

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**Case No. 8:20-cv-325-MSS-MRM**

**BRIAN DAVISON, et al.,**

**Defendants, and**

**128 E. DAVIS BLVD. LLC, et al.,**

**Relief Defendants.**

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**NICOLE DAVISON’S MOTION TO QUASH RECEIVER’S SUBPOENA  
OR, ALTERNATIVELY, MOTION FOR PROTECTIVE ORDER**

Nicole Davison, wife of Brian Davison and a nonparty to this action, moves to quash the Receiver’s subpoena duces tecum directed to her (the subpoena).<sup>1</sup> Alternatively, she moves for a protective order against the subpoena. The subpoena seeks production of Mrs. Davison’s personal financial information despite her nonparty status, the absence of any judgment against her, and no attempt to tie any of the information sought to any asset or interest of Brian Davison. Therefore, Mrs.

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<sup>1</sup> A copy of the subpoena is attached as Ex. A. The subpoena was originally issued in September 2021. Counsel for the Receiver granted Nicole Davison an indefinite extension of time to respond to the subpoena, and by letter dated August 15, 2022, demanded a response to the subpoena by August 22. The undersigned tested positive for Covid on August 15, 2022, was only able to work sporadically for two weeks and is just now back to full time.

Davison respectfully asks that the Court quash the subpoena or enter a protective order for Mrs. Davison's personal financial information.

### **BACKGROUND**

The categories of documents sought by the Receiver demonstrate their overbreadth and impropriety when directed to a nonparty:

1. Produce any and all documents in your possession, custody or control regarding or relating to or reflecting any account in your name or over which you have any direct or indirect control or signature authority with any financial institution for the period of February 14, 2020 to the present. This should include any firm that does business in securities, precious metals, currencies, cryptocurrencies, commodities, mortgages, options, or futures.
2. Produce any and all documents in your possession, custody or control regarding any completed or proposed purchase, sale or transfer of any watch, time-piece or jewelry.
3. Produce any and all documents that relate to reflect or evidence any communication with any individual or firm that transacts business in watches or time pieces.
4. Produce any and all documents that reflect, relate or refer to any transaction or proposed transaction in precious metals including gold, platinum and silver.
5. Any communications with any entity or person that deals in precious metals.
6. Any communication or documents relating to the transfer or pledge of any precious metals or other assets of any kind from February 14, 2020 to the date hereof.
7. Any and all documents relating to, regarding or evidencing and transaction or proposed transaction in any cryptocurrency.
8. Any documents that relate or reflect and communication regarding cryptocurrency or any proposed transaction, including any firm or individual that transacts business in cryptocurrency.

9. All contacts, communications with, or documents that involve, relate to, or refer to Greg Simonian, John Simonian or Westime.

10. Copies of any Passport used by Nicole Davison.

*See* Ex. A.

Categories 1-9 of the subpoena seek Mrs. Davison's personal financial information without limiting the requests to any account in which Brian Davison has an interest. The Receiver has no legitimate interest in Mrs. Davison's personal financial information. The Receiver holds no money or other judgment against Mrs. Davison. Similarly, Category 10 of the subpoena demands a copy of Nicole Davison's passport, which is both private and not relevant to any matter involving her. The Court should quash the subpoena or enter an order protecting Mrs. Davison's personal financial information.

## LEGAL MEMORANDUM

### **A. The Court should quash the Receiver's subpoena.**

Rule 45 allows a party to issue a subpoena to "command each person to whom [the subpoena] is directed to do the following at a specified time and place: attend and testify; produce designated documents, electronically stored information, or tangible things in that person's possession, custody, or control; or permit the inspection of premises." Fed. R. Civ. P. 45(a)(1)(A)(iii). "In general, a Rule 45 subpoena is a discovery vehicle to be used against non-parties to, among other things, obtain documents relevant to a *pending lawsuit*." *Castleberry v. Camden Cnty.*, 331 F.R.D. 559, 562 (S.D. Ga. 2019) (citation omitted) (emphasis added).

A subpoena issued under Rule 45 remains subject to all of the requirements of Rule 26. *See generally Hatala v. Sustainable Concepts Develop.*, No. 9:15-CV-81475-BLOOM/Reinhart, 2022 WL 2341234, at \*2 (S.D. Fla. Apr. 25, 2022) (“By the plain language of Rule 26(b)(1), the proportionality factors (which include undue burden) limit what documents a requesting party may obtain, without regard for whether the request is to another party under Rule 34 or to a non-party under Rule 45.”) (citations omitted).

