

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

In re:

RAD DIVERSIFIED REIT, INC.,

RAD DIVERSIFIED OZ FUND, LP;

DHI FUND, LLC;

DHI HOLDINGS, LP; and

DDH FUND, LLC,

Debtors.

Chapter 11

Case No.: 8:26-bk-01636-CPM

Jointly Administered with

Case No.: 8:26-bk-01637-CPM

Case No.: 8:26-bk-01638-CPM

Case No.: 8:26-bk-01639-CPM

Case No.: 8:26-bk-01640-CPM

NOTICE OF REISSUANCE OF SUBPOENA UNDER RULE 2004

Maria M. Yip, as the Bankruptcy Court appointed Chapter 11 Examiner (the “Examiner”), by and through her undersigned counsel, provides notice of the reissuance of the attached subpoena (the “Subpoena”) for the production of documents to: TD Bank, N.A. (the “Bank”).

1. Through the Subpoena, the Examiner seeks the production of documents from the Bank under Fed. R. Bankr. P. 2004 and Local Rule 2004-1. A Rule 2004 examination may be scheduled later.

2. The production should occur as scheduled and without a court order, unless, prior to the production deadline, a protective order is obtained from the Court.

WHEREFORE, the Examiner provides notice to all interested parties of the Subpoena¹ to the Bank with a production deadline of May 29, 2026.

Dated: May 15, 2026

¹ Certain information is redacted on the Subpoena to comply with the Court’s order appointing the Examiner. Unredacted copies may be available upon request.

/s/ Andrew V. Layden

ANDREW V. LAYDEN, ESQ.

Florida Bar No. 86070

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DANIELLE L. MEROLA, ESQ.

Florida Bar No. 120120

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BAKER & HOSTETLER LLP

200 S. Orange Avenue, Suite 2300

Orlando, Florida 32801

Telephone (407) 649-4000

Facsimile (407) 841-0168

Counsel for Maria M. Yip, as Examiner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of May 2026, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF System which will send a Notice of Electronic Filing and copy to all parties requesting such notice and via certified mail to the Debtors, the Debtors' attorney, and the United States Trustee. Additionally, I served the Subpoenas via certified mail on the Bank as follows:

TD Bank, N.A.

Attn: Officer, Manager, or General Counsel

1701 Route 70 East

Cherry Hill, NJ 08034-5400

TD Bank, N.A.

Attn: Officer, Manager, or General Counsel

c/o Registered Agent TD Bank US Holdings Company

Corporation Service Company

251 Little Falls Drive

Wilmington, DE 19808

/s/ Andrew V. Layden

ANDREW V. LAYDEN, ESQ.

UNITED STATES BANKRUPTCY COURT

Middle

District of Florida, Tampa Division

In re RAD Diversified REIT, Inc., et al.
Debtor

Case No. 8:26-bk-01636-CPM

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: TD Bank, N.A. ; Attn: Officer, Manager, or General Counsel; 1701 Route 70 East; Cherry Hill, NJ 08034-5400

(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	DATE AND TIME
BakerHostetter 200 S. Orange Avenue, Suite 2300 Orlando, FL 32801 dmerola@bakerlaw.com; cmartin@bakerlaw.com PRODUCTION ONLY - NO APPEARANCE REQUIRED	May 29, 2026

The examination will be recorded by this method: _____

☒ **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 Attachment A

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: 05/15/2026

CLERK OF COURT

OR

/s/ Andrew V. Layden

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)
Chapter 11 Examiner Maria Yip, who issues or requests this subpoena, are:

Danielle L. Merola, dmerola@bakerlaw.com, 407-649-4092 (produce documents electronically to dmerola@bakerlaw.com and cmartin@bakerlaw.com)

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.

