

Composite Exhibit 2

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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**RICHARD FORMICA, MARILYNN
FORMICA, AMI MARIE FORMICA,
MATTHEW FRANCIS FORMICA, AND
KEVIN FRANCIS FORMICA,**

**Civil Action No.:
2:10-cv-00921-PGS-ES**

Plaintiffs,

**PLAINTIFFS' SECOND
REQUEST FOR DOCUMENTS
TO DEFENDANTS**

-against-

**DONALD H. ROWE, THE WALL STREET
DIGEST INC., a Delaware corporation, and
CARNEGIE ASSET MANAGEMENT, INC.,
a Delaware corporation.**

Defendants.

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PLEASE TAKE NOTICE, that pursuant to Rules 26 and 34 of the Federal Rules of Procedure, demand is hereby made by Plaintiffs ("Plaintiffs" or the "Formicas") upon Defendants Donald H. Rowe, The Wall Street Digest Inc. and Carnegie Asset Management, Inc. to serve Sadis & Goldberg LLP, located at 551 Fifth Avenue, 21st Floor, New York, New York 10176, responses to the document requests set forth below:

DEFINITIONS

For the purpose of this request the following definitions apply:

A. The terms "*Document*" or "*Documents*" shall refer to all writings and recorded materials, of any kind, that are or have been in the possession, control or custody of Defendants of which Defendants have knowledge, whether originals or copies. Such writings or recordings shall mean and include any printed, typewritten, handwritten or otherwise recorded matter of whatever

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character, including specifically, but not exclusively, and without limiting the generality of the foregoing, correspondence, E-mail, diaries, desk and other calendars, memoranda, telegrams, posters, cables, reports, charts, statistics, newspapers, news reports, business records, book of account(s) or other books, ledgers, balance sheets, journals, personal records, personal notes, any piece of paper, parchment, or other materials similarly used with anything written, typed, printed, stamped, engraved, embossed, or impressed upon it, accountants statements, accounting records of any kind, bank statements, promissory notes, minutes of meetings or other minutes, labels, graphics, notes of meetings or conversations or other notes, catalogues, written agreements, checks, announcements, statements, receipts, returns invoices, bills, warranties, advertisements, guarantees, summaries, pamphlets, circulars, prospectuses, bulletins, magazines, logs, publications, photographs, work-sheets, computer printouts, telex transmissions or receipts, teletypes, telefaxes, file folders or other folders, tape recordings, and any original or non-identical (whether different from the original by reason of any notation made on such copies or otherwise), carbon, photostatic or photograph copies of such materials. The term "documents" shall also mean and include every other recording of, or means of recording on any tangible form, any form of information, data, communication, or representation, including but not limited to, microfilm, microfiche, any records stored on any form of computer software, audio or video tapes or discs, digitally recorded disks or diskettes, or any other medium whatsoever.

If any document asked to be identified, described, or produced is not in Your possession or subject to Your control, give the reason therefore and its present location and the identity of the present custodian of the document and of any copy or summary thereof.

B. "*Communication*" shall mean any or all transmittals of information, whether oral or reduced to writing, whether handwritten, typewritten, tape-recorded, or produced by electronic data processing, irrespective of how conveyed (e.g., telephone, telegram, telegraph, United States

mail, electronic mail, private mail or courier service, facsimile transmittal, face-to-face contact), including but not limited to: inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, notes, telegrams, advertisements, or other forms of verbal intercourse, whether oral or written.

C. “Concerning”, “Relating to”, “Related to” and “Regarding” shall mean relating to, regarding, consisting of, referring to, reflecting, manifesting, prepared in connection with, describing, discussing, mentioning, containing, attesting to, or being in any way legally, logically, or factually connected with the matter discussed, whether directly or indirectly.

D. When requested to “Identify” or provide information as to the “Identity” of a person, state his/her full name, occupation, position or relationship to Defendants, currently and at the relevant period, and current or last known home and work addresses and telephone numbers, and current or last known employment address.

E. The “Relevant Period” shall mean the period after Plaintiffs and Defendants first met, from approximately January 1, 1994, and up to and including the present.

F. “Person” shall mean natural persons, groups of natural persons acting in a collegial capacity (e.g., a committee or board of directors), corporation, partnerships, associations, joint ventures, labor unions, and any other incorporated or unincorporated business, governmental, public or social entity.

G. “Amended Complaint” as used herein shall mean the Amended Complaint, dated June 8, 2010, filed by Plaintiffs in this action.

