

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

KOPELMAN & KOPELMAN LLP
55 Main Street
Hackensack, NJ 07601
Tel: 201 489-5500
Fax: 201489-7755
Michael S, Kopelman, Esq. (MSK 6104)
Attorneys for John W. Sywilok, Chapter 7 Trustee

In Re:

CHAPTER 7

GIUSEPPE GIUDICE and

CASE NO. 09-39032

Debtors.

JUDGE: Stacey L. Meisel

Hearing Date: 8/16/16 @ 10:00 am

**NOTICE OF MOTION TO HOLD TERESA GIUDICE IN CONTEMPT FOR
FAILURE TO COMPLY WITH AMENDED RULE 2004 SUBPOENA**

TO: Anthony M. Rainone, Esq.
Brach|Eichler LLC.
101 Eisenhower Parkway
Roseland, New Jersey 07068

Carlos J. Cuevas, Esq.
1250 Central Park Avenue
Yonkers, NY 10704

PLEASE TAKE NOTICE that on Tuesday, August 16, 2016 at 10:00 o'clock in the forenoon or as soon thereafter as counsel may be heard, John W. Sywilok, Chapter 7 Trustee for the above-captioned bankruptcy case, by and through his counsel Kopelman & Kopelman LLP shall move before Honorable Stacey L. Meisel, U.S.B.J., Courtroom 3A, United States Bankruptcy Court, 50 Walnut Street, Newark, New Jersey for an entry of an order to hold Teresa Giudice in contempt for failure to comply with amended R. 2004 subpoena.

PLEASE TAKE FURTHER NOTICE that in support of this motion the Certification of Michael S. Kopelman, Esq. dated July 13, 2016 shall be relied upon and is submitted simultaneously herewith.

PLEASE TAKE FURTHER NOTICE that opposition to this motion, if any, must be filed with the Clerk of the United States Bankruptcy Court and served upon the undersigned counsel no later than seven (7) days prior to the return date of this motion and in default thereof the matter may proceed *ex parte*.

PLEASE TAKE FURTHER NOTICE that unless objections are timely presented, the Motion shall be deemed uncontested in accordance with D.N.J. LBR 9013-1(a) and the relief requested may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

PLEASE TAKE FURTHER NOTICE that no brief is being submitted because the issues involved are not complicated.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

KOPELMAN & KOPELMAN LLP

Dated: July 13, 2016

BY: /s/ Michael S. Kopelman
Michael S. Kopelman, Esq.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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Hackensack, NJ 07601
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Michael S, Kopelman, Esq. (MSK 6104)
Attorneys for John W. Sywilok, Chapter 7 Trustee

In Re:

CHAPTER 7

GIUSEPPE GIUDICE and
TERESA GIUDICE

CASE NO. 09-39032

JUDGE: Stacey L. Meisel

Debtors.

Hearing Date: 8/16/16 @ 10:00 am

**CERTIFICATION OF MICHAEL S. KOPELMAN IN SUPPORT OF
MOTION TO HOLD IN CONTEMPT**

I, Michael S. Kopelman of full age hereby certify and say as follows:

1. I am an attorney at law of the State of New Jersey and represent the Chapter 7 Trustee in this newly re-opened Chapter 7 case, John Sywilok.
2. On June 2, 2016 Rule 2004 Subpoena was served on Teresa Giudice by certified mail, return receipt requested, and by first class mail with courtesy copies to co-counsel Carlos J. Cuevas, Esq. and Anthony M. Rainone, Esq. and to James J. Leonard, Esq, counsel to Teresa Giudice, **Exhibit A**.
3. On June 14, 2016 Amended Rule 2004 Subpoena and amended schedule of documents requested for production was served on Teresa Giudice personally by certified mail, return receipt requested, and by first class mail with courtesy copies to co-counsel Carlos J. Cuevas, Esq. and Anthony M. Rainone, Esq. and to James J. Leonard, Esq, counsel to Teresa Giudice, **Exhibit B**.

4. On June 28, 2016, Teresa Giudice was served with Amended Rule 2004 Subpoena and amended Schedule of Documents for production personally per attached Affidavit of Service of Danny Callahan. **Exhibit C.**

5. Debtor and her three attorneys have known about her duty to respond subpoena since early June, 2016.

6. No motion to quash the subpoena has been made.

7. Teresa Giudice did not produce the documents commanded on July 13, 2016 at 10:00 a.m.

8. This certification is made to hold Teresa Giudice in contempt for failure to comply with amended Rule 2004 Subpoena and amended document demand and to impose a fine of \$1,000.00 per day from July 13, 2016 payable to John Sywilok Trustee until there is compliance.

