

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

In re:

FIDDLER'S CREEK, LLC

CHAPTER 11

CASE NO. 9:10-bk-03846-ALP

Debtors.

**APPENDIX IN SUPPORT OF
GLENN VICIAN'S MOTION TO STAY PENDING APPEAL FURTHER
PROCEEDINGS ON THE COURT'S ORDER GRANTING
DEBTORS' MOTION FOR AN ORDER ENFORCING THE AUTOMATIC STAY**

Glenn S. Vician
Attorney No.: 954-45
8605 Broadway
Merrillville, IN 46410
Phone: (219) 769-6671
glennsvician2@bhbvonline.com

APPENDIX 1

TOBIN & REYES, P.A.

LAW OFFICES
THE PLAZA - SUITE 204
5355 TOWN CENTER ROAD
BOCA RATON, FLORIDA 33486
TELEPHONE (561) 620-0656
FACSIMILE (561) 620-0657

Writer's E-Mail: rar@tobinreyes.com

October 11, 2010

Via email and U.S. Mail

Glenn S. Vician, Esq.
Bowman, Heintz, Boscia & Vician, P.C.
8605 Broadway
Merrillville, Indiana 46410

Re: ~~Fiddler's Creek LLC et al. ("Debtors")~~
Final evidentiary hearing re: Sanctions Issues Related to Motion to Impose
~~Automatic Stay, December 17, 2010 (Hearing)~~

Dear Mr. Vician:

As you know, our law firm represents the Debtors. We will be appearing as special counsel with regard to the above Hearing and request for sanctions. In that regard, we would like to schedule your deposition, as well as the depositions of Mr. Stochel, Mr. Vasquez, and your four clients, Messrs. Suffoletto, David, Taub and Shulman. I believe each deposition will take approximately one-half day.

Please advise if we may schedule the depositions on the following dates:

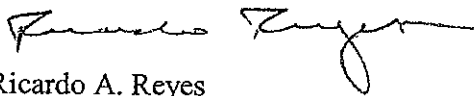
November 3, 4, 9, 11, 12, 22, 29, 30
December 8, 9, and 10

Please respond immediately to coordinate a deposition schedule as we have limited time to complete discovery by the cut-off of December 10th.

Last, a request for production of documents was served on Friday, October 8, 2010. Please provide copies of the responses to our firm, as well as copies of the responsive documents.

Sincerely,

TOBIN & REYES, P.A.


Ricardo A. Reyes

cc: Joseph L. Parisi, Esq.
Robert Stochel, Esq.
Eric Vasquez, Esq.
Paul Battista, Esq.
David S. Jennis, Esq.

APPENDIX 2

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
FC HOTEL, LTD.
FC RESORT, LTD.
GULF BAY HOSPITALITY, LTD.
GULF BAY HOTEL COMPANY, LTD.
GBP DEVELOPMENT, LTD.
FIDDLER'S CREEK MANAGEMENT, INC.

Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
Case No. 9:10-bk-03856-ALP
Case No. 9:10-bk-03864-ALP
Case No. 9:10-bk-03872-ALP
Case No. 9:10-bk-03873-ALP
Case No. 9:10-bk-03875-ALP
Case No. 9:10-bk-03878-ALP
Case No. 9:10-bk-03881-ALP
Case No. 9:10-bk-03888-ALP
Case No. 9:10-bk-03886-ALP
Case No. 9:10-bk-03896-ALP
Case No. 9:10-bk-03898-ALP
Case No. 9:10-bk-03905-ALP
Case No. 9:10-bk-03908-ALP
Case No. 9:10-bk-03909-ALP
Case No. 9:10-bk-03911-ALP
Case No. 9:10-bk-03918-ALP
Case No. 9:10-bk-03920-ALP
Case No. 9:10-bk-03928-ALP
Case No. 9:10-bk-03934-ALP
Case No. 9:10-bk-03937-ALP
Case No. 9:10-bk-03938-ALP
Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP

Debtors.

(Jointly Administered under
Case No. 9:10-bk-03846-ALP)

/

**REQUEST FOR PRODUCTION OF
DOCUMENTS TO GLENN VICIAN, ESQ.**

951 LAND HOLDINGS, LTD. and **FC GOLF, LTD.** (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Glenn Vician ("Vician") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

I. INSTRUCTIONS

- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
- B. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced again, except that the duplicates must be produced if handwritten or any other type of notes, intelligence, or alterations appear thereon or are attached thereto, including markings on slips indicating the routing of the document to individuals or organizations.
- C. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:
 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**Vician**" shall refer to Glenn Vician, as counsel to Plaintiffs in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The terms "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

7. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

8. The terms "**Stochel**" or shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vasquez**" shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to,**" "**relates to,**" or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

to cause harm to the Plaintiffs.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Glenn S. Vician, Esq.
Bowman Heintz Bocia & Vician, P.C.
8605 Broadway
Merrillville, IN 46410
glensvician@bhbvonline.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
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Case No. 9:10-bk-03954-ALP

Debtors.