ATTACHMENT A

DEFINITIONS

1. “Bank Account Documents” means account opening Documents, signature cards, bank statements, deposit slips, deposited items, cancelled checks, cashier’s checks, counter withdrawals, customer withdrawals, OBL transfers, wire advices, transfer advices, internal transfer advices reflecting name of recipient and sender of outgoing and incoming transfers, electronic file of all account transaction data in MS Excel spreadsheet file format, and closing Documents, if applicable.

2. “Debtor Affiliated Entities” means 7 Rivers Auction House, LLC; Alternative Investment Association, Inc.; Black River Ranch, LLC; Capital Hackers, LLC; DDH Capital Management, LLC; Exit-B, LLC; OMNI Management Co.; RAD Diversified Land REIT, Inc.; RAD Management, LLC; RAD Philadelphia SPV LLC; RADD Bibbs, LLC; RADD Capital Crypto Fund, LP; RADD Capital Management, LLC; RADD Capital, LLC; RADD Foothills; RADD Foothills SPV, LLC; RADD PA SVP; RADD Pollard Farm SPV, LLC; RADD Real Estate Wholesale Fund, LP; RADD Saint Petersburg, LP; RADD Solutions, LLC; RADD Ventures, LP; RADD Wentworth SPV, LLC; RADD Weiser Ranch, LLC; RADD Windy City, LP; RADD Wholesale Management, LLC; Serles Ranch, LLC; The Seminar Solution, LLC.

3. “Documents” means writings and other recorded information, including electronically stored information (“ESI”), in any form or medium, whether now known or hereafter created, that are in the possession, custody, or control of You, including but not limited to: papers, correspondence, letters, emails, text messages, instant messages, memoranda, notes, drafts, agreements, contracts, reports, studies, analyses, summaries, spreadsheets, financial statements, presentations, calendars, diaries, logs, invoices, wire records, bank records,

accounting records, recordings, images, photographs, audio files, video files, data files, databases, metadata, and information stored on computers, servers, hard drives, cloud storage, mobile devices, external storage media, or any other electronic or digital medium. The term “Documents” includes originals, non-identical copies, drafts, revisions, and versions, whether maintained in hard-copy or electronic form.

4. “You” or “Your” or “TD Bank” means TD Bank, NA, and any and all affiliates, including any parents, subsidiaries, or predecessors-in-interest, and any and all employees, agents, or anyone acting on behalf of TD Bank, NA.

5. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms, and proper nouns shall be construed and interpreted according to their context to give proper meaning and consistency to the Requests for Production of Documents set forth herein (the “Request” or “Requests”).

6. Reference to any Person that is not a natural Person and is not otherwise defined herein refers to and includes any parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent, or representative of such Person.

INSTRUCTIONS

1. All Documents shall be identified by the Request(s) to which they are primarily responsive or be produced as they are maintained in the usual course of business.

2. Produce all Documents and all other materials described below in Your actual or constructive possession, custody, or control, including those in the possession, custody, or control of a current or former employee or agent, wherever those Documents and materials are maintained, including on personal computers, PDA devices, wireless devices, web-based email systems (such

as Gmail, Yahoo, etc.), or internet or computer network based texting, messaging, or chat platforms (such as AOL Instant Messenger, Microsoft Messenger Service, MySpace IM, Yahoo! Messenger, etc.).

3. You must produce all Documents in Your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by You or hardware owned and/or maintained by a third party that stores data on Your behalf. You must produce all such Documents even if they were deleted or in draft form. Without limitation, hardware where such data may be stored includes: servers; desktop, laptop, or tablet computers; cell and smart phones; PDA devices; scanners, fax machines, and copying machines; and mobile storage devices, such as thumb or external hard drives. Electronically stored Documents include any computerized data or content stored on electromagnetic media. Without limitation, types of electronically stored Documents include email, voicemail, instant messages, intranet and internet system data, telephone and cellular telephone calling records, data compilations, spreadsheets, word processing Documents, images, databases, digital photocopier memory, and any other information stored in memory storage devices.