H. “Defendants” as used herein shall mean Donald H. Rowe, The Wall Street Digest Inc. and Carnegie Asset Management, Inc.

I. “Request” and/or “Requests” as used herein shall mean all requests for the production of Documents and Communications listed herein.

J. *"Receiver"* as used herein shall mean Burton W. Wiand, as Receiver for Valhalla Investment Partners, L.P.; Viking Fund, LLC; Viking IRA Fund, LLC; Victory Fund, LTD.; Victory IRA Fund, LTD.; and Scoop Real Estate, L.P.

K. *"Receiver's Complaint"* as used herein shall mean the Complaint filed by the Receiver against Donald Rowe, individually and as Trustee of The Wall Street Digest Defined Benefit Pension Plan; Joyce Rowe; and Carnegie Asset Management, Inc. in the United States District Court for the Middle District of Florida, Tampa Division on January 20, 2010, Docket No. 8:10-cv-00245-EAK-MAP.

L. *"Enforcement Action"* as used herein shall mean the Complaint filed by the Securities and Exchange Commission against Arthur Nadel, Scoop Capital, LLC, Scoop Management, Inc. and against relief defendants Scoop Real Estate, L.P., Valhalla Investment Partners, L.P., Valhalla Management, Inc., Victory IRA Fund, Ltd., Victory Fund, LTD, Viking IRA Fund, LLC, Viking Fund, LLC, Viking Fund, LLC and Viking Management, Docket No. 8:09-cv-87-RAL-TBM.

M. *"Other Complaints"* as used herein shall mean all other litigations or arbitrations or proceedings filed at any time against one or more of the Defendants alleging wrongdoing connection with the purchase, sale or recommendation to purchase or sell a security, including, but not limited to, limited partnership interests.

N. *"Compensation"* as used herein shall mean any and all economic and or monetary benefits, including, but not limited to, cash, credit, real and/or other property interests, general and/or limited partner interests and/or other corporate interests of any form whatsoever.

O. *"Responding Defendant"* means, respectively, each Defendant responding to this Request, including, as applicable, their officers, directors, members, partners, agents and employees, or any one of them.

P. *"You"* and *"Your"* as used herein shall mean, respectively, each Responding Defendant.

and includes, as applicable, such Responding Defendant's predecessors, successors, employees, agents, representatives and other persons acting (or who acted) or purporting to act (or who purported to act) on such Responding Defendant's behalf.

Q. "*Nadel-Moody*" as used herein shall mean Arthur Nadel, Neil V. Moody, and Christopher D. Moody.

R. "*Nadel Funds*" as used herein shall mean: Scoop Real Estate, L.P.; Valhalla Investment Partners, L.P.; Victory IRA Fund, Ltd.; Victory Fund, Ltd.; Viking IRA Fund, LLC; and Viking Fund LLC, which were managed by Nadel-Moody.

S. "*Draseena Group*" as used herein shall mean: Draseena Three Oaks Currency Fund, LLC; Draseena Three Oaks Senior Strength Fund, LLC; Draseena Three Oaks Senior Strength Q Fund, LLC; Draseena Arrow Fund, LLC; and Draseena Arrow Fund II, LLC.

T. "*High Street Funds*" as used herein shall mean: High Street Futures Fund, LP and High Street Global Futures Fund, LTD.

U. "*The Carnegie Fund*" as used herein shall mean The Carnegie Fund, LP

V. "*The Wall Street Digest Fund*" as used herein shall mean The Wall Street Digest Fund, LP.

W. "*Recommended Hedge Funds*" as used herein shall mean the Nadel Funds, the Draseena Group, the High Street Funds, The Carnegie Fund, and The Wall Street Digest Fund.

X. "*Due Diligence*" as used herein shall mean any analysis, appraisal, assessment, audit, evaluation, examination, inquiry, investigation, query, report, research, review, or valuation made or performed by You or under Your instructions to any Person Related to You in any way whatsoever.

