

**COURT ORDER RE AMAZON'S MOTION TO COMPEL AS TO EUROPLAY**

AMAZON’S REQUESTS	CREDITORS’ RESPONSES	AMAZON’S COMPROMISE	
<p><u>No. 10</u>: All documents relating to Your interests in any litigations, including intellectual property litigations, not included in the Collateral.</p>	<p><u>No. 10</u>: Europlay objects to this Request under FRCP 45(d)(1), (2)(ii) on the grounds that it is overly broad and vague, including with respect to the term "Your interests" and because that it is not on its face limited as to time and scope and including with respect to the term "relating to."</p> <p>Europlay further objects to this Request as exceedingly overbroad, burdensome and as calling for documents not relevant to PersonalWeb or Amazon's post-judgment collection efforts. As stated, Europlay is a litigation consultant, advisor and service firm and in the investment and fund management business and its personnel sit on numerous boards of directors, all for its numerous clients who have no relationship with PersonalWeb and Europlay is itself a party to a number of litigation cases. Many of such cases involve settlements or other resolutions that by agreement are subject to confidentiality clauses. Europlay further objects to this Request to the extent that production of the requested records violates the financial privacy rights of Europlay and/or its officers, directors, employees, and/or members. Europlay will not separately produce or log any documents relating to such matters but will meet and confer with Amazon to discuss the relevance, if any, of such matters.</p>	<p><u>No. 10</u>: Europlay should produce documents responsive to the full scope of this request as the Court ordered. But in the interest of compromise, Amazon offers to limit the request to:</p> <p>(i) documents created on or after January 1, 2010, a reasonable period before the founding of PersonalWeb; and</p> <p>(ii) documents to those sufficient to show Europlay’s interests in litigation, including at least (a) identifying the litigation, all parties to it, and any other interested parties; and (b) identifying any payment or other benefit Europlay received as a result of the litigation.</p> <p>Amazon would reserve the right to seek further production as necessary based on this initial production. Europlay has three principals, one of whom, Mark Dyne, is related to Kevin Bermeister, and another, Murray Markiles, is a name partner at Stubbs Alderton Markiles, PersonalWeb’s corporate and litigation counsel. How Mr. Markiles chose to set up PersonalWeb and structure ownership and investment by his law firm and others through both Europlay and SAM Ventures is key to establishing the fraudulent nature of the receivership and alter ego. Europlay is</p>	<p>No. 10: Europlay should produce documents responsive to the full scope of this request as the Court ordered. But in the interest of compromise, Amazon offers to limit the request to:</p> <p>(i) documents created on or after January 1, 2010, a reasonable period before the founding of PersonalWeb; and</p> <p>(ii) documents to those sufficient to show Europlay’s interests in litigation, including at least (a) identifying the litigation, all parties to it, and any other interested parties; and (b) identifying any payment or other benefit Europlay received as a result of the litigation.</p> <p>Amazon would reserve the right to seek further production as necessary based on this initial production. Europlay has three principals, one of whom, Mark Dyne, is related to Kevin Bermeister, and another, Murray Markiles, is a name partner at Stubbs Alderton Markiles, PersonalWeb’s corporate and litigation counsel. How Mr. Markiles chose to set up PersonalWeb and structure ownership and investment by his law firm and others through both Europlay and SAM Ventures is key to establishing the fraudulent nature of the receivership and alter ego. Europlay is</p>