9. Further, it is anticipated that Teresa Giudice will not appear for her examination scheduled for July 20, 2016 at 10:00 a.m. at 55 Main Street, Hackensack, New Jersey and if she does fail to appear that she be fined an additional \$1,000.00 per day payable to John W. Sywilok, Trustee until there is compliance.

KOPELMAN & KOPELMAN LLP
Attorneys for JOHN W. SYWILOK, as Trustee of
the Bankruptcy Estate of Giuseppe Giudice and
Teresa Giudice

Dated: July 13, 2016

BY: /s/ Michael S. Kopelman
Michael S. Kopelman, Esq.

KOPELMAN & KOPELMAN LLP
A PARTNERSHIP FOR THE PRACTICE OF LAW
55 MAIN STREET
HACKENSACK, NEW JERSEY 07601-7001
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MICHAEL S. KOPELMAN
MEMBER NJ AND NY BARS
CAROL WEINFLASH KOPELMAN
MEMBER NJ BAR

NEW YORK OFFICE
ONE PENN PLAZA, SUITE 2414
NEW YORK, NEW YORK 10119
(212) 629-0733

June 2, 2016

VIA Certified Mail, R.R.R. & First Class Mail

Teresa Giudice
6 Indian Lane
Towaco, NJ 07082

Re: Giuseppe Giudice and Teresa Giudice, Chapter 7 Case No. 09-39032

Dear Ms. Giudice:

This office is counsel to John W. Sywilok, Chapter 7 Trustee in your recently re-opened bankruptcy case.

Enclosed please find subpoena for Rule 2004 examination. Please note that the date for production of documents at our office by July 13, 2016 at 10:00 a.m. and the date of deposition is July 20, 2016 at 10:00 a.m. at our office. If the date of deposition is inconvenient to you please call our office to arrange for mutually convenient time.

We are serving copies of these documents on your attorneys for their information.

Thank you for your continuing cooperation.

Very truly yours,

KOPELMAN & KOPELMAN LLP

/s/ Michael S. Kopelman

Michael S. Kopelman
MSK/es

cc: John W. Sywilok; Carlos J. Cuevas, Esq.; Anthony Rainone, Esq.; James J. Leonard, Esq.

B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

District of New Jersey

In re Giuseppe Giudice and Teresa Giudice Debtor

Case No. 09-39032

Chapter 7

SUBPOENA FOR RULE 2004 EXAMINATION

To: Teresa Giudice

(Name of person to whom the subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

Table with 2 columns: PLACE (Kopelman & Kopelman LLP, 55 Main Street, Hackensack, NJ 07601) and DATE AND TIME (July 20, 2016 @ 10:00 a.m.)

The examination will be recorded by this method: Stenographic

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:

See attached Rider. Documents to be produced by July 13, 2016 @ 10:00 a.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:

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

John W Sywilok, Trustee, who issues or requests this subpoena, are: Michael S. Kopelman, Esq. of Kopelman & Kopelman LLP, 55 Main St, Hackensack, NJ 07601 Kopelaw@kopelmanNJ.com Tel: (201) 489-5500

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.

RIDER TO SUBPOENA

1. Copy of employment contracts entered into in the last 3 years.
2. Copy of Federal and State Tax Returns for both Teresa Giudice and Giuseppe Giudice for the past 3 years.
3. Copy of bank statements of Teresa Giudice and Giuseppe Giudice, individually or jointly from January 2015 to present.

KOPELMAN & KOPELMAN LLP
A PARTNERSHIP FOR THE PRACTICE OF LAW
55 MAIN STREET
HACKENSACK, NEW JERSEY 07601-7001
TELEPHONE (201) 489-5500
TELECOPIER (201) 489-7755
E-MAIL kopelaw@kopelmannj.com

MICHAEL S. KOPELMAN
MEMBER NJ AND NY BARS
CAROL WEINFLASH KOPELMAN
MEMBER NJ BAR

NEW YORK OFFICE
ONE PENN PLAZA, SUITE 2414
NEW YORK, NEW YORK 10119
(212) 629-0733

June 14, 2016

VIA Certified Mail, R.R.R. & First Class Mail

Teresa Giudice
6 Indian Lane
Towaco, NJ 07082

**Re: Giuseppe Giudice and Teresa Giudice, Chapter 7 Case No. 09-39032
Amended Rule 2004 Subpoena and Amended Rider**

Dear Ms. Giudice:

Enclosed please find amended Rule 2004 Subpoena and Amended Rider.