Rule 45 provides that a court must quash or modify a subpoena that subjects a person to undue burden (Rule 45(d)(3)(A)(iv)) and may quash or modify a subpoena that discloses a trade secret or other confidential research, development, or commercial information (Rule 45(d)(3)(B)(i)). In Florida, the personal financial information of a nonparty is considered secret. *See generally Rappaport v. Mercantile Bank*, 17 So. 3d 902 (Fla. 2d DCA 2009) (granting petition for certiorari and overturning trial court’s order granting financial discovery of non-debtor spouse). Personal financial information is also protected by the right to privacy guaranteed by the Florida Constitution. *See Fla. Const. art. 1, § 23* (“Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein.”); *see also Winfield v. Div. of Pari-Mutuel, Dep’t of Bus. Regulation*, 477 So. 2d 544, 548 (Fla. 1985) (“[W]e find that the law in the state of Florida recognizes an individual’s legitimate expectation of privacy in financial institution records.”).

In this case, the subpoena imposes an undue burden on Mrs. Davison because the subpoena requires her to disclose personal financial information the Receiver will use to further disrupt her financial life. After the filing of this lawsuit and the attendant publicity, many of Mrs. Davison's friends and acquaintances continued their relationships or associations with Mrs. Davison. But then—virtually without exception—those relationships ended immediately after those friends or acquaintances were “interviewed” by the Receiver or his counsel.

Allowing the Receiver to intrude into Mrs. Davison's personal finances now will welcome more interactions between the Receiver and Mrs. Davison's remaining relationships, likely resulting in further damage to Mrs. Davison's personal and financial life. Mrs. Davison has spent the last two years borrowing money from her family and attempting to rebuild a financial future for her and her children. Those efforts have included developing lending relationships with private lenders. She cannot afford to have the Receiver “interview” those sources of funding and destroy them.

The Receiver's unjustified attempt to obtain Mrs. Davison's personal financial information is particularly troubling considering that discovery in this matter has long closed. *See* (Doc. 422) (setting a November 5, 2021 discovery deadline); *see also* (Doc. 355) (entering final judgment against Mr. Davison). A party may use Rule-45 subpoenas while discovery is ongoing. *See Castleberry*, 331 F.R.D. at 562. But discovery in this case is closed, and the Receiver has already obtained final judgment against Mr. Davison. As a result, Rule 45 is unavailable to the Receiver.

The Receiver might point to Rule 69 to support the subpoena against Mrs. Davison. That rule allows a judgment holder to obtain discovery in aid of executing a judgment. *See* Fed. R. Civ. P. 69. The problem with that argument is that Rule 69 applies only to money judgments. *See* Fed. R. Civ. P. 69(a)(1) (“Money Judgment; Applicable Procedure.”). But the Receiver has argued that the judgment against Mr. Davison is not a money judgment. *See* (Doc. 612 at 9). Thus, under the Receiver’s own argument, Rule 69 provides no means for him to obtain discovery from Mrs. Davison.<sup>2</sup>

What’s more, the Receiver fails to establish any relevance to the items requested in the subpoena against Mrs. Davison. *See* Fed. R. Civ. P. 26(b)(1) (allowing parties to obtain discovery relevant to any party’s claim or defense); *see also* *Barrington v. Mortg. IT Inc.*, No. 07-61304-CIV, 2007 WL 4370647, at \*3 (S.D. Fla. Dec. 10, 2007) (“Courts . . . have held that the scope of discovery under a [Rule-45] subpoena is the same as the scope of discovery under Rule 26.”). The Receiver—and the subpoena’s—failure to establish any relevance is fatal because Mrs. Davison is a nonparty to this litigation, and the burden for obtaining discovery from a nonparty is high. *See* *Zukoski v. Phila. Elec. Co.*, No. CIV. A. 93-4780, 1994 WL 637345, at \*3 (E.D. Penn. Nov. 14, 1994) (“It is a generally accepted rule that standards for non-party discovery require a stronger showing of relevance than for party discovery.”); *see also* *Castleberry*, 331 F.R.D. at 563 (citing *Zukoski*).