4. Produce the original or duplicate, as such terms are defined by Rule 1001 of the Federal Rules of Evidence, of each Document requested together with all non-identical copies and drafts of that Document. If a duplicate is produced, it should be legible and bound or stapled in the same manner as the original.

5. Documents not otherwise responsive to these Requests should be produced: (i) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (ii) if such Documents are attached to, enclosed with, or accompany

Documents called for by these Requests; or (ii) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.

6. Documents attached to each other should not be separated; separate Documents should not be attached to each other.

7. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

8. If any Document, or any part thereof, is not produced based on a claim of attorney-client privilege, work-product protection, or any other privilege, then in the answer to such Request or part thereof, for each such Document, You must:

- a. Identify the type, title, and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;
- c. Identify all authors, addressees, and recipients of the Document, including information about such Persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) asserted and the factual basis for the claim.

9. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege and/or work product doctrine. In the event any Documents are produced with redactions, a log must be provided.

10. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (i) is missing or lost; (ii) has been destroyed; (iii) has been transferred to others; and/or (iv) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state whether You received notice from anyone to preserve the Document, state the circumstance

and date surrounding authorization for such disposition, identify each Person having knowledge of the circumstances of the disposition, and identify each Person who had possession, custody, or control of the Document.

11. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If You discover that a response to a Request is incomplete, You must, in a timely manner, supplement or correct such response.

MANNER OF PRODUCTION

1. All Documents produced to the Examiner shall be provided in either native file (“native”) or single-page 300 dpi-resolution group IV TIF format (“TIFF”) as specified below, along with appropriately formatted industry-standard database load files, and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in TIFF, each Document shall be produced along with a multi-page, Document-level searchable text file (“searchable text”) as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the “.dat file” as described below.

2. Database load files and production media structure: Database load files shall consist of: (i) a comma-delimited values (“.dat”) file containing: production Document identifier information, data designed to preserve “parent and child” relationships within Document “families,” reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon (“opt”) file to facilitate the loading of TIFF images. Load files should be provided in a root-level folder

named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder. If any of the Documents produced in response to these Requests are designated as confidential pursuant to a protective order, in addition to marking the Documents with the brand “CONFIDENTIAL” or branding the media with the word “CONFIDENTIAL,” also include a confidential field within the load file, with a “yes” or “no” indicating whether the Document has been designated as confidential, as well as native file loading/linking information (where applicable).

3. Electronic Documents and data, generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Trustee, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and attachments, and other email account-related Documents: All Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including, but not limited to, Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in TIFF, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Examiner.

5. Documents and data created or stored in or by structured electronic databases: With the exclusion of email and email account-related Documents and data, all Documents and

accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Examiner to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied with reasonably detailed documentation explaining the Documents' content and format, including, but not limited to, data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include: a. XML format file(s); b. Microsoft SQL database(s); c. Access database(s); and/or d. fixed or variable length ASCII delimited files.