Please note that the date of production of documents responsive to the rider is unchanged and is July 13, 2016 at 10:00 am. Likewise, the date for your examination of July 20, 2016 at 10:00 am is unchanged.

By copy of this letter I am serving these documents upon your attorneys.

Thank you for your continuing cooperation.

Very truly yours,

KOPELMAN & KOPELMAN LLP

/s/ Michael S. Kopelman

Michael S. Kopelman
MSK/es

cc: via first class mail: Carlos J. Cuevas, Esq.; Anthony Rainone, Esq.; James J. Leonard, Esq.;
John W. Sywilok, Chapter 7 Trustee

B2540 (Form 2540 - Subpoena for Rule 2004 Examination) (12/15)

UNITED STATES BANKRUPTCY COURT

District of New Jersey

In re Giuseppe Giudice and Teresa Giudice
Debtor

Case No. 09-39032

Chapter 7

SUBPOENA FOR RULE 2004 EXAMINATION - AMENDED

To: Teresa Giudice

(Name of person to whom the subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure. A copy of the court order authorizing the examination is attached.

PLACE <u>Kopelman & Kopelman LLP</u> <u>55 Main Street</u> <u>Hackensack, NJ 07601</u>	DATE AND TIME <u>July 20, 2016 @ 10:00 a.m.</u>
--------------------------------------------------------------------------------------------------	----------------------------------------------------

The examination will be recorded by this method: Stenographic

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:

See attached Rider. Documents to be produced by July 13, 2016 @ 10:00 a.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: 6/14/16

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Michael S. Kopelman
Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

John W. Sywilok, Trustee, who issues or requests this subpoena, are:
Michael S. Kopelman, Esq. of Kopelman & Kopelman LLP, 55 Main St., Hackensack, NJ 07601
Kopelaw@KopelmanNJ.com Tel: (201) 489-5500

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).

B2540 (Form 2540 -- Subpoena for Rule 2004 Examination) (Page 2)

PROOF OF SERVICE

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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.

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- (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.

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(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:

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(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.

AMENDED RIDER TO SUBPOENA

DEFINITIONS

1. As used herein, the term "AND/OR" shall be interpreted conjunctively and shall not be construed disjunctively to exclude any information otherwise obtained within the scope of any requests.

2. As used herein, the term 'BANKRUPTCY COURT' means the United States Bankruptcy Court for the District of New Jersey, where the Debtor's Chapter 7 Case, Case No. 09-39032, is pending.

3. As used herein, the term "CONCERNING" means regarding, referring to, pertaining to, relating to, or otherwise affecting or concerning.

4. As used herein, the term "Debtor" means "Giuseppe Giudice and/or Teresa Giudice".

5. As used herein, the term "DOCUMENT" means any papers, writings or records of any type or source of authorship in your possession, custody or control; or of which you have knowledge, wherever located, however produced or reproduced, or whether a draft, original or copy. By way of illustration and not limitation, the term "document" shall include memoranda of telephone conversations, summaries, diaries, or other records of personal conversations or interview; and minutes, summaries, or other records of any meetings, discussions or conferences, as well as other notes, reports, records, data memoranda, correspondence, notebooks, scrapbooks, diaries, minutes, summaries, financial statements, ledgers, magnetic tape or other sound recordings, telegrams, letters, photographs, drawings, plans, studies, manuals, instructions, bids, specifications, graphs, sketches, blueprints, charts, curves, motion picture film, microfilm, computer records, emails, photographs, photographic negatives, photocopies, Photostats, descriptions, purchase orders, agreements, contracts, invoices, bills of lading, published or unpublished speeches, manuscripts or articles, transcripts, affidavits, depositions, printed matter, publications and any other retrievable intelligence, however recorded, memorialized or preserved. Any original or copy containing or having attached thereto any alterations, note, comments or other material not included in each other original or copy shall be deemed a separate document within the foregoing definitions.

6. As used herein, the term "PERSON" means any natural persona, corporation, partnership, association, organization or group of persons.