(Jointly Administered under
Case No. 9:10-bk-03846-ALP)

REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF RAYMOND DAVID

951 LAND HOLDINGS, LTD. and FC GOLF, LTD. (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Raymond David ("David") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

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- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
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 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

7. The terms "**Stochel**" or shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

8. The terms "**Vasquez**" shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vician**" shall refer to Glenn Vician, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to,**" "**relates to,**" or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

to cause harm to the Plaintiffs.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th day of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8th, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Raymond & Carole David
125 Dalhousie
Quebec
Quebec, G1K4C5

8579 Bellagio Drive
Naples, FL 34114-6434

Glenn S. Vician, Esq.
Bowman Heintz Boscia & Vician, P.C.
8605 Broadway
Merrillville, IN 46410
glennsvician2@bhbvonline.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
FC HOTEL, LTD.
FC RESORT, LTD.
GULF BAY HOSPITALITY, LTD.
GULF BAY HOTEL COMPANY, LTD.
GBP DEVELOPMENT, LTD.
FIDDLER'S CREEK MANAGEMENT, INC.

Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
Case No. 9:10-bk-03856-ALP
Case No. 9:10-bk-03864-ALP
Case No. 9:10-bk-03872-ALP
Case No. 9:10-bk-03873-ALP
Case No. 9:10-bk-03875-ALP
Case No. 9:10-bk-03878-ALP
Case No. 9:10-bk-03881-ALP
Case No. 9:10-bk-03888-ALP
Case No. 9:10-bk-03886-ALP
Case No. 9:10-bk-03896-ALP
Case No. 9:10-bk-03898-ALP
Case No. 9:10-bk-03905-ALP
Case No. 9:10-bk-03908-ALP
Case No. 9:10-bk-03909-ALP
Case No. 9:10-bk-03911-ALP
Case No. 9:10-bk-03918-ALP
Case No. 9:10-bk-03920-ALP
Case No. 9:10-bk-03928-ALP
Case No. 9:10-bk-03934-ALP
Case No. 9:10-bk-03937-ALP
Case No. 9:10-bk-03938-ALP
Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP

Debtors.

**(Jointly Administered under
Case No. 9:10-bk-03846-ALP)**

**REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF STEPHEN SHULMAN**

951 LAND HOLDINGS, LTD. and FC GOLF, LTD. (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Stephen Shulman ("Shulman") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

I. INSTRUCTIONS

- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
- B. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced again, except that the duplicates must be produced if handwritten or any other type of notes, intelligence, or alterations appear thereon or are attached thereto, including markings on slips indicating the routing of the document to individuals or organizations.
- C. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:
 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

7. The terms "**Stochel**" or shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

8. The terms "**Vasquez**" shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vician**" shall refer to Glenn Vician, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to,**" "**relates to,**" or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

to cause harm to the Plaintiffs.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th day of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Stephen & Sheila Shulman
5807 Fox Hollow Court
Ann Arbor, MI 48105

8589 Bellagio Dr.
Naples, FL 34114

Glenn S. Vician, Esq.
Bowman Heintz Bocia & Vician, P.C.
8605 Broadway
Merrillville, IN 46410
glennsvician@bhbvonline.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
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FC RESORT, LTD.
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GULF BAY HOTEL COMPANY, LTD.
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FIDDLER'S CREEK MANAGEMENT, INC.

Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
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Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP

Debtors.

(Jointly Administered under
Case No. 9:10-bk-03846-ALP)

/

**REQUEST FOR PRODUCTION OF
DOCUMENTS TO ROBERT STOCHER, ESQ.**

951 LAND HOLDINGS, LTD. and FC GOLF, LTD. (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Robert Stochel ("Stochel") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

I. INSTRUCTIONS

- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
- B. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced again, except that the duplicates must be produced if handwritten or any other type of notes, intelligence, or alterations appear thereon or are attached thereto, including markings on slips indicating the routing of the document to individuals or organizations.
- C. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:
 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**Stochel**" shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The terms "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

7. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

8. The terms "**Vasquez**" or shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vician**" shall refer to Eric Vician, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to,**" "**relates to,**" or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys

regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th day of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Robert E. Stochel, Esq.
Hoffman & Stochel
One Professional Center, Suite 306
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res@reslaw.org

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8605 Broadway
Merrillville, IN 46410
glennsvician@bhbvonline.com

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

In re:

Chapter 11

**FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
FC HOTEL, LTD.
FC RESORT, LTD.
GULF BAY HOSPITALITY, LTD.
GULF BAY HOTEL COMPANY, LTD.
GBP DEVELOPMENT, LTD.
FIDDLER'S CREEK MANAGEMENT, INC.**

**Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
Case No. 9:10-bk-03856-ALP
Case No. 9:10-bk-03864-ALP
Case No. 9:10-bk-03872-ALP
Case No. 9:10-bk-03873-ALP
Case No. 9:10-bk-03875-ALP
Case No. 9:10-bk-03878-ALP
Case No. 9:10-bk-03881-ALP
Case No. 9:10-bk-03888-ALP
Case No. 9:10-bk-03886-ALP
Case No. 9:10-bk-03896-ALP
Case No. 9:10-bk-03898-ALP
Case No. 9:10-bk-03905-ALP
Case No. 9:10-bk-03908-ALP
Case No. 9:10-bk-03909-ALP
Case No. 9:10-bk-03911-ALP
Case No. 9:10-bk-03918-ALP
Case No. 9:10-bk-03920-ALP
Case No. 9:10-bk-03928-ALP
Case No. 9:10-bk-03934-ALP
Case No. 9:10-bk-03937-ALP
Case No. 9:10-bk-03938-ALP
Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP**

Debtors.

**(Jointly Administered under
Case No. 9:10-bk-03846-ALP)**

**REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF MATTHEW SUFFOLETTO**

951 LAND HOLDINGS, LTD. and FC GOLF, LTD. (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Matthew Suffoletto ("Suffoletto") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

I. INSTRUCTIONS

- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
- B. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced again, except that the duplicates must be produced if handwritten or any other type of notes, intelligence, or alterations appear thereon or are attached thereto, including markings on slips indicating the routing of the document to individuals or organizations.
- C. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:
 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

7. The terms "**Stochel**" or shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

8. The terms "**Vasquez**" shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vician**" shall refer to Glenn Vician, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to**," "**relates to**," or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

to cause harm to the Plaintiffs.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th day of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Matthew & Christine Suffoletto
205 Whetherburn Dr.
Wexford, PA 15090-8896

189 Richmond Court
Marco Island, FL 34145

Glenn S. Vician, Esq.
Bowman Heintz Bocia & Vician, P.C.
8605 Broadway
Merrillville, IN 46410
glennsvician@bhbvonline.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
FC HOTEL, LTD.
FC RESORT, LTD.
GULF BAY HOSPITALITY, LTD.
GULF BAY HOTEL COMPANY, LTD.
GBP DEVELOPMENT, LTD.
FIDDLER'S CREEK MANAGEMENT, INC.

Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
Case No. 9:10-bk-03856-ALP
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Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP

Debtors.

(Jointly Administered under
Case No. 9:10-bk-03846-ALP)

/

**REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF STEVEN TAUB**

951 LAND HOLDINGS, LTD. and FC GOLF, LTD. (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Steven Taub ("Taub") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

I. INSTRUCTIONS

- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
- B. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced again, except that the duplicates must be produced if handwritten or any other type of notes, intelligence, or alterations appear thereon or are attached thereto, including markings on slips indicating the routing of the document to individuals or organizations.
- C. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:
 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

7. The terms "**Stochel**" or shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

8. The terms "**Vasquez**" shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vician**" shall refer to Glenn Vician, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to,**" "**relates to,**" or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

to cause harm to the Plaintiffs.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th day of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Steven & Ellen Taub
POB 18547
Tampa FL, 33679-8547

107 Wisteria Lane
Media, PA 19063-1668

9283 Menaggio Court
Naples, FL 34114

Glenn S. Vician, Esq.
Bowman Heintz Bocia & Vician, P.C.
8605 Broadway
Merrillville, IN 46410
glennsvician@bhbvonline.com

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Chapter 11

FIDDLER'S CREEK, LLC
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
FC HOTEL, LTD.
FC RESORT, LTD.
GULF BAY HOSPITALITY, LTD.
GULF BAY HOTEL COMPANY, LTD.
GBP DEVELOPMENT, LTD.
FIDDLER'S CREEK MANAGEMENT, INC.

Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
Case No. 9:10-bk-03856-ALP
Case No. 9:10-bk-03864-ALP
Case No. 9:10-bk-03872-ALP
Case No. 9:10-bk-03873-ALP
Case No. 9:10-bk-03875-ALP
Case No. 9:10-bk-03878-ALP
Case No. 9:10-bk-03881-ALP
Case No. 9:10-bk-03888-ALP
Case No. 9:10-bk-03886-ALP
Case No. 9:10-bk-03896-ALP
Case No. 9:10-bk-03898-ALP
Case No. 9:10-bk-03905-ALP
Case No. 9:10-bk-03908-ALP
Case No. 9:10-bk-03909-ALP
Case No. 9:10-bk-03911-ALP
Case No. 9:10-bk-03918-ALP
Case No. 9:10-bk-03920-ALP
Case No. 9:10-bk-03928-ALP
Case No. 9:10-bk-03934-ALP
Case No. 9:10-bk-03937-ALP
Case No. 9:10-bk-03938-ALP
Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP

Debtors.

(Jointly Administered under
Case No. 9:10-bk-03846-ALP)

REQUEST FOR PRODUCTION OF
DOCUMENTS TO ERIC VASQUEZ, ESQ.