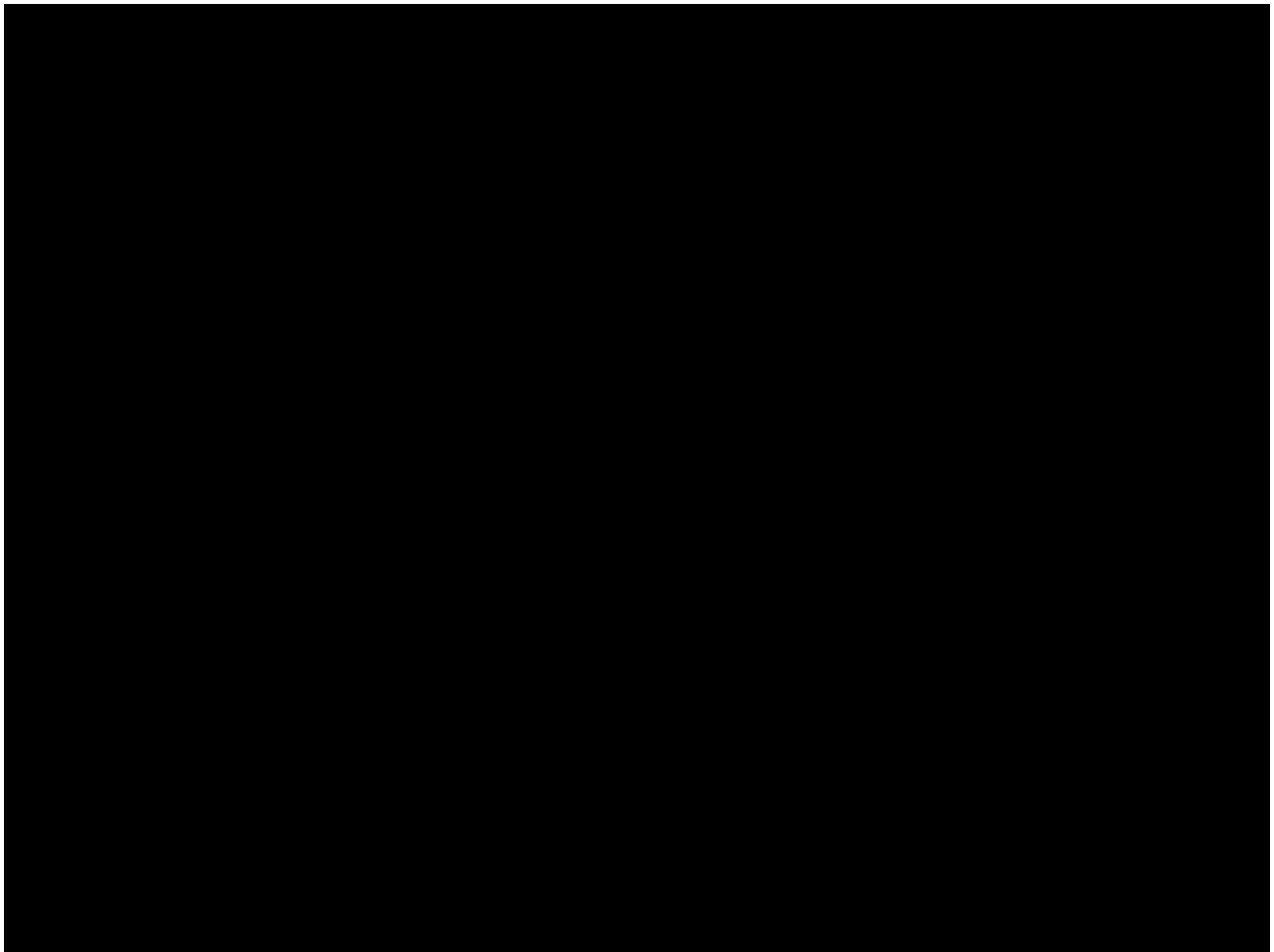
6. Spreadsheets, multimedia, and non-standard file types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in TIFF indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent the party has other file types that do not readily or easily and accurately convert to TIFF and searchable text, the party may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled "Natives."

