

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

IN RE:

PROVIDENCE FINANCIAL
INVESTMENTS, INC.,
PROVIDENCE FIXED INCOME
FUND, LLC.,

Case No. 16-20516-AJC
Chapter 7
(Jointly Administered)

Case No. 16-20517-AJC

Debtors.

NOTICE OF RULE 2004 EXAMINATION DUCES TECUM
(DOCUMENTS ONLY)

Maria Yip, the Chapter 7 Trustee (the “Trustee”), for the jointly administered estates of Providence Financial Investments, Inc. and Providence Fixed Income Fund, LLC (the “Debtors”), by and through undersigned counsel, requests that **Douglas Elliman Florida LLC** produce and deliver on or before **4:30 p.m., May 25, 2017**, to Akerman LLP, Three Brickell City Centre, 98 SE 7th St., 11th Floor, Miami, FL 33131, (or, alternatively, by mail or courier to Bryan T. West, Akerman LLP, Three Brickell City Centre, 98 SE 7th St., 11th Floor, Miami, FL 33131; or e-mailed to bryan.west@akerman.com), all of the documents as detailed in the Subpoena for Rule 2004 Examination included with this Notice, attached hereto and incorporated herein.

This request for production of documents is pursuant to Rule 2004, *Federal Rules of Bankruptcy Procedure*, and Local Rule 2004-1, *Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of Florida*. The scope of the request is as described in Bankruptcy Rule 2004. Pursuant to Local Rule 2004-1 no order shall be necessary.

Dated: May 5, 2017

Respectfully submitted,

AKERMAN LLP
Three Brickell City Centre
98 Southeast Seventh Street
11th Floor
Miami, Florida 33131
Phone: (305) 374-5600
Fax: (305) 374-5095

By: /s/ Bryan T. West
Brian P. Miller
Florida Bar No.: 0980633
E-mail: Brian.Miller@akerman.com
Bryan T. West
Florida Bar No.: 83526
E-mail: Bryan.West@akerman.com

Counsel for Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via e-mail and/or U.S. Mail, on May 5, 2017 to all parties as reflected on the attached Service List.

By: /s/ Bryan T. West
Bryan T. West

SERVICE LIST

16-20516-AJC and 16-20517-AJC Notice will be electronically mailed to:

Eyal Berger, Esq. on behalf of Trustee Maria Yip
eyal.berger@akerman.com, jeanette.martinez@akerman.com

Richard J. Cole on behalf of Creditor Violetta Lvov
rcole3@gmail.com, rc3@colecolelaw.com

Catherine E. Douglas on behalf of Trustee Maria Yip
catherine.douglas@akerman.com, jeanette.martinez@akerman.com

James D. Gassenheimer on behalf of Trustee Maria Yip
jgassenheimer@bergersingerman.com, efile@bergersingerman.com;efile@ecf.inforuptcy.com

Joan M. Levit, Esq on behalf of Trustee Maria Yip
joan.levit@akerman.com, charlene.cerda@akerman.com

James B Miller, Esq on behalf of Debtor Providence Financial Investments, Inc.
bkcmiami@gmail.com

Office of the US Trustee
USTPRegion21.MM.ECF@usdoj.gov

Susan R. Sherrill-Beard, Esq on behalf of Creditor U.S. Securities and Exchange Commission
sherrill-beards@sec.gov, atltreorg@sec.gov;berlina@sec.gov;martinc@sec.gov

Maria Yip
trustee@yipcpa.com, myip@ecf.epiqsystems.com

Maria Yip on behalf of Trustee Maria Yip
trustee@yipcpa.com, myip@ecf.epiqsystems.com

Via U.S. Mail:

Lawrence Buskee
4862 School St #1130
Acworth, GA 30101

Julie H Firestone
Briggs and Morgan, PA
2200 IDS Center
80 South 8 Street
Minneapolis, MN 55402

BPA Associates Investment & Trading Company, Inc.
5300 NW 33 Ave., #117
Fort Lauderdale, FL 33309

New Horizon Financial Corporation
c/o Registered Agent, Allan Serchay
5300 NW 33 Ave., # 117
Ft. Lauderdale, FL 33309