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<sup>2</sup> Neither Mrs. Davison nor Mr. Davison concede the Receiver’s argument that the judgment against Mr. Davison is not a money judgment. Rather, Mrs. Davison points out the incongruence in the Receiver’s position to further demonstrate the impropriety of the subpoena against Mrs. Davison.

The burden on a nonparty is “particularly great” when the Rule-45 subpoena seeks private information. *See Castleberry*, 331 F.R.D. at 563 (citation omitted). The Receiver’s failure to establish the relevance of the items requested from Mrs. Davison renders its subpoena insufficient, and the Court should quash the subpoena.

**B. Alternatively, the Court should enter a protective order.**

A court must limit discovery if the discovery sought is “unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome, or less expensive”; “the party seeking discovery has had ample opportunity to obtain the information by discovery in the action”; or “the proposed discovery is outside the scope permitted by Rule 26(b)(1). Fed. R. Civ. P. 26(b)(2)(C). And a court may enter a protective order to protect a person from “annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c)(1).

In this case, the Court should enter protective order because the Receiver’s subpoena against Mrs. Davison would result in embarrassment and undue burden. Mrs. Davison has worked hard to develop and maintain business relationships with private lenders. Allowing the Receiver to obtain information from those lenders would result in an embarrassment to Mrs. Davison—who is not a party to this case. Further, enforcing the subpoena would result in an undue burden to Mrs. Davison because her relationships with the private lenders would likely end shortly after the lenders communicate with the Receiver—just as Mrs. Davison’s previous business relationships ended after connections spoke with the Receiver. Therefore, the Court

should enter an order protecting Mrs. Davison's personal financial information from discovery by the Receiver. *See Fox v. Lake Erie College of Osteopathic Med. Inc.*, No. 8:19-CV-2795-T-60AAS, 2020 WL 7054554, at \*2–3 (M.D. Fla. Dec. 2, 2020) (Sansone, Mag. J) (entering protective order against Rule-45 subpoena).

### **CONCLUSION**

The Receiver seeks to use an improper Rule-45 subpoena to obtain from nonparty Mrs. Davison material irrelevant to the judgment against Mr. Davison. Allowing the Receiver to enforce the subpoena will result in the dissemination of Mrs. Davison's personal financial information, embarrassment to Mrs. Davison, and irreparable damage to Mrs. Davison's remaining business relationships. Therefore, Mrs. Davison respectfully asks that the Court enter an order quashing the Receiver's subpoena or, alternatively, protecting Mrs. Davison's personal financial information.

### **CERTIFICATE UNDER LOCAL RULE 3.01(g)**

Counsel for Davison has conferred with counsel for the SEC and for the Receiver and represents to the Court that the Receiver objects to the relief sought and the SEC takes no position.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed via the Court's CM/ECF system on this 8th day of September 2022.

**/s/ Stanley T. Padgett**

Stanley T. Padgett, Esquire

Florida Bar No. 348686

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Counsel for Nicole Davison

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No. 8:20-cv-325-T-35AEP

BRIAN DAVISON,  
BARRY M. RYBICKI,  
EQUIALT LLC,  
EQUIALT FUND, LLC  
EQUIALT FUND II, LLC,  
EQUIALT FUND III, LLC,  
EA SIP, LLC,

Defendants,

and

128 E. DAVIS BLVD., LLC;  
310 78TH AVE, LLC;  
551 3D AVE S, LLC;  
604 WEST AZEELE, LLC;  
2101 W. CYPRESS, LLC;  
2112 W. KENNEDY BLVD, LLC;  
5123 E. BROADWAY AVE, LLC;  
BLUE WATERS TI, LLC; BNAZ, LLC;  
BR SUPPORT SERVICES, LLC;  
BUNGALOWS TI, LLC;  
CAPRI HAVEN, LLC; EA NY, LLC;  
EQUIALT 519 3RD AVE S., LLC;  
MCDONALD REVOCABLE LIVING TRUST;  
SILVER SANDS TI, LLC;  
TB OLDEST HOUSE EST. 1842, LLC.

Relief Defendants.

