

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-61338-CIV-COHN

In Re: ROTHSTEIN ROSENFELDT ADLER, P.A.,

Debtor.

**ORDER GRANTING THE TRUSTEE'S MOTION TO EXTEND SECOND SCOTT
ROTHSTEIN DEPOSITION TO THREE WEEKS and
ORDER CLOSING CASE**

THIS CAUSE is before the Court upon the RRA Trustee's Motion to Extend Second Scott Rothstein Deposition to Three Weeks [DE 149], the Banyon Trustee's Joinder [DE 153], Brian Levy's Joinder [DE 154], Aran Development, Inc.'s Joinder [DE 155], Shimon Levy's Notice of Joinder [DE 156], Michael Kent and Mikent, Inc.'s Response in Support [DE 157], the Official Committee of Unsecured Creditors' Notice of Joinder [DE 158], the Government's Response in Opposition to the Trustee's Motion [DE 159], the Insurance Companies'¹ Joinder [DE 160], SFS Funding, LLC, Frank Preve, and Preve and Associates, LLC's Joinder [DE 161], Caro Group, LLC, New Miami Group, LLC, Pirulin Group, LLC, Network Resources Investment Group, LLC, Marmarser Investment Group, LLC, Exito Group, LLC, Opmonies 2, LLC, BWS Investment Group, LLC, GGTW Investment Group, LLC and FDS Investments, LLC's Joinder [DE 162], the RRA Trustee's Reply to the Government's Response [DE 163], FEP Victims Group's Joinder [DE 164], Casa Casuarina, LLC, Loftin Family, LLC, Loftin Hospitality, LLC, Luxury Resorts, LLC and Peter Loftin's Joinder [DE 165], and H&N Associates, Jacob

¹ These companies are RLI Insurance Company, Columbia Casualty Company, Zurich American Insurance Company, Federal Insurance Company, and St. Paul Fire and Marine Insurance Company.

Mussry, Nassim Mussry, Scott Morgan, Harvey Wolinetz, Viceroy Global Investments, Inc., and Concorde Capital, Inc.'s Notice of Joinder [DE 166]. The Court has carefully considered all of these filings and the entire record in this action, and is otherwise fully advised in the premises.

The RRA Trustee, supported by many affected parties, seeks to extend the second deposition of Scott Rothstein from two weeks to three weeks in order to allow each affected party sufficient time to depose Mr. Rothstein, the central figure in a large Ponzi scheme and criminal action brought by the United States of America regarding fraudulent activities undertaken by Rothstein while he controlled the now bankrupt law firm of Rothstein, Rosenfeldt & Adler, P.A. ("RRA"). This Court recently authorized a second deposition of Rothstein, to be taken for ten business days by video conference commencing June 4, 2012. See Order Granting the Motions of the Trustee and Jeffrey Epstein to Issue a Writ of Habeas Corpus Ad Testificandum, February 13, 2012 [DE 129].

It has now become apparent that the length of time required for this deposition is three weeks, not the two weeks that the Court previously had concluded. When the Court ruled in February that two weeks would be allowed, the number of affected parties was not completely clear to this Court. In order to preserve sufficient due process to numerous affected parties, three weeks for this deposition is appropriate. Although the Government opposes the extension of the deposition on grounds that the parties should have been able to complete this second deposition in two weeks, as well as the added expense to the Government, in weighing the competing considerations previously discussed by this Court in prior orders, the Court must protect the due process rights of


the many affected parties listed above. The use of video conferencing greatly reduces the burden on the Bureau of Prisons and the Marshal's Service, although the Court recognizes that the present budgets of both agencies are stretched thin. The Court does not make this decision lightly, but upon consideration of all the factors, finds that it is reasonable and necessary to add a week to this deposition.

Finally, as it now appears that all requested relief has been granted in this action, the Court concludes that it is appropriate to close this case at this time for statistical purposes.

Accordingly, it is hereby **ORDERED AND ADJUDGED** as follows:

1. RRA Trustee's Motion to Extend Second Scott Rothstein Deposition to Three Weeks [DE 149] is hereby **GRANTED**;
2. All motions for joinder are is hereby **GRANTED**;
3. The Writ for Habeas Corpus Ad Testificandum previously entered at Docket Entry 135 shall be amended by interlineation at page two by striking "10 consecutive business days" and replacing it with "15 consecutive business days"
4. The Clerk may close this case, though the Court retains jurisdiction through June 29, 2012, to resolve any relevant disputes not resolved by United States Bankruptcy Judge Raymond B. Ray.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 19th day of April, 2012.



JAMES I. COHN
United States District Judge

cc: copies to counsel of record on CM/ECF
(Trustee's counsel shall forward this Order to any party
not receiving notice via CM/ECF)