951 LAND HOLDINGS, LTD. and FC GOLF, LTD. (collectively referred to herein as the "Golf Club Debtors"), pursuant to Federal Rule of Civil Procedure 34, as incorporated in

Federal Rule of Bankruptcy Procedure 7034, hereby request Eric Vasquez ("Vasquez") to produce the following designated documents for inspection and copying at the law offices of Genovese, Joblove & Battista, P.A., 200 E. Broward Blvd, Suite 1110, Fort Lauderdale, Florida 33301, or such other place as counsel may agree, within the applicable time frames.

I. INSTRUCTIONS

- A. This document request is continuing in nature and when new knowledge or information comes to the attention of the Respondent the information supplied in the answers to the document request shall be supplemented forthwith.
- B. Copies of documents which are identical duplicates of other documents which have already been produced for inspection and copying in this action need not be produced again, except that the duplicates must be produced if handwritten or any other type of notes, intelligence, or alterations appear thereon or are attached thereto, including markings on slips indicating the routing of the document to individuals or organizations.
- C. If any documents requested herein have been lost, discarded or destroyed, these documents shall be identified as completely as possible, including:
 - a. The names of the authors of the document;
 - b. The names of the persons to whom the documents or copies were sent;
 - c. The date of the document;
 - d. The date on which the document was received by each addressee, copyee or its recipients;
 - e. A description of the nature and subject matter of the document that is as complete as possible;
 - f. The date on which the document was lost, discarded or destroyed; and
 - g. The manner in which the document was lost, discarded or destroyed.
- D. With respect to any document that is withheld under claim of privilege, the documents shall be numbered, held separately, and retained intact pending a ruling by the Court on the claimed privilege. In addition, the person from whom such a document is requested shall provide a statement, signed by an attorney representing the person, setting forth as to each such document:
 - a. The names of the senders of the document;
 - b. The names of the authors of the document;
 - c. The names of the persons to whom the document or copies were sent;
 - d. The job title of every person named in subparagraphs a, b and c above;
 - e. The date of the document;
 - f. The date on which the document was received by each addressee, copyee or its recipient;
 - g. A brief description of the nature and subject matter of the document; and

- h. The statute, rule or decision which is claimed to give rise to the privilege.
- E. The singular and plural forms shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.
- F. "And" and "or" shall be construed interchangeably so as to bring within the scope of this document request any information which might otherwise be construed as outside their scope.

II. DEFINITIONS.

1. The term "**person**" means any natural person, firm, association, partnership, corporation, government, governmental agency or body, or other forms of legal or business entities of whatever kind.

2. The terms "**you,**" or "**your,**" or "**Vasquez**" shall refer to Eric Vasquez, as counsel to Plaintiffs in the New Class Action, his affiliates, predecessors, successors, and any person at any time acting or purporting to act on his behalf, including its present or former attorneys, accountants, shareholders, agents, officers and employees.

3. The term "**Taub**" shall refer to Steven Taub, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

4. The term "**David**" shall refer to Raymond David, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

5. The term "**Shulman**" shall refer to Stephen Shulman, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

6. The terms "**Suffoletto**" shall refer to Matthew Suffoletto, as Plaintiff in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

7. The term "**Plaintiffs**" shall refer collectively to Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, as Plaintiffs in the New Class Action.

8. The terms "**Stochel**" or shall refer to Robert Stochel, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

9. The terms "**Vician**" shall refer to Eric Vician, as counsel to Plaintiffs in the New Class Action, and any person at any time acting or purporting to act on his behalf, including his present or former attorneys, accountants, shareholders, agents, officers and employees.

10. The term "**Attorneys**" shall refer collectively to Attorneys Robert Stochel, Glenn Vician and Eric Vasquez, as counsel to Plaintiffs Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman in the New Class Action.

11. The term "**Mr. Ferrao**" shall refer to Aubrey Ferrao, as named Defendant in the New Class Action.

12. The term "**Old Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:09-cv-00314-JES-DNF

13. The term "**New Class Action Lawsuit**" shall refer to the Class Action Lawsuit in the United States District Court for the Middle District of Florida, Case No. 2:10-CV-241-FTM-36-DNF.

14. The term "**Golf Club**" shall refer to 951 Land Holdings Ltd., operating as the Golf Club at Fiddler's Creek and which operates the Creek Course, a championship golf course located in the Fiddler's Creek development.

15. The terms "**relating to,**" "**relates to,**" or "**related to**" mean concerning, respecting, referring to, summarizing, digesting, embodying, reflecting, establishing, tending to establish, tending not to establish, evidencing, comprising, connecting with, commenting on, responding to, disagreeing with, showing, describing, analyzing, representing, constituting or including.