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TO: Nicole Davison

YOU ARE COMMANDED to appear in the United States District Court, Middle District of Florida, Tampa Division, at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM _____
	DATE AND TIME

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

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Attachment A**

PLACE: JOHNSON, CASSIDY, NEWLON & DeCORT P.A. 2802 N. Howard Avenue Tampa, FL 33607	DATE AND TIME October 4, 2021
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, Rule 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  <i>/s/ Katherine C. Donlon, Attorney for the Receiver Burton W. Wiand</i>	DATE <b>September 17, 2021</b>
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Katherine C. Donlon, FBN 0066941 <a href="mailto:kdonlon@jclaw.com">kdonlon@jclaw.com</a> JOHNSON, CASSIDY, NEWLON & DeCORT P.A. 2802 N. Howard Avenue Tampa, FL 33607 Tel: (813) 291-3300 Fax: (813) 324-4629 <i>Attorney for the Receiver Burton W. Wiand</i>	

**PROOF OF SERVICE**

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

**DECLARATION OF SERVER**

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

Executed on \_\_\_\_\_  
 \_\_\_\_\_  
 Signature of Server  
 \_\_\_\_\_  
 Address of Server

\_\_\_\_\_  
 Federal Rule of Civil Procedure 45(d), (e), (f), and (g), as amended on December 1, 2013

(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.

(f) TRANSFERRING A SUBPOENA-RELATED MOTION. When the court where compliance is required did not issue the subpoena, it may transfer a motion under this rule to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances. Then, if the attorney for a person subject to a subpoena is authorized to practice in the court where the motion was made, the attorney may file papers and appear on the motion as an officer of the issuing court. To enforce its order, the issuing court may transfer the order to the court where the motion was made.

(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.

**ATTACHMENT A**

**DEFINITIONS**

1. The terms “**you**” and “**your**” are used in the broadest and most comprehensive sense and refer to the target of this subpoena; any former or present parent, subsidiary, predecessor, successor, joint venture, partner, affiliate, or otherwise related entity, and any of their or the target’s incorporators, principals, members, managers, directors, officers, employees, agents, brokers, or contractors, or anyone else associated with them; and any person or entity controlled by the target of this subpoena, including the target’s lawyers and accountants.

2. Defendants and Relief Defendants includes Brian Davison; Barry Rybicki; Equialt, LLC; Equialt Fund, LLC; Equialt Fund II, LLC; Equialt Fund III, LLC; EA SIP, LLC; 128 E. Davis Blvd, LLC; 310 78th Ave, LLC; 551 3rd Ave S, LLC; 604 West Azeele, LLC; 2101 W. Cypress, LLC; 2112 W. Kennedy Blvd, LLC; 5123 E. Broadway Ave, LLC; Blue Waters TI, LLC; BNAZ, LLC; BR Support Services, LLC; Bungalows TI, LLC; Capri Haven, LLC; EA NY, LLC; Equialt 519 3rd Ave S., LLC; McDonald Revocable Living Trust; Silver Sands TI, LLC; TB Oldest House Est. 1842, LLC. The Receivership has been expanded to include additional entities as follows: EquiAlt Qualified Opportunity Zone Fund, LP; EquiAlt QOZ Fund GP, LLC; EquiAlt Secured Income Portfolio REIT, Inc.; EquiAlt Holdings LLC; EquiAlt Property Management LLC; and EquiAlt Capital Advisors, LLC. All entities and individuals referenced in this paragraph are collectively referred to as “**Receivership Defendants**”.

3. The term “**document**” or “**documents**” means any written, graphic, electronic, or aural representation of any kind whether produced, reproduced, or stored on paper, cards, tapes, discs, belts, charts, films, computer storage devices or other electronic device, or any other medium including, without limitation, matter in the form of photographs, charts, graphs, plans, drawings, emails, microfiches, microfilms, videotapes, recordings, motion pictures, books, reports, studies,

statements, speeches, notebooks, checks, stubs, forms, applications, tickets, ticket stubs, receipts, agreements, appointment calendars, working papers, graphs, manuals, brochures, contracts, memoranda, notes, records, correspondence, diaries, bookkeeping entries, published materials, invoices, letters, messages, telegrams, drafts, studies, analyses, summaries, magazines, booklets, expense records, appraisals, valuations, estimates, opinions, financial statements, accounting records, income statements, premium notices, forecasts, illustrations, and any nonidentical drafts and copies of the foregoing.