INSTRUCTIONS

1. Unless otherwise specified herein, these Requests call for the production of Documents and Communications that were created, dated, sent, received, or in effect on or after January 1, 1994 through the present, or documents that refer or Relate to the Relevant Period, including all Documents and Communications Concerning, in whole or in part, such period, or events or circumstances during such period, even though dated, prepared, generated, or received prior or subsequent to that period. If a different time period is indicated in a particular Request, that time period shall similarly include all documents, communications, and information that Relate in whole or in part to such period, or to events or circumstances during such period, even though dated, prepared, generated or received prior or subsequent to that period.
2. Each Request herein should be construed independently and not with reference to any other Request for the purposes of limitation.
3. The Requests herein require separate responses from each Defendant. The fact that a document is produced by one Defendant does not relieve any other Defendant the obligation to produce his or its copy of the same document, even if the two Documents are identical in all respects.
4. Unless otherwise specified, each Request herein seeks production of the Documents or Communications called for in their entirety, including all attachments or affixations or enclosures thereto. If a Document responsive to any Request cannot be produced in full, it shall be produced to the fullest extent possible with a written explanation stating why production of the remainder is not possible.
5. In construing these Requests, (i) "and" as well as "or" shall be construed either disjunctively or conjunctively so as to bring within the scope of these Requests all Documents that otherwise might be construed to be outside its scope; (ii) the use of a word in its singular form

shall be deemed to include the plural and vice versa; (iii) the words "any" and "all" shall be read to mean each and every; (iv) the present tense of any verb shall include its past tense and vice versa; and (v) masculine, feminine or neuter pronouns shall not exclude other genders. The use of the term "and/or" in certain Requests shall not be construed as limiting the construction of "and" or "or" in any Requests, which shall be construed in accordance with Instruction 5(i) herein.

6. Produce all Documents responsive to the Requests that are within Your direct or indirect possession, custody or control. In producing these Documents, You are required to furnish all Documents known or available to You regardless of whether the Documents are possessed directly by You, or Your present or former employees, agents, representatives, investigators, or attorneys.

7. If any Requests herein were formerly in Your possession, custody or control and have been transferred to the possession, custody or control of another person, submit a written statement identifying the person to whom any such Documents were transferred, including a description of the Documents so transferred.

8. Documents produced pursuant to these Requests shall be produced by source or file and in the manner in which they are or were maintained in the ordinary course of business, and the specific Request(s) to which they are responsive shall be identified.

9. Each Document shall be produced in such fashion as to identify the natural person in whose possession it was found and the business address of each Document's custodian(s).

10. If You object to any Request, state with specificity the grounds for each objection and the Request(s) to which each objection applies. Any Request to which an objection is made should be responded to insofar as it is not deemed objectionable.

11. If responding to any specific Request is objected to on the grounds that production is unduly burdensome, describe in writing the particular burden and expense of responding to that

Request.

12. Reference to any person or entity includes the person or entity, and the current and former officers, directors, employees, agents, attorneys, representatives, partners, corporate parents, subsidiaries, affiliates, predecessors, or successors of each person or entity.

13. Each Requested Document shall be produced in its entirety, along with any attachments, drafts and non-identical copies, including, but not limited to, copies that differ by virtue of the presence or absence of facsimile transmittal lines, Document or file identification numbers, or handwritten or other notes or markings.

14. In the event that any Document called for by these Requests has been destroyed or discarded, state separately for each such Document: any address or addressee; any indicated or

blind copies; the Document's date, subject matter, number of pages, and attachments or appendices; all persons to whom the Document was distributed, shown or explained; its date of destruction or discard, manner of destruction or discard, and reason for destruction or discard; the persons who authorized and carried out such destruction or discard; and whether any copies of the Documents presently exist and, if so, the name of the custodian of each copy.

15. Each Request for production of Documents shall be deemed to call for the production of original Documents or exact photocopies of the original Documents. In addition, each Request should be considered as including all non-identical copies and, to the extent applicable, drafts of Documents that differ in any respect from the original or final draft or from each other (e.g., by reason of handwritten notes or comments having been added to one copy of a document but not on the original or other copies).

16. If You contend that any Requested Document is privileged, constitutes attorney work product or is otherwise immune from disclosure, a list is to be furnished which shall identify: (1) the nature and the basis of the privilege or other ground asserted as justification for withholding such Document; (2) a general description of the subject matter of the Document; (3) the date or dates on which the Document was created, sent and/or received; (4) the name of each person who created or sent the Document or any copy thereof; (5) each person to whom the Document or any copy thereof was directed or by whom received, indicating blind copy recipients; (6) the number of pages; (7) the Request(s) to which such Document relates; and (8) the name and address of the present custodian.

17. If a Requested Document contains both putatively privileged and non-privileged information, the non-privileged information must be disclosed to the fullest extent possible

without hereby disclosing the putatively privileged information. If a privilege is asserted with regard to portions(s) of the Document, You must clearly indicate the portion(s) as to which privilege is claimed. When a Document has been redacted, identify the reason for the redaction, date, and person performing the redaction. Any redaction must be clearly visible on the face of the Document.