UNAVAILABILITY OF DOCUMENTS

To the extent a document is sought herein and such document was, but is no longer in your possession, or subject to your control, or in existence, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred, voluntarily or involuntarily to others, or (iv) has been otherwise disposed of and, in each instance, explain the circumstances surrounding and authorization for such disposition thereof; state the date or approximate date thereof; the contents of said document; and the person who authorized the transfer, destruction or other disposition of said document. Documents prepared prior to, but which relate or refer to, the time period covered by these document requests are to be identified.

PRIVILEGE

Identify, by date, author, recipient, distribution list and subject matter, each document which is responsive to a specific document request, but which you will not produce based upon the assertion of a claim of privilege, attorney's work-product, or other asserted justification for non-production, and with respect thereto, specifically identify the alleged privilege asserted for each document.

SCHEDULE OF DOCUMENTS

1. A schedule of any real property owned by the Debtor and/or he or she has an interest in.
2. A schedule of any personal property owned by the Debtor and/or he or she has an interest in.
3. Any and all copies/images of bank statements, canceled checks, debit memos, financial documents, and copies of checks related to any and all bank or investment accounts the Debtor has an interest in, limited to the period of September 2011, through and including the present. Note this request includes, but is not limited to, the last pages of monthly bank statements that may include copies of the cancelled checks.
4. The tax returns (state and federal) for the last four years for the Debtor.
5. A schedule of all businesses, corporations, partnerships, limited liability companies, sole proprietorships, the Debtor has or had any ownership interest in, limited to the period of September 2011 to present.
6. Any and all documents referring or relating to any loans, gifts, and/or other transfers or remunerations given by the Debtor to or for the benefit of a third party, limited to the period of September 2011 to present, including without limitation, checks, wire transfers, and/or payments on behalf of third parties, and further limited to loans, gifts, and/or other transfers or remunerations in the aggregate amount of \$5,000.
7. Copies of the most recent three years audited, reviewed or compiled financial statements, or if none exist, copies of the Debtor's internally prepared financial statements.
8. Copies of any life insurance policies and any other documentation concerning such policies owned by the Debtor.
9. A listing of all vehicles owned by the Debtor along with the original vehicles title certificates, limited to September 2011 through present.
10. Copies of loan agreements and monthly loan statements from September 2011 through September 2015 for any bank loans the Debtor may have had.
11. Monthly credit card statements from September 2011 through September 2015 for any credit cards the Debtor used.
12. All documents concerning any payments of debts made by the Debtor from the date of filing of the petition.

13. All documents concerning the financing or purchase or transfer of any asset of the Debtor from the date of filing of the petition.

14. All documents concerning the valuation of any assets and/or property of the Debtor from the date of filing the petition.

15. Any and all documents and information available on the alleged claim against James Kridel, Esq.

16. Copy of employment contracts entered into in the last 4 years.

17. Copy of Federal and State Tax Returns for both Teresa Giudice or Giuseppe Giudice for the past 3 years.

18. Copy of bank statements and cancelled checks of Teresa Giudice and Giuseppe Giudice, individually or jointly from January 2011 to present.

19. Regarding Wachovia, all transfer documents and any documents regarding a change in the amount claimed.

20. Re: Matropole and Testa, Appellate Division opinion.

21. Re: Dominion Financial Corporation, transfer documents and any documents showing that claim was reduced both as to claim #18 and #19.

22. Re: State of New Jersey, Department of Treasury, the settlement and tax repayment plan and all amounts paid pursuant thereto, both with respect to \$441,218.76 tax claim and \$62,570.70 tax claim.

23. Re: Internal Revenue Service claim #25, a copy of settlement and tax repayment plan and all payments made pursuant thereto

24. Re: Alliance Laundry Systems LLC claim #26, a copy of settlement and repayment plan together with all amounts paid pursuant thereto.