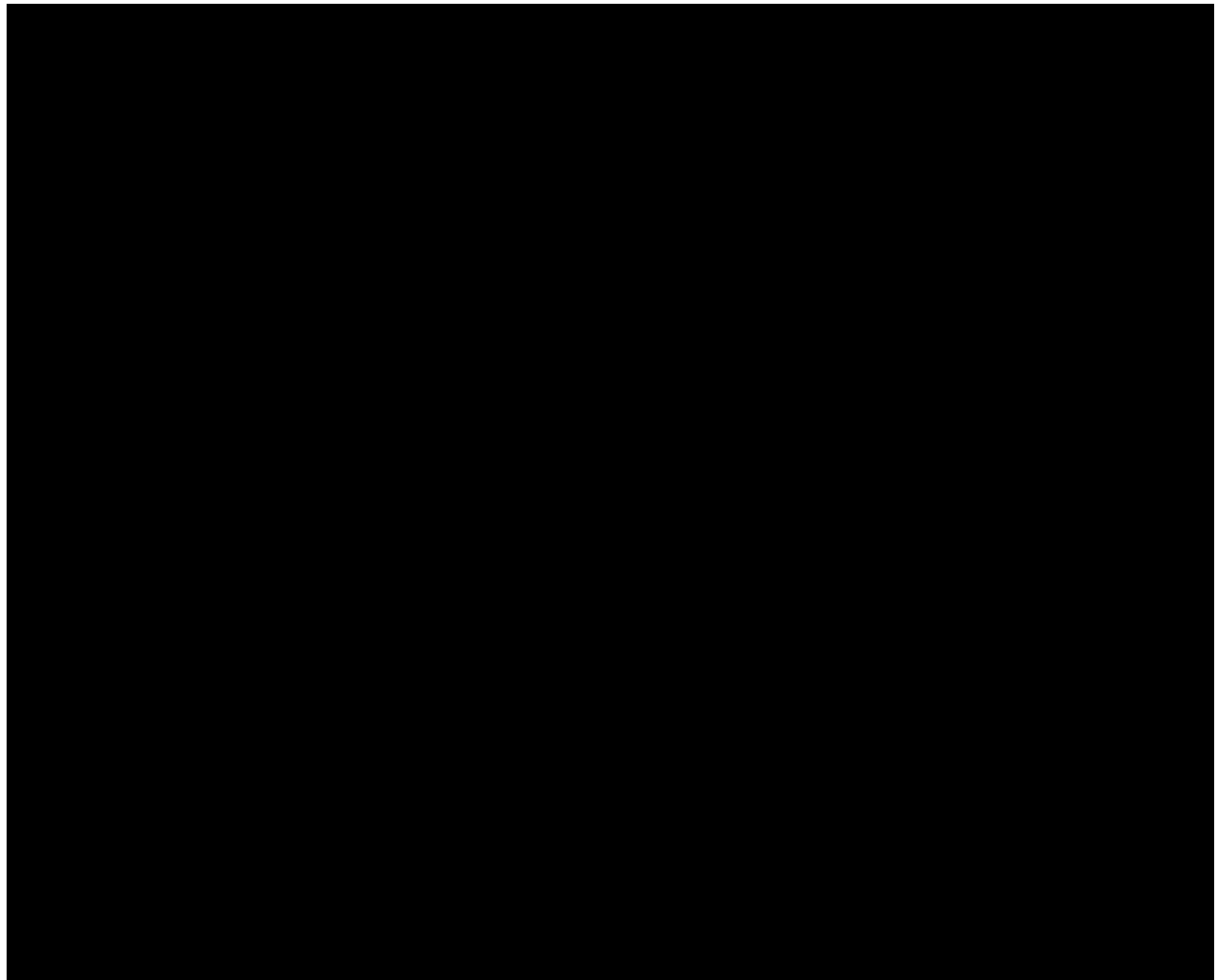
7. "Other" electronic documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe PDF files and other formats), and text files shall be produced in TIFF and searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper documents: Documents originally created or stored on paper shall be produced in TIFF. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All Documents and Bank Account Documents concerning any account held in the name of or for the benefit of the Debtor Affiliated Entities at TD Bank from account opening through current. This request includes, but is not limited to, the following identified accounts at TD Bank:





UNITED STATES BANKRUPTCY COURT

Middle

District of Florida, Tampa Division

In re RAD Diversified REIT, Inc., et al.
Debtor

Case No. 8:26-bk-01636-CPM

Chapter 11

SUBPOENA FOR RULE 2004 EXAMINATION

To: TD Bank, N.A.; Attn: Officer, Manager, or General Counsel; c/o Registered Agent TD Bank US Holding Company;
Corporation Service Company; 251 Little Falls Drive; Wilmington, DE 19808

(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

BakerHostetter
200 S. Orange Avenue, Suite 2300
Orlando, FL 32801
dmerola@bakerlaw.com; cmartin@bakerlaw.com