18. These Document Requests shall be deemed continuing so as to require supplementation, if additional Documents called for by these Requests are obtained or located. You are under a continuing duty to supplement Your response with respect to any question when new or additional information becomes known. Additionally, You are under a continuing duty to seasonably amend a prior response if You obtain information which makes a response given herein, incorrect, or later realize that a response given herein, is incorrect.

19. If You find any of these Requests vague or ambiguous, please contact Plaintiffs' attorneys (Jennifer Rossan or Charles H. Dufresne, Jr. of Sadis & Goldberg, LLP) for purposes of clarifying or modifying the Request. Any claim of ambiguity in interpreting a Request, a definition or instruction applicable thereto, shall not be utilized by You as a basis for refusing to produce responsive documents; rather, Your response shall set forth the language claimed to be ambiguous and the interpretation You used in responding to the Request.

20. Documents not otherwise responsive to these Requests shall be produced if such Documents mention, discuss, refer to or explain Documents that are called for by these Requests, or if such Documents are attached to Documents called for by these Requests, including, but not limited to, routing slips, transmittal memoranda, enclosure or cover letters, comments, evaluations or similar materials.

DOCUMENT REQUESTS

1. All Documents produced by You or to you in connection with the Enforcement Action, including, but not limited to, all documents produced by Defendants and by non-parties SunTrust Bank, Inc., and Northern Trust, NA.
2. All Communications between or among You and anyone else not protected under an applicable privilege Concerning the Enforcement Action.
3. All Documents produced, written, drafted, sent or received, by You that reference, evidence, contradict, or support any of the allegations contained in the Enforcement Action.
4. All Communications sent or received by You that reference, evidence, contradict, or support any of the allegations contained in the Enforcement Action.
7. All Documents Concerning, Regarding and/or Relating to decisions, orders, consent orders, or rulings Concerning the Enforcement Action.
8. All Communications Concerning, Regarding and/or Relating to decisions, orders, consent orders, or rulings Concerning the Enforcement Action.
9. All of defendant Wall Street Digest, Inc.'s monthly bank account statements from 1994 to the present.
10. All of defendant Carnegie Asset Management, Inc.'s monthly bank account statements from 1994 to the present.
11. All of defendant Donald Rowe's monthly bank account statements from 1994 to the present.
12. All of Joyce Rowe's monthly bank account statements from 1994 to the present.
13. All communications between Defendants and lawyers at Holland & Knight, LLP, including, but not limited to, communications between Defendants and Scott R. Macleod.
14. Copies of all Other Complaints.

15. All Documents produced by You or to you in connection with Other Complaints, including, but not limited to, all documents produced by Defendants and by non-parties.

16. All Communications between or among You and anyone else not protected under an applicable privilege Concerning Other Complaints.

17. All Documents produced, written, drafted, sent or received, by You that reference, evidence, contradict, or support any of the allegations contained in Other Complaints.

18. All Communications sent or received by You that reference, evidence, contradict, or support any of the allegations contained in Other Complaints.

19. All Documents Concerning, Regarding and/or Relating to decisions, orders, consent orders, or rulings Concerning Other Complaints.

20. All Communications Concerning, Regarding and/or Relating to decisions, orders, consent orders, or rulings Concerning Other Complaints.

Dated: New York, New York
October 29, 2010

SADIS & GOLDBERG LLP
Douglas R. Hirsch
Jennifer A. Rossan (Pro Hac Vice)
Charles H. Dufresne, Jr. (Pro Hac Vice)

Attorneys for Plaintiffs

By: _____
Charles H. Dufresne, Jr.

CERTIFICATE OF SERVICE

I, Patricia Green, a paralegal of the law firm Sadis & Goldberg, LLP hereby certify and being duly sworn, that on this 29th day of October 2010, I caused true and correct copies of PLAINTIFFS' SECOND REQUEST FOR DOCUMENTS FROM DEFENDANTS to be served upon counsel of record via overnight mail.

Patricia Green

Subscribed and Sworn to before me on the 29th day of
October, 2010.

Notary Public

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA
Civil Division**

**JOSEPH T. BELL, II, individually and on
behalf of the JOSEPH T. BELL SEP IRA,
DENNIS FLEMING, individually and on behalf
of the DENNIS FLEMING IRA, HAMILTON HAGAR,
individually and on behalf of the HAMILTON HAGAR
IRA, SEP IRA, and ROTH IRA, SCOTT LOCHRIDGE,
RANDOLPH NAYLOR, and MICHAEL WARD,
individually and on behalf of the MICHAEL WARD IRA,**

Plaintiffs,

v.