25. Re: Dan Ban Construction LLC, a copy of Debtors' claim for a violation of the New Jersey Consumer Fraud Act.

26. Re: Jersey Central Power and Light, proof that this claim has been paid.

27. Re: Resurgent Capital Services, produce proof that this claim has been paid.

28. Re: Williams, produce proof that this claim has been paid.

29. Re: North Hudson IVF, produce proof of payment.
30. Re: Resurgent Capital Services, claim no. 8, produce proof that claim has been paid.
31. Re: Resurgent Capital Services, claim no 9, produce proof that this claim has been paid.
32. Re: New York City Department of Finance, produce proof of payment of claim #12.
33. Re: Resurgent Capital Services, claim no 14, produce proof that this claim has been paid.
34. Re: Verizon, claim no 15, produce proof that this claim has been paid.
35. Re: HBSC Bank Nevada, NA, provide proof that claim #20 has been expunged.
36. Re: Ronnie R. Sanchez, provide proof that claim no 21 has been paid.
37. Re: Ford Motor Credit Co. LLC, provide proof that claim no 22 has been paid.
38. Proof that \$400,000 criminal restitution has been paid.

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Case Number: 09-39032

In re Giuseppe Giudice and Teresa Giudice

Filed On: 06/14/2016

vs

State of New Jersey:
Bergen County ss:

I Danny Callahan, being duly sworn according to law upon my oath, depose and say: Deponent is not a party to this action, has no direct personal interest in this litigation, is over eighteen years of age and resides in the State of New Jersey.

That on **06/28/2016 at 5:06 PM.**, at **6 Indian Lane, Towaco, NJ 07082**

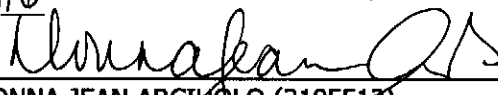
Deponent served the within **Subpoena for Rule 2004 Examination - Amended, Amended Rider to Subpoena, Unavailability of Documents, Schedule of Documents**
On **Teresa Giudice**

PERSONAL/INDIVIDUAL: By delivering thereat a true copy of each to **Teresa Giudice** personally, deponent knew said Individual so served to be the Individual described as **Teresa Giudice** therein.

DESCRIPTION: **Teresa Giudice** is described to the best of deponent's ability at the time and the circumstances of service as follows:
Gender: **Female** Race/Skin: **White** Hair: **Black** Age: **40 - 49 Yrs** Height: **5'8" - 5'11"** Weight: **150 -174 Lbs.** Other:

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Subscribed and Sworn to before me on June 29,
2016



DONNA JEAN ARCIVOLO (2105512)
Notary Public of New Jersey
My Commission Expires November 30, 2017



X



DANNY CALLAHAN, Process Server
Job # 1601886

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

KOPELMAN & KOPELMAN LLP
55 Main Street
Hackensack, NJ 07601
Tel: 201 489-5500
Fax: 201489-7755
Michael S, Kopelman, Esq. (MSK 6104)
Attorneys for John W. Sywilok, Chapter 7 Trustee

In Re:

GIUSEPPE GIUDICE and
TERESA GIUDICE

Debtors.

CHAPTER 7

CASE NO. 09-39032

JUDGE: Stacey L. Meisel

Hearing Date: 8/16/16 @ 10:00 am

ORDER

The relief set forth in the following page two (2) through two (2) is hereby **ORDERED**.

Debtor: Giuseppe Giudice and Teresa Giudice
Case No.: 09-39032
Caption of Order: Order

THIS MATTER being opened to the Court by Kopelman & Kopelman LLP (Michael S. Kopelman, Esq. appearing) attorneys for Chapter 7 Trustee, John W. Sywilok, and due notice to all parties in interest having been given and the Court having considered Trustee's motion to hold Teresa Giudice and contempt for failure to comply with amended Rule 2004 Subpoena and the Court having considered the moving papers, the opposition thereto, if any, and the arguments of counsel; and good cause appearing for the entry of this Order,

IT IS HEREBY ORDERED AS FOLLOWS:

1. Teresa Giudice is ordered to comply with the Trustee's amended Rule 2004 Subpoena and amended document demand served personally on June 28, 2016 and produce documents responsive to document demand immediately.
2. Teresa Giudice shall pay a fine of \$1,000.00 per day from July 13, 2016 to John W. Sywilok, Chapter 7 Trustee until there is compliance with amended Rule 2004 subpoena and complete submission of requested amended production of documents.
3. Teresa Giudice is ordered to appear for the deposition hearing scheduled for July 20, 2016 at 10:00 a.m. to 55 Main Street, Hackensack, New Jersey. Failure to appear will cause additional fine of \$1,000.00 per day until there is compliance.
4. The Clerk shall serve notice of the entry of this order upon the Debtor, the Debtor's attorney, the United States Trustee and any other party who entered an appearance in this matter.