16. The terms "**document**" or "**documents**" shall mean every writing or record of every type and description in your possession, custody or control, of which you have knowledge, in draft or final form, originals or clean or notated copies, including, but not limited to,

correspondence, memoranda, tapes, stenographic or handwritten notes, printouts, studies, manuals, files, publications, books, pamphlets, pictures, voice recording, reports, surveys contracts, agreements, canceled checks, checkbooks, affidavits, invoices, expense vouchers, payroll stubs, work orders, purchase orders, financial statements and balance sheets (audited or unaudited), minutes, contracts or agreements and executed or unexecuted drafts thereof, federal, state, local, foreign or any other type of tax return or other submission to any taxing authority, articles or incorporation, bylaws, ledgers, reports and summaries of negotiations, and transcripts, minutes or records of telephone conversations, meetings or conferences, and "ESI".¹

17. The terms "**communication**" or "**communications**" shall mean any document delivered to or sent from one person to another, including correspondence and/or emails.

III. DOCUMENTS REQUESTED

1. Any and all documents that concern or relate to the allegations in the New Class Action Complaint.

2. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegations in the New Class Action Lawsuit.

3. Any and all communications by or between you and any or all members of the Golf Club that concern or relate to the allegations in the New Class Action Lawsuit.

4. Any and all documents obtained from other members of the Golf Club that concern or relate to allegations in the New Class Action Lawsuit.

5. Any and all communications or documents by or between you and any or all of the Attorneys that concern or relate to the allegations in the New Class Action Lawsuit.

6. Any and all communications or documents by or between you and any or all of the Attorneys that evidence, concern or relate to retainer letters or payments to any and all of the Attorneys in the context of the New Class Action Lawsuit.

7. Any and all communications by or between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities

¹ "ESI" means any electronically stored information-including writings, drawings, graphs, charts, photographs, documents, sound recordings, images, and other data or data compilations-stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form as defined in Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 1001 of the Federal Rules of Evidence. Debtors reserve the right to request and obtain any of the requested documents in native electronic format.

to cause harm to the Plaintiffs.

8. Any and all communications by or between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao has utilized the Golf Club Debtor entities to cause harm to the Plaintiffs.

9. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

10. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao is the alter ego of the Debtors.

11. Any and all communications between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

12. Any and all communications between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao dominated and controlled the Debtors and caused the Debtors to breach the Golf Club Membership Agreements.

13. Any and all communications or documents between you and any or all of the Plaintiffs that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

14. Any and all communications or documents between you and any or all of the Attorneys that concern or relate to the allegation that Mr. Ferrao used the Debtors as a vehicle to take and convert certain Initiation Deposits paid by Plaintiffs.

15. Any and all documents which evidence any pre-suit investigation you conducted before filing the New Class Action Lawsuit.

16. Any and all communications between you and any or all of the Attorneys regarding any pre-suit investigation of the allegations in the New Class Action Lawsuit.

17. Any and all documents which evidence when you first received notice that Ferrao had filed a Motion for Sanctions under Federal Rule of Civil Procedure 11 in the New Class Action Lawsuit ("Motion for Sanctions").

18. Any and all documents which evidence when you first received notice that Ferrao sought a stay of in the New Class Action Lawsuit.

19. Any and all communications between you and any or all of the Attorneys regarding the Motion for Sanctions.

20. Any and all communications between you and any or all of the Attorneys regarding any stay sought by Ferrao of the New Class Action Lawsuit.

21. Any and all documents which evidence any investigation you made of any of the issues raised in the Motion for Sanctions.

22. Any and all documents which evidence any investigation you made to determine whether the New Class Action Lawsuit violated the automatic stay under Section 362 of the Bankruptcy Code.

23. Any and all communications between you and any or all of the Attorneys regarding correspondence dated April 30, 2010 from the undersigned law firm demanding dismissal of the New Class Action Lawsuit.

24. Any and all documents you received from or in any way related to the Old Class Action Lawsuit.

25. Any and all communications between you and any or all of the Attorneys regarding the Old Class Action Lawsuit.

Dated this 8th day of October, 2010

Respectfully Submitted,

GENOVESE JOBLOVE & BATTISTA

Attorneys for Debtors-in-Possession

200 East Broward Blvd.

Suite 1110

Fort Lauderdale, Florida 33301

Telephone: (954) 453-8000

Facsimile: (954) 453-8010

By: /s/ Bart A. Houston

Bart A. Houston

Florida Bar No. 623636

bhouston@gjb-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by the Court's *CM/ECF* electronic mail system or by U.S. Mail to all parties on the attached service list on October 8, 2010.