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	<p>Europlay further objects to this Request to the extent that it seeks production of documents protected by the attorney-client privilege and/or the attorney work product doctrine and the joint interest privilege, and documents reflecting such counsel's mental impressions, conclusions, opinions, or legal theories. In this regard, Europlay is in the business of litigation support and consultation; thus with the exception of its role as a secured creditor of PersonalWeb, the vast majority of its communications regarding the subject of this Request are in the context of providing such services. Europlay will not separately produce or log any documents relating to such matters but will meet and confer with Amazon to discuss the relevance, if any, of such matters.</p> <p>Europlay further objects to this Request as exceedingly overbroad, burdensome and as calling for documents not relevant to PersonalWeb or Amazon's post-judgment collection efforts. As stated, Europlay is a litigation consultant, advisor and service firm that has numerous clients having no relationship with PersonalWeb and is itself a party to a number of litigation cases. Many of such cases involve settlements or other resolutions that by agreement are subject to confidentiality clauses.</p>	<p>not in any sense a “minor target” it is once of multiple entities through which Stubbs Alderton attorneys had a direct interest in the PersonalWeb litigation and directed and are responsible for its conduct.</p> <p>Europlay’s objection based on its purported “limited interest” is baseless and also untimely as the Court has already ordered it to produce these materials. As for Europlay’s objection based on “financial privacy,” the documents can be given the highest designation under the Protective Order and, moreover, financial privacy is not a valid basis to withhold documents. <i>See Bentkowsky v. Benchmark Recovery, Inc.</i>, Civ. A. No. 13-cv-01252-VC (JCS), Dkt. No. 63 (N.D. Cal. July 10, 2014) (slip op.) (rejecting a party’s claim of a financial privacy privilege and redaction of material, and ordering production subject to a protective order).</p>	<p>Eu Re bec me reg fur</p> <p><b>Eu</b> <b>Po</b></p> <p><i>Am</i> <i>wh</i> <i>Eu</i> <i>Re</i> <i>iss</i> <i>"C</i> <i>it c</i> <i>me</i> <i>to</i> <i>for</i> <i>Su</i> <i>Eu</i> <i>reg</i> <i>top</i> <b>NC</b> <i>it s</i> <i>bo</i> <i>file</i> <i>the</i> <i>Pe</i> <i>Pe</i> <i>Re</i></p> <p><i>As</i> <i>Co</i> <i>of</i> <i>adv</i> <i>dis</i></p>

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<p><u>No. 11:</u> All documents and communications relating to the December 31, 2019 amendment and restatement of each of the Notes.</p>	<p>Europlay further objects to this Request to the extent that it seeks production of documents protected by the attorney-client privilege and/or the attorney work product doctrine and the joint interest privilege, and documents reflecting such counsel's mental impressions, conclusions, opinions, or legal theories. In this regard, Europlay is in the business of litigation support and consultation; thus with the exception of its role as a secured creditor of PersonalWeb, the vast majority of its communications regarding the subject of this Request are in the context of providing such services.</p>	<p><u>No. 11:</u> Europlay should produce documents and communications responsive to the full scope of this request as the Court ordered.</p>	<p><b>Eu</b> <b>Po</b></p> <p>Th is Jo no thi no to pri the</p>
<p><u>No. 12:</u> Documents relating to third-party complaints, claims, threatened or pending lawsuits, and judgments against You from one year before the date of the ECA Note to present, including the title, the case number, the nature of the claim, the amount of any claim or judgment owed, and any unsatisfied judgments in which You are either the judgment debtor or the judgment creditor.</p>	<p><u>No. 12:</u> Europlay objects to this Request under FRCP 45(d)(1), (2)(ii) on the grounds that it is overly broad, burdensome and oppressive, and vague including with respect to the term "relating to."</p> <p>Europlay further objects to this Request as exceedingly overbroad, burdensome and as calling for documents not relevant to PersonalWeb or Amazon's post-judgment collection efforts. As stated, Europlay is</p>	<p><u>No. 12:</u> Amazon incorporates its responses to the objections and the statement recited in connection with Request No. 10.</p> <p>Amazon accepts Europlay's proposed compromise based on the representations of Europlay and its counsel, provided that Europlay produces (i) documents sufficient to show <i>all</i> litigation matters from one year before the date of the ECA Note</p>	<p>No obj con reg inv the obj bus nim for bec and</p>

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