Case No. 2009 CA 004925 NC

**DONALD H. ROWE, THE WALL STREET
DIGEST, a Delaware corporation, and
CARNEGIE ASSET MANAGEMENT, INC.,
a Delaware corporation,**

Defendants.

PLAINTIFFS' THIRD REQUEST FOR DOCUMENTS TO ALL DEFENDANTS

PLEASE TAKE NOTICE that Plaintiffs, JOSEPH T. BELL, II, *et al.*, hereby request responses to the document demands set forth below in the time and manner provided by Florida R. C. P. 1.350.

If a privilege is claimed by you, identify each document to which the privilege is claimed, the nature of the privilege and the legal and factual basis for each such claim. If objection is raised to any request contained herein, identify in exact detail the nature of the objection and the legal and/or factual basis for each objection.

DEFINITIONS

A. As used herein, "document" or "documents" shall mean the original and any non-identical copy, regardless of origin or location, of any writing or record or type of description or sound recording, or photograph, including but not limited to the original and any copy of any book, pamphlet, periodical, letter, memorandum, electronic mail, telegram, report, record, study, inter-office or intra-office communication, handwritten or other note, working paper, chart, paper, graph, index, tape, disc, data sheet, data processing card, picture, photograph, videotape, movie, slide, negative, tape recording, or phonographic record, or any other written, recorded, transcribed, punched, taped, filed or graphic matter, however produced or reproduced, to which you have or had access, possession, custody and/or control.

B. As used herein, the term "Nadel-Moody" refers to Arthur Nadel, Peg Nadel, Neil Moody, Christopher Moody, any of the hedge funds they managed, and any of the companies that managed or administered those funds.

C. As used herein, the term "you" refers to Donald H. Rowe, The Wall Street Digest, Inc., Carnegie Asset Management, Inc., and any persons and entities associated with or related to the foregoing person and entities.

D. As used herein, the term "Receiver" refers to Burton W. Wiand as Receiver for Vahalla Investment Partners, L.P., Viking Fund, LLC, Viking IRA Fund, LLC, Victory Fund LTD, Victory IRA Fund, LTD, Scoop Real Estate, L.P.

E. As used herein, the term "SEC Proceeding" refers to a lawsuit in the district court for the Middle District of Florida, styled, *Securities and Exchange Commission v. Arthur Nadel, Scoop Capital, LLC and Scoop Management, Inc.*, Case No. 8:09-cv-87-T-26TBM.

F. As used herein, the term "Receiver's Lawsuit" refers to a lawsuit brought by the receiver against Donald Rowe individually and as Trustee of the Wall Street Digest Defined Benefit Pension Plan, Joyce Rowe, and Carnegie Asset Management, Inc. in the federal district court for the middle district of Florida, Case No. 8:10-cv-245-T-17MAP.

DOCUMENTS TO BE PRODUCED

- (1) Any and all documents provided to the Receiver in the SEC Proceeding.
- (2) Any and all discovery requests made by the Receiver in the SEC Proceeding.
- (3) Any and all written responses and objections made by you to the Receiver's discovery requests, motions for protective orders and orders relating thereto in the SEC Proceeding.
- (4) Any and all documents provided to the Receiver in the Receiver's Lawsuit.

- (5) Any and all discovery requests made by the Receiver in the Receiver's Lawsuit.
- (6) Any and all written responses and objections made by you to the Receiver's discovery requests, motions for protective orders and orders relating thereto in the Receiver's Lawsuit
- (7) Any and all non-privileged documents you have received from any source in connection with the SEC Proceeding.
- (8) Any and all non-privileged documents you have received in connection with the Receiver's Lawsuit.
- (9) Any and all transcripts of any court proceedings and deposition testimony in connection with the SEC Proceeding.
- (10) Any and all transcripts of any court proceedings and deposition testimony in connection with the Receiver's Lawsuit.

CERTIFICATE OF SERVICE

IT IS CERTIFIED that a copy of the foregoing discovery request was served upon Edward O. Savitz, Esq. and Anne-Leigh Gaylord Moe, Esq., Bush Ross, P.O. Box 3913, Tampa, FL 33601-3913 by first class mail and email, esavitz@bushross.com and amoe@bushross.com on the 29th day of November, 2010.

JOHNSON, BROWNING & CLAYTON
A Partnership of Professional Associations

By: 

W. ANDREW CLAYTON, JR.

Florida Bar No. 0739464

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