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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

MICHAEL R. MASTRO,

Debtor.

No. 09-16841 (CH. 7)

SUBPOENA DUCES TECUM
FOR RULE 2004 EXAMINATION
TO MICHAEL R. MASTRO

TO: MICHAEL R. MASTRO

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents, papers or objects at the place, date, and time specified below:

Bush Strout & Kornfeld
601 Union Street #5000
Seattle, WA 98101

Wednesday, February 10, 2010
9:00 a.m.

1. All insurance policies covering nonbusiness assets of Michael R. Mastro and/or Linda Mastro from January 1, 2005 to present, including but not limited to, homeowners insurance policies, automobile insurance policies, and personal umbrella policies.
2. All documents necessary for a separate property accounting with Linda Mastro.
3. All records relating to gifts, including but not limited to any gift tax returns, made by Michael R. Mastro to Linda Mastro.
4. To the extent not already provided to the Trustee, all bank statements, canceled checks, check registers and billing statements for all financial accounts and credit card accounts as to which Mike Mastro had or has signature authority, an ownership interest, or an interest in the entity which had the ownership interest in the account for the period January 1, 2009 to the present.

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TO MICHAEL R. MASTRO – Page 1

BUSH STROUT & KORNFELD
LAW OFFICES
5000 Two Union Square
601 Union Street
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 5. For the period August 21, 2009 to date, all documents relating to communications of
2 any type to or from Michael R. Mastro, and to or from any agent of Michael R. Mastro or person
3 acting on his behalf, other than communications limited solely to Bucknell, Stehlik Sato & Stubner,
4 LLP. (This request includes, without limitation, all emails and attachments.)

5 6. For the period August 21, 2009 to date, all documents relating to any transaction in
6 which Michael R. Mastro has any financial interest, whether direct or indirect. (This request includes,
7 without limitation, all emails and attachments.)

8 7. The original passport of Michael R. Mastro which the Trustee may possess for a period
9 of not more than 30 minutes to photocopy and return to Mr. Mastro.

10 8. All paid and unpaid invoices from creditors arising from obligations incurred by
11 Michael R. Mastro for the period August 21, 2009 to present.

12 9. A listing of all trips taken outside of the state of Washington by Michael R. Mastro for
13 the period August 21, 2009 to present.

14 10. Receipts and copies of airplane tickets for all air flights traveled after August 21, 2009.

15 11. Receipts for all hotel accommodations paid for by Michael R. Mastro or paid for on
16 behalf of Michael R. Mastro for the period of August 21, 2009, to the present.

17 12. All records and documents associated with any transaction entered into after August
18 21, 2009 in which Michael R. Mastro presently has or will have a financial interest or from which
19 Michael R. Mastro has received or will receive compensation of any nature.

20 13. All records and documents related to all loans that Michael R. Mastro has obtained
21 from any person or entity since August 21, 2009 and a listing of all such loans.

22 14. All records and documents associated with any transaction entered into by another
23 person or entity for the benefit, in whole or in part, of Michael R. Mastro since August 21, 2009.

 15. Documents showing the amount, purpose, and source of all payments made to, by or
for the benefit of Michael R. Mastro since August 21, 2009.

 16. A list of all persons residing outside the State of Washington with whom you or any
entity owned in whole or in part by you has engaged in any business transaction during the period
January 1, 2005 to date.

 17. A list of all persons residing outside the State of Washington who have been to your
home or whose home you or your wife have been to since January 1, 2000.

 18. A list of all persons residing outside the United States with whom you have
communicated since January 1, 2008.

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1 19. To the extent not previously provided to the Trustee, copies of all current and previous
2 wills and other estate planning documents. (This request includes, without limitation, the codicil
referred to during the Meeting of Creditors on October 28, 2009 (transcript at page 115-16)).

3 20. All documents relating to the matters that are the subject of the Agreement between
4 FRB, Inc. and Tamara Casey dated December 5, 2008.

5 21. All telephone records (including cell phone records) for Michael R. Mastro or Linda A.
6 Mastro for the period July 10, 2009 to date.

7 DATED this ___ day of January, 2010.

8 BUSH STROUT & KORNFELD

9 By /s/ Aimee S. Willig
Aimee S. Willig, WSBA #22859
10 Attorneys for Trustee

11 *****
Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006, made
12 applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

13 c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

14 (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to
avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena
15 was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction,
which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

16 (2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated
electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear
17 in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

18 (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection, copying,
19 testing, or sampling may, within 14 days after service of the subpoena or before the time specified for compliance if such
time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to
20 producing any or all of the designated materials or inspection of the premises — or to producing electronically stored
information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to
21 inspect, copy, test, or sample the materials or inspect the premises except pursuant to an order of the court by which the
subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person
22 commanded to produce, move at any time for an order to compel the production, inspection, copying, testing, or sampling.
Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense
23 resulting from the inspection, copying, testing, or sampling commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
(i) fails to allow reasonable time for compliance;
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles
from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the

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1 provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any
2 such place within the state in which the trial is held;

3 (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or(iv)
4 subjects a person to undue burden.

5 (B) If a subpoena

6 (i) requires disclosure of a trade secret or other confidential research, development, or commercial
7 information, or

8 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or
9 occurrences in dispute and resulting from the expert's study made not at the request of any party, or

10 (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more
11 than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the
12 subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that
13 cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be
14 reasonably compensated, the court may order appearance or production only upon specified conditions.

15 (d) DUTIES IN RESPONDING TO SUBPOENA.

16 (1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the
17 usual course of business or shall organize and label them to correspond with the categories in the demand.

18 (B) If a subpoena does not specify the form or forms for producing electronically stored information, a
19 person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains
20 it or in a form or forms that are reasonably usable.

21 (C) A person responding to a subpoena need not produce the same electronically stored information in more
22 than one form.

23 (D) A person responding to a subpoena 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 to quash, the person from whom discovery is sought must show that the information sought 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) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to
protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the
nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to
contest the claim.

(B) If information is produced in response to a subpoena that 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 and may not use or disclose the information until the claim is resolved. A receiving party may promptly
present the information to the court under seal for a determination of the claim. If the receiving party disclosed the
information before being notified, it must take reasonable steps to retrieve it. The person who produced the information
must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be
deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a
subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of
subparagraph (c)(3)(A).

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