PRODUCTION ONLY - NO APPEARANCE REQUIRED

DATE AND TIME

May 29, 2026

The examination will be recorded by this method: _____

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Date: 05/15/26

CLERK OF COURT

OR

/s/ Andrew V. Layden

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)
Chapter 11 Examiner Maria Yip, who issues or requests this subpoena, are:

Danielle L. Merola, dmerola@bakerlaw.com, 407-649-4092 (produce documents electronically to dmerola@bakerlaw.com and cmartin@bakerlaw.com)

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☐ 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.:

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(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.

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(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. “Bank Account Documents” means account opening Documents, signature cards, bank statements, deposit slips, deposited items, cancelled checks, cashier’s checks, counter withdrawals, customer withdrawals, OBL transfers, wire advices, transfer advices, internal transfer advices reflecting name of recipient and sender of outgoing and incoming transfers, electronic file of all account transaction data in MS Excel spreadsheet file format, and closing Documents, if applicable.

2. “Debtor Affiliated Entities” means 7 Rivers Auction House, LLC; Alternative Investment Association, Inc.; Black River Ranch, LLC; Capital Hackers, LLC; DDH Capital Management, LLC; Exit-B, LLC; OMNI Management Co.; RAD Diversified Land REIT, Inc.; RAD Management, LLC; RAD Philadelphia SPV LLC; RADD Bibbs, LLC; RADD Capital Crypto Fund, LP; RADD Capital Management, LLC; RADD Capital, LLC; RADD Foothills; RADD Foothills SPV, LLC; RADD PA SVP; RADD Pollard Farm SPV, LLC; RADD Real Estate Wholesale Fund, LP; RADD Saint Petersburg, LP; RADD Solutions, LLC; RADD Ventures, LP; RADD Wentworth SPV, LLC; RADD Weiser Ranch, LLC; RADD Windy City, LP; RADD Wholesale Management, LLC; Serles Ranch, LLC; The Seminar Solution, LLC.

3. “Documents” means writings and other recorded information, including electronically stored information (“ESI”), in any form or medium, whether now known or hereafter created, that are in the possession, custody, or control of You, including but not limited to: papers, correspondence, letters, emails, text messages, instant messages, memoranda, notes, drafts, agreements, contracts, reports, studies, analyses, summaries, spreadsheets, financial statements, presentations, calendars, diaries, logs, invoices, wire records, bank records,

accounting records, recordings, images, photographs, audio files, video files, data files, databases, metadata, and information stored on computers, servers, hard drives, cloud storage, mobile devices, external storage media, or any other electronic or digital medium. The term “Documents” includes originals, non-identical copies, drafts, revisions, and versions, whether maintained in hard-copy or electronic form.

4. “You” or “Your” or “TD Bank” means TD Bank, NA, and any and all affiliates, including any parents, subsidiaries, or predecessors-in-interest, and any and all employees, agents, or anyone acting on behalf of TD Bank, NA.

5. For all purposes herein, spelling, grammar, syntax, abbreviations, idioms, and proper nouns shall be construed and interpreted according to their context to give proper meaning and consistency to the Requests for Production of Documents set forth herein (the “Request” or “Requests”).

6. Reference to any Person that is not a natural Person and is not otherwise defined herein refers to and includes any parent, subsidiary, affiliate, division, branch, agency, representative office, predecessor, successor, principal, member, director, officer, shareholder, manager, employee, attorney-in-fact, attorney, nominee, agent, or representative of such Person.

INSTRUCTIONS

1. All Documents shall be identified by the Request(s) to which they are primarily responsive or be produced as they are maintained in the usual course of business.

2. Produce all Documents and all other materials described below in Your actual or constructive possession, custody, or control, including those in the possession, custody, or control of a current or former employee or agent, wherever those Documents and materials are maintained, including on personal computers, PDA devices, wireless devices, web-based email systems (such

as Gmail, Yahoo, etc.), or internet or computer network based texting, messaging, or chat platforms (such as AOL Instant Messenger, Microsoft Messenger Service, MySpace IM, Yahoo! Messenger, etc.).