By: /s/ Bart A. Houston
Bart A. Houston

SERVICE LIST

Eric John Vasquez, Esq.
Suite 201
90-6th Avenue S
Naples, FL 34102
evasquez@ejvlawoffice.com

Glenn S. Vician, Esq.
Bowman Heintz Bocia & Vician, P.C.
8605 Broadway
Merrillville, IN 46410
glennsvician@bhbvonline.com

APPENDIX 3

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

In re:

Chapter 11

**FIDDLER'S CREEK, LLC.
951 LAND HOLDINGS, LLC
DY ASSOCIATES, LLC
GBFC DEVELOPMENT, LLC
FC MARINA, LLC
FC BEACH, LLC
FC GOLF, LLC
DY LAND HOLDINGS II, LLC
FC PARCEL 73, LLC
FC COMMERCIAL, LLC
FC HOTEL, LLC
FC RESORT, LLC
GULF BAY HOSPITALITY COMPANY, LLC
GULF BAY HOTEL COMPANY, LLC
GBP DEVELOPMENT, LLC
GB PENINSULA, LTD.
951 LAND HOLDINGS, LTD.
DY LAND ASSOCIATES, LTD.
GBFC DEVELOPMENT, LTD.
GBFC MARINA, LTD.
FC BEACH, LTD.
FC GOLF, LTD.
FC HOTEL, LTD.
FC RESORT, LTD.
GULF BAY HOSPITALITY, LTD.
GULF BAY HOTEL COMPANY, LTD.
GBP DEVELOPMENT, LTD.
FIDDLER'S CREEK MANAGEMENT, INC.**

**Case No. 9:10-bk-03846-ALP
Case No. 9:10-bk-03852-ALP
Case No. 9:10-bk-03856-ALP
Case No. 9:10-bk-03864-ALP
Case No. 9:10-bk-03872-ALP
Case No. 9:10-bk-03873-ALP
Case No. 9:10-bk-03875-ALP
Case No. 9:10-bk-03878-ALP
Case No. 9:10-bk-03881-ALP
Case No. 9:10-bk-03888-ALP
Case No. 9:10-bk-03886-ALP
Case No. 9:10-bk-03896-ALP
Case No. 9:10-bk-03898-ALP
Case No. 9:10-bk-03905-ALP
Case No. 9:10-bk-03908-ALP
Case No. 9:10-bk-03909-ALP
Case No. 9:10-bk-03911-ALP
Case No. 9:10-bk-03918-ALP
Case No. 9:10-bk-03920-ALP
Case No. 9:10-bk-03928-ALP
Case No. 9:10-bk-03934-ALP
Case No. 9:10-bk-03937-ALP
Case No. 9:10-bk-03938-ALP
Case No. 9:10-bk-03947-ALP
Case No. 9:10-bk-03949-ALP
Case No. 9:10-bk-03950-ALP
Case No. 9:10-bk-03952-ALP
Case No. 9:10-bk-03954-ALP**

Debtors.

**(Jointly Administered under
Case No. 9:10-bk-03846-ALP)**

GOLF CLUB DEBTORS INITIAL WITNESS LIST

**951 LAND HOLDINGS, LTD., and FC GOLF, LTD., (collectively referred to as the
"Golf Club Debtors"), by and through undersigned counsel, hereby submit their witness list**

pursuant to this Court's Order on the Sanctions Issue Related to the Motion to Impose Automatic Stay, Motion for Sanctions for Violation of the Automatic Stay under 11 U.S.C. §362(k), and Motion for Contempt of Plaintiffs, Matthew Suffoletto, Raymond David, Steven Taub and Stephen Shulman, and Attorneys Robert Stochel, Glenn Vician and Eric Vasquez (the "Evidentiary Order") [D.E. #387]. The Golf Club Debtors anticipate calling the following witnesses at the hearing in this matter:

1. Matthew & Christine Suffoletto
205 Whetherburn Dr
Wexford, PA 15090-8869

189 Richmond Ct
Marco Island, FL 34145
2. Raymond & Carole David
125 Dalhousie
Quebec
Quebec, G1K4C5

8579 Bellagio Drive
Naples, FL 34114-6434
3. Steven & Ellen Taub
POB 18547
Tampa, FL 33679-8547

107 Wisteria Lane
Media, PA 19063-1668

9283 Menaggio Ct
Naples, Florida 34114
4. Stephen & Shelia Shulman
5807 Fox Hollow Court
Ann Arbor, MI 48105

8589 Bellagio Dr.
Naples, FL 34114

5. Robert E. Stochel, Esq.
Hoffman & Stochel
One Professional Center, Suite 306
Crown Point, IN 46307
res@reslaw.org
6. Glenn S. Vician, Esq.
Bowman Heintz Boscia & Vician, P.A.
8605 Broadway
Merrillville, IN 46410
glennsvician2@bhbvonline.com
7. Eric John Vasquez, Esq.
Suite 201
900-6th Ave S
Naples, FL 34102
evasquez@ejvlawoffice.com
8. Corporate Representative for Golf Club Debtors
8156 Fiddler's Creek Parkway
Naples ,Fl 34114-0816
9. Records Custodian for Genovese, Joblove & Battista, P.A.
Genovese, Joblove & Battista, P.A.
100 S.E. 2nd Street, Suite 4400
Miami, Florida 33131
10. Records Custodian for Tobin & Reyes P.A.
Tobin & Reyes, P.A.
5355 Town Center Rd
Boca Raton, FL 33486
11. Records Custodian for Ackerman, Link & Sartory, P.A.,
780 Fifth Avenue South
Ste. 200
Naples, FL 34102
12. Any and all witnesses identified by Plaintiffs and/or Plaintiffs' Attorneys in their witness list, expert list or Rule 26 disclosures.
13. Any and all witnesses revealed by Plaintiffs and/or Plaintiffs' Attorneys prior to the Final Evidentiary Hearing.
14. Any and all witnesses revealed through ongoing discovery, including depositions yet to be taken.