4. **“Relating to,” “reflecting,” or “evidencing”** means relating to, regarding, indicating, evidencing, constituting, bearing upon, concerning, addressing, discussing, mentioning, describing, reflecting, responding to, identifying, pertaining to, having to do with, criticizing, contradicting, evaluating, analyzing, setting forth, underlying, commenting on, forming the basis for, or otherwise being in any way relevant or having any relationship whatsoever to the subject matter of the request.

5. **“Correspondence”** means any letter, telegram, telex, notice, message, memorandum, email, or other written communication or transcription or notes of a communication.

6. **“Communication”** means any written or oral transmission of fact, information, or opinion, including any utterance, notation, or statement of any nature whatsoever, including, but not limited to, documents and correspondence as defined herein.

### **INSTRUCTIONS**

1. You are requested to produce documents that are in your possession, custody, or control as they are kept in the usual course of business (such as hard copies or electronically stored information). In addition, documents are to be produced in full and unexpurgated form. This

request is ongoing in nature. Documents created after the date of production may be requested at a later date.

2. If any documents requested were, but are no longer, in your possession, subject to your control, or in existence, and therefore cannot be produced by you, please state whether any such document (a) is missing or lost; (b) has been destroyed; (c) has been transferred voluntarily or involuntarily to others; or (d) is otherwise disposed of, and, in each instance, please explain the circumstances surrounding any such disposition of the document and state the date or approximate date thereof.

3. If any portion of any document responsive to this request is withheld by reason of any assertion of privilege or other protection from discovery, redact and identify such portion and produce the document. As to each document or portion thereof that is withheld, provide the following information: (a) type of document (e.g., letter, memorandum, telegram, chart, photograph, tape cassette, etc.); (b) date of document; (c) name(s) of its author(s) or preparer(s) and an identification by employment and title of each such person; (d) name of each person who was sent, shown, blind copied, or carbon copied the document, or who has had access to or custody of the document, together with an identification of each such person by employment and title; (e) number of pages, attachments, and appendices; (f) present custodian; (g) subject matter of the document; (h) nature of the privilege or other protection asserted and a statement of the basis for the claim of privilege or other protection; and (i) paragraph(s) of this subpoena to which the document is responsive.

4. In producing documents, all documents which are physically attached to each other when located for production shall be left so attached. Documents which are segregated or separated from other documents, whether by inclusion in binders, files, subfiles, or by use of dividers, tabs,

or any other method, shall be left so segregated or separated. Documents shall be retained in the order in which they were maintained, in the file where found, and you shall identify from whose files the document originated. **Unless otherwise specified, this request calls for all documents generated, prepared, or received from the beginning of time through the date of production, or which refer to matters occurring through such date.**

**SPECIFIC REQUEST FOR INFORMATION AND DOCUMENTS**

1. Produce any and all documents in your possession, custody or control regarding or relating to or reflecting any account in your name or over which you have any direct or indirect control or signature authority with any financial institution for the period of February 14, 2020 to the present. This should include any firm that does business in securities, precious metals, currencies, cryptocurrencies, commodities, mortgages, options, or futures.

2. Produce any and all documents in your possession, custody or control regarding any completed or proposed purchase, sale or transfer of any watch, time-piece or jewelry.

3. Produce any and all documents that relate to reflect or evidence any communication with any individual or firm that transacts business in watches or time pieces.

4. Produce any and all documents that reflect, relate or refer to any transaction or proposed transaction in precious metals including gold, platinum and silver.

5. Any communications with any entity or person that deals in precious metals.

6. Any communication or documents relating to the transfer or pledge of any precious metals or other assets of any kind from February 14, 2020 to the date hereof.

7. Any and all documents relating to, regarding or evidencing and transaction or proposed transaction in any cryptocurrency.

8. Any documents that relate or reflect and communication regarding cryptocurrency or any proposed transaction, including any firm or individual that transacts business in cryptocurrency.

9. All contacts, communications with, or documents that involve, relate to, or refer to Greg Simonian, John Simonian or Westime.

10. Copies of any Passport used by Nicole Davison.

11. Produce the records requested in paragraphs 2 through 9 for the period beginning January 1, 2016 to the date of production.