The Providence Companies LLC
c/o Registered Agent, Allan Serchay
5300 NW 33 Ave., # 117
Ft. Lauderdale, FL 33309

Providence Capital Ventures, LLC
c/o Registered Agent, Allan Serchay
5300 NW 33 Ave., # 117
Ft. Lauderdale, FL 33309

Providence Health Corporation
c/o Registered Agent, Allan Serchay
5300 NW 33 Ave., # 117
Ft. Lauderdale, FL 33309

Providence Private Markets Corp.
c/o Registered Agent, Allan Serchay
5300 NW 33 Ave., # 117
Ft. Lauderdale, FL 33309

Providence Motors & Equipment
c/o Registered Agent, Allan Serchay
5300 NW 33 Ave., # 117
Ft. Lauderdale, FL 33309

PLP Capital Partners LLC
c/o Jose M. Ordonez Jr., Registered Agent
3050 SW 139 Terrace
Davie, FL 33330

Browning Productions & Entertainment
c/o William J. Browning, Registered Agent
1792 Bell Tower Lane
Weston, FL 33326

Training Grounds TV, LLC
c/o William J. Browning, Registered Agent
1792 Bell Tower Lane
Weston, FL 33326

Americas Crowdfunding, LLC
c/o William J. Browning, Registered Agent
1792 Bell Tower Lane
Weston, FL 33326

UNITED STATES BANKRUPTCY COURT
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IN RE:

PROVIDENCE FINANCIAL
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SUBPOENA FOR RULE 2004 EXAMINATION
(DUCES TECUM---Delivery of documents only)

To: **Douglas Elliman Florida LLC**
c/o CT Corporation System, Registered Agent
1200 South Pine Island Road
Plantation, Florida 33324

[] YOU ARE COMMANDED to appear and testify at an examination at the place, date, and time specified below.

| PLACE OF TESTIMONY | DATE AND TIME |
|--------------------|---------------|
|--------------------|---------------|

The examination will be recorded by this method: N/A .

[X] *Production:* You, or your representatives, must also bring with you to the examination the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: **PLEASE SEE ATTACHED SCHEDULE "A"**.

| PLACE AKERMAN LLP, Three Brickell City Centre, 98 SE 7th St., 11th FL, Miami, FL 33131; or e-mailed to bryan.west@akerman.com. | DATE AND TIME May 26, 2017 by 4:30 p.m. |
|---|---|
|---|---|

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 5/5/17

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR */s/Bryan T. West*

Attorney's signature

The name, address, email address, and telephone number of the attorney representing Maria Yip, Trustee, who issues or requests **Bryan West, AKERMAN LLP, Three Brickell City Centre, 98 SE 7th St., 11th FL, Miami, FL 33131; bryan.west@akerman.com; 305-982-5504**

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): _____
on (date) _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on (date) _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

(A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

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

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

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

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) **Contempt.** The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For Access to Subpoena Materials

Fed. R. Civ. P. 45(a) Committee Note (2013)

- Parties desiring access to information produced in response to this subpoena will need to follow up with the party serving the subpoena to obtain such access.
- The party serving the subpoena should make reasonable provisions for prompt access.
- The court for the district where compliance with the subpoena is required has authority to order notice of receipt of produced materials or access to them.

SCHEDULE "A"

DEFINITIONS

1. The term "concerning" includes referring to, responding to, connected with, supporting, memorializing, regarding, discussing, analyzing, evidencing, showing, depicting, describing, reflecting, implying and/or constituting.

2. The term "control" means in Your possession, custody, or control or under Your direction, and includes in the possession, custody or control of those under the direction of You or Your parents, affiliates, subsidiaries, officers, directors, shareholders, members, employees, servants, agents, representatives, attorneys, investigators and any person or entity acting or who has acted by or on their behalf.