15. Any and all impeachment witnesses.

The Golf Club Debtors expressly reserve the right to supplement this witness list as the need may arise.

Dated this 7th day of October, 2010.

GENOVESE JOBLOVE & BATTISTA, P.A.

Attorneys for Debtors-in-Possession
100 Southeast Second Street
Suite 4400
Miami, Florida 33131
Telephone: (305) 349-2300
Facsimile: (305) 349-2310

By: /s/ Mariaelena Gayo-Guitian
Mariaelena Gayo-Guitian, Esq.
Fla. Bar No. 0813818
mguitian@gjb-law.com

Paul J. Battista, Esq.
Florida Bar No. 884162
pbattista@gjb-law.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished via the Court's CM/ECF system or email or U.S. Mail to all parties on the below service list this 7th day of October, 2010.

By: /s/ Mariaelena Gayo-Guitian
Mariaelena Gayo-Guitian, Esq.

SERVICE LIST

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Glenn & Dawn Vician
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5807 Fox Hollow Court
Ann Arbor, MI 48105

Stephen & Shelia Shulman
8589 Bellagio Dr.
Naples, FL 34114

Matthew & Christine Suffoletto
205 Whetherburn Dr
Wexford, PA 15090-8869

Matthew & Christine Suffoletto
189 Richmond Ct
Marco Island, FL 34145

Steven & Ellen Taub
POB 18547
Tampa, FL 33679-8547

Steven & Ellen Taub
107 Wisteria Lane
Media, PA 19063-1668

Steven & Ellen Taub
9283 Menaggio Ct
Naples, Florida 34114

Raymond & Carole David
8579 Bellagio Drive
Naples, FL 34114-6434

Raymond & Carole David
125 Dalhousie
Quebec
Quebec, GIK4C5

APPENDIX 4

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION

In re:

FIDDLER'S CREEK, LLC

CHAPTER 11

CASE NO. 9:10-bk-03846-ALP

Debtors.

GLENN VICIAN'S INITIAL WITNESS LIST

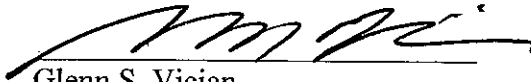
Comes now Glenn, S. Vician, and hereby submits his Witness List pursuant to the Court Order (Dkt. No. 387), and states as follows:

1. Glenn S. Vician, Esq.
8605 Broadway
Merrillville, IN 46410
glennsvician@bhbvonline.com
2. Aubrey Ferrao
8156 Fiddler's Creek Parkway
Naples, FL 34114-0816
3. Any and all witnesses identified by Debtors and/or Debtors' Attorneys in their witness list, expert list or Rule 26 disclosures.
4. Any and all witnesses revealed by Debtors and/or Debtors' Attorneys prior to the Final Evidentiary Hearing.
5. Any and all witnesses revealed through any eventual discovery.
6. Any and all impeachment witnesses.

Respondent expressly reserves the right to supplement this witness list as the need may arise.

Dated this 15th day of October, 2010.

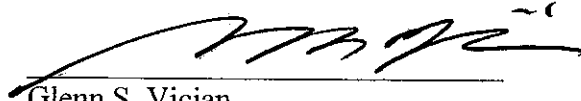
Respectfully submitted,



Glenn S. Vician
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CERTIFICATE OF SERVICE

I certify that on the 15th day of October, 2010, service of a true and complete copy of the foregoing pleading or paper was made upon each party or attorney of record herein by depositing the same in the United States mail in an envelope addressed properly to each of them and with sufficient postage affixed, and also via email.



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APPENDIX 5

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

----- X
IN RE: :
: :
FIDDLER'S CREEK, LLC : Case No. 10-03846-9P1
: :
Debtor(s) : Chapter 11
: :
----- X

Held at Sam M. Gibbons
U.S. Courthouse
801 N. Florida Avenue
Tampa, Florida 33602
Held June 4, 2010
Before Judge May

TRANSCRIPT OF HEARING (Excerpt-PM Session)

1-Continued Status Conference; 2-Continued Hearing On
Emergency Motion To Borrow And To Obtain Senior Secured Post-
Petition Financing, Motion For Approval Of Granting Certain
Priming Liens And Approving Agreements Related To The
Foregoing, Motion To Modify The Automatic Stay, Motion To
Allow Granting Of Super-Priority Administrative Claim Status,
Motion To Use Cash Collateral And Granting Adequate Protection
Therefor, Motion To Set Hearing And Scheduling A Final
Hearing, Motion To Limit Notice And To Prescribe Form And
Manner Of Notice With Respect Thereto.....

