used with reference to an oral communication, means to state (a) its substance; (b) the date of the communication; (c) all persons present during the communication; and (d) location where the communication took place.

M. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make a request inclusive rather than exclusive.

N. The words "any" and "all" shall be considered to include "each" and "each" and "each and every."

O. As used herein, the singular of any word shall include the plural, and the plural of any word shall include the singular.

DOCUMENTS TO BE PRODUCED

1. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to **SUKOFF** being an "insider" as stated by James Gassenhiemer, Esq., before the Honorable Thomas Wilson at the hearing held on June 23, 2008.
2. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to any and all claims the **RECEIVER** has or could assert against **SUKOFF** or any of the

managers or members of **NORMANDY**.

3. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to any and all damages claimed by the **RECEIVER** from **NORMANDY**.
4. Any and all Documents and/or Electronic Data in your custody, possession or control that refer to or otherwise relate, directly or indirectly, to any and all meetings of the loan or lender committee or committees of any nature relating to **NORMANDY**.
5. Any and all documents supporting or evidencing each separate prayer for damages alleged directly or indirectly against **NORMANDY** as set forth in your Complaint.
6. Any and all documents upon which **RECEIVER** or their attorneys intend to rely or may rely on establishing any claim or cause of action, or in defending any known or anticipated defenses to the claims asserted in the Complaint.
7. Any and all statements concerning this action or its subject matter including, but not limited to, any written statements or transcriptions of recorded interviews and summaries of oral statements.
8. Any and all documents containing the names, addresses and telephone numbers of each person contacted as a potential witness in this action.
9. Any and all correspondence or other memoranda or records to or from **RECEIVER**, directed to or from anyone related to this action including, but not limited to, creditors, debtors, suppliers, accountants, real estate agents, insurance agents, and attorneys relating to **NORMANDY**.
10. Any and all correspondence or other memoranda, faxes electronic mail or records either sent to **NORMANDY** by **RECEIVER**, or received by **RECEIVER** from **NORMANDY**.

11. Any and all Documents and/or Electronic Data identified in your answers to **SUKOFF's** First Set of Interrogatories.

Respectfully submitted,
KAHN, CHENKIN & RESNIK, P.L.
Attorneys for Intervenor
IRA SUKOFF
1815 Griffin Road
Suite 207
Dania, Florida 33004
(954) 321-0176
(954) 321-0177 - Fax

By: _____
HOWARD N. KAHN, ESQ.
Fla. Bar No: 0724416

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail and facsimile to: **Cristina Saenz, Esq.**, Assistant General Counsel, State of Florida, Office of Financial Regulation, 401 N.W. 2nd Avenue, Suite N-708, Miami, Florida 33128; **Alan M. Sandler, Esq.**, Counsel for Defendants Joel and Deborah Sokol, Darlene Levasser, Robert Dzimidas IRA, Lawrence Meyer IRA, Lawrence Meyer Roth IRA and Mary Joe Meyer Roth IRA, of Sandler & Sandler, 117 Aragon Avenue, Coral Gables, Florida 33134; **Allan A. Joseph, Esq.**, Counsel for The Amid Companies and Amedia Family Investors, David & Joseph, P.L., 1001 Brickell Avenue, Suite 2002, Miami, Florida 33131; **Richard R. Robles, Esq.**, Counsel for the Four Ambassadors Association, Inc.,

Law Offices of Richard R. Robles, P.A.; 905 Brickell Bay Drive, Tower II, Mezzanine, Suite 228, Miami, Florida 33131; **Lawrence M. Shoot, Esq.**, Counsel for USA Funding Mortgage, Inc., 4830 S.W. 92nd Avenue, Miami, Florida 33165; **James D. Gassenheimer, Esq.**, Counsel for the Receiver, Michael I. Goldberg, Berger Singerman, 200 S. Biscayne Boulevard, Suite 1000, Miami, Florida 33131; and **Marcy S. Resnik, Esq.**, Co-Counsel for Intervenor Ira Sukoff, Marcy S. Resnik, P.A., 1120 S.E. 3rd Avenue, Ft. Lauderdale, Florida 33316, this 14th day of July, 2008.



HOWARD N. KAHN