3. The term "document" has the broadest meaning accorded to it by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, and includes without limitation all written, typed, printed, reproduced, filmed, stored, or recorded material of any kind, in the possession, custody, or control of You or any of Your past or present agents, employees, consultants, attorneys or other persons acting on Your behalf, including but not limited to any of the following: correspondence; letters; memoranda; interoffice memoranda; writings; notes; notebooks; charts; electronic mail; studies; plans; analyses; work papers; statistical records; bills and other billing records; receipts; books; press releases; reports; contracts and agreements; records, summaries, memorializations, minutes, agendas or notes of meetings, conferences, telephone calls, or other conversations; calendars and diaries; appointment books and message pads; photographs; tape recordings or other audio or video records; handwritten notes or notations in any form; computer tapes, disks, and other data compilations from which information can be obtained, including, without limitation, electronic or computerized data

compilations (including electronic mail (e-mail)), electronic bookkeeping and accounting records (including QuickBooks files), and any printouts thereof; attachments and enclosures; and any drafts of the foregoing.

4. The term “draft” means any earlier, preliminary, preparatory, or tentative version of all or part of a document, whether or not such draft was superseded by a later draft and whether or not the terms of the draft are the same as or different from the terms of the final document.

5. “All documents” means every document or group of documents as above defined (including electronic documents) that are known to You or that can be located or discovered by reasonably diligent search.

6. The term “including” means including but not limited to.

7. The term “person” means an individual, a corporation, a general partnership, a limited partnership, a limited liability company, limited liability partnership, an association, a trust or any other entity or organization, including a government or political subdivision or an agency or instrumentality thereof, and the agents, servants, and employees of same.

8. “You” and/or “Your” refer to Douglas Elliman Florida LLC and all persons acting on its behalf.

INSTRUCTIONS

1. Unless otherwise indicated, the applicable time period for these requests is from January 1, 2011 through and including the date of Your response.

2. These requests are continuing in nature, so as to require supplemental responses if You obtain or discover further, contradictory or different documents subsequent to the date of Your production. Such supplemental responses, if any, shall be filed from time to time promptly upon the discovery by You of such supplemental documents. Each request is to be responded to separately and as completely as possible. The fact that an investigation is continuing and discovery is not complete shall not be used as a reason for failure to respond to any such request as fully as possible. The omission of any document or other item of information from the response shall be deemed a representation that such document or item is not known to the You, Your counsel, and/or other of Your representatives or agents.

3. Produce not only those documents in Your possession, custody or control, but also those documents in the possession, custody or control of any of Your parents, affiliates, subsidiaries, officers, directors, shareholders, members, employees, servants, agents, representatives, attorneys, accountants, investigators and any person or entity now acting or who has ever acted by or on Your behalf.

4. In responding to these document requests, You are required to obtain and furnish all information available to You and any of Your employees, agents, representatives, or attorneys and to obtain and furnish all documents, written and/or electronic, that are in Your possession or under Your control, or in the possession or under the, control of any of Your employees, agents, representatives, and/or attorneys.

5. If any privilege is asserted as to any document required to be produced hereby:

- (a) identify each such document by stating (i) the type of document, (ii) its general subject matter, (iii) the date of the document, and (iv) the identity of each person who prepared, signed or participated in the preparation of the document, as well as each addressee and recipient;
- (b) state the precise nature of the privileged claimed;
- (c) state the basis for the privilege claimed relative to the specific information contained in the document; and
- (d) state all facts contained within the document, deleting only opinions, theories, mental impressions and non-factual statements.

6. If any document was, but is no longer, in Your possession, custody or control, provide the following information:

- (a) identify the document;
- (b) state the disposition of the document and the date such disposition was made;
- (c) identify the present custodian of the document and state his address or, if the document no longer exists, so state; and
- (d) identify the person who made the decision regarding the disposition of the document.

7. All documents that exist in electronic format shall be produced in the format in which they are maintained, including all meta-data, unless the parties agree to an alternative means of production.

8. In producing the documents called for herein, segregate the documents so as to identify the numbered requests to which such documents respond.

9. Each request for documents, and each subsection of each request for documents, is to be fully and separately answered.

10. A request for a document shall include a request for all drafts thereof and all revisions and modifications thereto.

DOCUMENTS TO BE PRODUCED

The Trustee requests production of the following documents within Your possession, custody, or control:

1. All documents containing contact information (including addresses and telephone numbers) for Amanda Francis.

2. All documents concerning the property located at 17018 Brookwood Drive, Boca Raton, Florida.