[NATURE OF PROCEEDINGS CONTINUED ON NEXT PAGE]

**BEFORE THE HONORABLE K. RODNEY MAY
United States Bankruptcy Judge**

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7702 Lake Cypress Drive
Odessa, Florida 33556
(813) 920-1466

1 remedy for a cause of action. The cause of action
2 is the Debtors breached, Ferrao is liable, and
3 that's what they're seeking.

4 I don't quibble with the concept that an
5 independent tort, a truly independent tort, can be
6 pursued by third parties against the individual, the
7 principal. I don't quibble with that. That's not
8 what this is about.

9 That complaint, Your Honor will read it,
10 and you'll look at it and understand it better than
11 I, does not do that. There is no independent tort
12 in there against Mr. Ferrao. It's a claim against
13 the Debtor for which they're seeking a remedy
14 against Mr. Ferrao. It's a wholly different thing.
15 There's no separate contract between Ferrao and
16 anybody that they're seeking to enforce. That's not
17 what we have here. So that's simply a red herring.

18 And, Judge, that's the critical point.
19 That's the critical point. There's no independent
20 tort being asserted in that complaint against Mr.
21 Ferrao. And we're not seeking to extend the stay in
22 any sense of the word. It's to enforce this stay in
23 respect to (a)(3) and (a)(6). Thank you, Judge.

24 THE COURT: All right. I'm going to take
25 this under advisement, just to look at the issue of

1 alter ego and whether that -- Section 362(a) very
2 specific and I think should be read fairly
3 literally, and that would be my inclination.

4 This is not a lawsuit against the Debtor,
5 it's not against property of the Debtor, but I want
6 to take another look at whether the torts that are
7 being asserted in the complaint offer a twist that
8 change the ordinary black letter law that this is
9 not -- this isn't an action against the Debtor, and
10 it's not against the property of the Debtor.

11 And I don't know if there are any other
12 cases that either of you want to bring to bear. If
13 you want to give me just -- I mean, nothing artful,
14 nothing too florid, just maybe a list of cases or
15 bullet points, and I'll give you a week to do that,
16 okay?

17 MR. BATTISTA: Judge, that obviously is
18 fine.

19 THE COURT: But my inclination -- okay,
20 I've said enough.

21 MR. BATTISTA: I'm sorry.

22 THE COURT: No, that's okay. I was
23 verbally processing and I should just stop.
24 Go ahead.

25 MR. BATTISTA: That's fine, Judge, and we

1 appreciate that you have to take a look at this.
2 This is an important issue.

3 I would point out that the Plaintiffs
4 continue to proceed aggressively in that litigation,
5 so obviously I don't want to put the pressure on
6 Your Honor, the sooner that we can have a
7 resolution, the better, so that way we can decide
8 where we go in that case, assuming it's going to
9 continue.

10 I do have a case I can hand up to Your
11 Honor, which is I think the principal case on alter
12 ego liability in Florida. It's the Dania Jai-Alai
13 Palace case, and I can hand up a copy to Your Honor
14 and give a copy to Mr. Jennis.

15 THE COURT: You can hand it up, sure.

16 MR. BATTISTA: (Presenting document.)

17 THE COURT: So I'm looking for a case
18 where a court has held that it violates the
19 automatic stay in a corporate Chapter 11 where
20 someone files a lawsuit against a principal or some
21 other -- someone other than the Debtor alleging
22 alter ego. Now, that may be such a, you know,
23 needle in a haystack fact pattern.

24 MR. JENNIS: The cases that we cited, Your
25 Honor, dealt with it. We've had to look at it

C E R T I F I C A T E

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, CHERYL CULVER, Certified Court Reporter, Notary Public, and Administrative Office of U.S. Courts Approved Transcriber, hereby certify that the foregoing proceedings were transcribed by me, or under my supervision, from the digitally recorded hearing provided by the court.

I FURTHER CERTIFY that the foregoing transcript constitutes the official record of said proceedings prepared to the best degree possible based on the quality of the recording, phone appearances, speaker proximity to microphones, completeness of speaker identification logs, without benefit of exhibits, and given the expedited and/or technical nature of the proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor a relative or employee of counsel involved in the matter, nor do I have any interest in the outcome.

THIS CERTIFICATION is limited to originals and official copies of transcripts bearing the reporter's original signature in blue ink and official seals. Circulation of transcripts to anyone other than the ordering parties is not authorized, and official copies are intended to be purchased directly from the reporter.

SIGNED AND SEALED this 18th day of June, 2010, in Tampa, Florida.



Cheryl Culver, CCR, B-1281
Certified Court Reporter
State of Florida Notary Public