3. You must produce all Documents in Your possession, custody, or control, whether maintained in electronic or paper form and whether located on hardware owned and maintained by You or hardware owned and/or maintained by a third party that stores data on Your behalf. You must produce all such Documents even if they were deleted or in draft form. Without limitation, hardware where such data may be stored includes: servers; desktop, laptop, or tablet computers; cell and smart phones; PDA devices; scanners, fax machines, and copying machines; and mobile storage devices, such as thumb or external hard drives. Electronically stored Documents include any computerized data or content stored on electromagnetic media. Without limitation, types of electronically stored Documents include email, voicemail, instant messages, intranet and internet system data, telephone and cellular telephone calling records, data compilations, spreadsheets, word processing Documents, images, databases, digital photocopier memory, and any other information stored in memory storage devices.

4. Produce the original or duplicate, as such terms are defined by Rule 1001 of the Federal Rules of Evidence, of each Document requested together with all non-identical copies and drafts of that Document. If a duplicate is produced, it should be legible and bound or stapled in the same manner as the original.

5. Documents not otherwise responsive to these Requests should be produced: (i) if such Documents mention, discuss, refer to, explain, or concern one or more Documents that are called for by these Requests; (ii) if such Documents are attached to, enclosed with, or accompany

Documents called for by these Requests; or (ii) if such Documents constitute routing slips, transmittal memoranda or letters, comments, evaluations, or similar materials.

6. Documents attached to each other should not be separated; separate Documents should not be attached to each other.

7. Documents should include all exhibits, appendices, linked Documents, or otherwise appended Documents that are referenced in, attached to, included with, or are a part of the requested Documents.

8. If any Document, or any part thereof, is not produced based on a claim of attorney-client privilege, work-product protection, or any other privilege, then in the answer to such Request or part thereof, for each such Document, You must:

- a. Identify the type, title, and subject matter of the Document;
- b. State the place, date, and manner of preparation of the Document;
- c. Identify all authors, addressees, and recipients of the Document, including information about such Persons to assess the privilege asserted; and
- d. Identify the legal privilege(s) asserted and the factual basis for the claim.

9. Documents should not contain redactions unless such redactions are made to protect information subject to the attorney-client privilege and/or work product doctrine. In the event any Documents are produced with redactions, a log must be provided.

10. To the extent a Document sought herein was at one time, but is no longer, in your actual or constructive possession, custody, or control, state whether it: (i) is missing or lost; (ii) has been destroyed; (iii) has been transferred to others; and/or (iv) has been otherwise disposed of. In each instance, identify the Document, state the time period during which it was maintained, state whether You received notice from anyone to preserve the Document, state the circumstance

and date surrounding authorization for such disposition, identify each Person having knowledge of the circumstances of the disposition, and identify each Person who had possession, custody, or control of the Document.

11. Documents prepared prior to, but which relate or refer to, the time period covered by these Requests are to be identified and produced.

12. If You discover that a response to a Request is incomplete, You must, in a timely manner, supplement or correct such response.

MANNER OF PRODUCTION

1. All Documents produced to the Examiner shall be provided in either native file (“native”) or single-page 300 dpi-resolution group IV TIF format (“TIFF”) as specified below, along with appropriately formatted industry-standard database load files, and accompanied by true and correct copies or representations of unaltered attendant metadata. Where Documents are produced in TIFF, each Document shall be produced along with a multi-page, Document-level searchable text file (“searchable text”) as rendered by an industry-standard text extraction program in the case of electronic originals, or by an industry-standard Optical Character Recognition program in the case of scanned paper Documents. Searchable text of Documents shall not be produced as fielded data within the “.dat file” as described below.

2. Database load files and production media structure: Database load files shall consist of: (i) a comma-delimited values (“.dat”) file containing: production Document identifier information, data designed to preserve “parent and child” relationships within Document “families,” reasonably accessible and properly preserved metadata (or bibliographic coding in the case of paper Documents), custodian or Document source information; and (ii) an Opticon (“opt”) file to facilitate the loading of TIFF images. Load files should be provided in a root-level folder

named “Data,” images shall be provided within a root level “Images” folder containing reasonably structured subfolders, and searchable text files shall be provided in a single root-level “Text” folder. If any of the Documents produced in response to these Requests are designated as confidential pursuant to a protective order, in addition to marking the Documents with the brand “CONFIDENTIAL” or branding the media with the word “CONFIDENTIAL,” also include a confidential field within the load file, with a “yes” or “no” indicating whether the Document has been designated as confidential, as well as native file loading/linking information (where applicable).

3. Electronic Documents and data, generally: Documents and other responsive data or materials created, stored, or displayed on electronic or electro-magnetic media shall be produced in the order in which the Documents are or were stored in the ordinary course of business, including all reasonably accessible metadata, custodian or Document source information, and searchable text as to allow the Trustee, through a reasonable and modest effort, to fairly, accurately, and completely access, search, display, comprehend, and assess the Documents’ true and original content.

4. Emails and attachments, and other email account-related Documents: All Documents and accompanying metadata created and/or stored in the ordinary course of business within commercial, off-the-shelf email systems including, but not limited to, Microsoft Exchange™, Lotus Notes™, or Novell Groupwise™ shall be produced in TIFF, accompanying metadata, and searchable text files or, alternately, in a format that fairly, accurately, and completely represents each Document in such a manner as to make the Document(s) reasonably useable, manageable, and comprehensible by the Examiner.

5. Documents and data created or stored in or by structured electronic databases: With the exclusion of email and email account-related Documents and data, all Documents and

accompanying metadata created and/or stored in structured electronic databases or files shall be produced in a format that enables the Examiner to reasonably manage and import those Documents into a useable, coherent database. Documents must be accompanied with reasonably detailed documentation explaining the Documents' content and format, including, but not limited to, data dictionaries and diagrams. Some acceptable formats, if and only if provided with definitive file(s), table(s), and field level schemas include: a. XML format file(s); b. Microsoft SQL database(s); c. Access database(s); and/or d. fixed or variable length ASCII delimited files.

6. Spreadsheets, multimedia, and non-standard file types: All Documents generated or stored in software such as Microsoft Excel or other commercially available spreadsheet programs, as well as any multimedia files such as audio or video, shall be produced in their native format, along with an accompanying placeholder image in TIFF indicating a native file has been produced. A "Nativelink" entry shall be included in the .dat load file indicating the relative file path to each native file on the production media. To the extent the party has other file types that do not readily or easily and accurately convert to TIFF and searchable text, the party may elect to produce those files in native format subject to the other requirements listed herein. Native files may be produced within a separate root-level folder structure on deliverable media entitled "Natives."

7. "Other" electronic documents: All other Documents and accompanying metadata and embedded data created or stored in unstructured files generated by commercially available software systems (excluding emails, structured electronic databases, spreadsheets, or multimedia) such as, but not limited to, word processing files (such as Microsoft Word), image files (such as Adobe PDF files and other formats), and text files shall be produced in TIFF and searchable text format in the order the files are or were stored in the ordinary course of business.

8. Paper documents: Documents originally created or stored on paper shall be produced in TIFF. Relationships between Documents shall be identified within the Relativity .dat file utilizing document identifier numbers to express parent document/child attachment boundaries, folder boundaries, and other groupings. In addition, the searchable text of each Document shall be provided as a multi-page text file as provided for by these Requests.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. All Documents and Bank Account Documents concerning any account held in the name of or for the benefit of the Debtor Affiliated Entities at TD Bank from account opening through current. This request includes, but is not limited to, the following identified accounts at TD Bank:

