

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 01-1890-CIV-MOORE

FLORISTS' TRANSWORLD  
DELIVERY, INC.,  
a Michigan corporation,

Plaintiff,

v.

A FLORIST IN THE USA  
a Florida corporation,

Defendant.

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FILED BY *[Signature]*  
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**NOTICE OF TAKING DEPOSITION DUCES TECUM IN AID OF EXECUTION**

TO: A Florist In the USA  
c/o Registered Agent  
Ernie Castillo  
6043 N.W. 167th Street, Suite A 14  
Miami, Florida 33015.

PLEASE TAKE NOTICE that the undersigned attorney will take the deposition of:

**NAME:** A Florist In the USA  
**DATE:** Wednesday, November 14, 2001  
**TIME:** 10:00 a.m.  
**PLACE:** Gunster, Yoakley & Stewart, P.A.  
One Biscayne Tower, Suite 3400  
Two South Biscayne Blvd.  
Miami, Florida 33131

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/K

Described on Exhibit A attached hereto are the matters on which examination is requested. You should designate one or more officers, directors, or managing agents to testify as to the matters described in Exhibit A. Upon oral examination before any Notary Public or officer authorized by law to take depositions in the State of Florida. The examination will continue from day to day until completed and is being taken for the purposes of deposition, for use at trial, or for such other purposes as are permitted under the rules of court.

**YOU ARE REQUIRED TO BRING WITH YOU THOSE DOCUMENTS LISTED ON EXHIBIT "A" ATTACHED HERETO.**

Gunster, Yoakley & Stewart, P.A.  
Attorneys for Plaintiff  
500 East Broward Boulevard, Suite 1400  
Fort Lauderdale, Florida 33394  
Telephone No. (954) 462-2000  
Fax No. (954) 523-1722

BY: Jennifer Ramach  
George S. LeMieux  
Fla. Bar No.: 16403  
Jennifer Ramach  
Fla. Bar No.: 114758

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 10 day of October ~~September~~ 2001 to Ernie Castillo, 6043 N.W. 167th Street, Suite A 14, Miami, Florida 33015.

Gunster, Yoakley & Stewart, P.A.  
500 East Broward Boulevard, Suite 1400  
Fort Lauderdale, Florida 33394  
Telephone No. (954) 462-2000  
Fax No. (954) 523-1722

BY: Jennifer Ramach  
George S. LeMieux  
Fla. Bar No.: 16403  
Jennifer Ramach  
Fla. Bar No.: 114758

## EXHIBIT A

### DEFINITIONS AND INSTRUCTIONS

The terms listed below are defined as follows:

1. The term "you" or "your" means A Florist In the USA, and all other persons acting or purporting to act on your behalf.

2. The term "document" means all writings of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including without limitation, correspondence, memoranda, notes, diaries, studies, checks, statements, receipts, returns, summaries, pamphlets, books, prospectuses, interoffice and intraoffice telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, telefaxes, invoices, worksheets (and all drafts, alterations, modifications, changes and amendments to any of the foregoing), graphic or aural records or representations of any kind (including without limitation photographs, microfiche, microfilm, videotape, records and motion pictures) and electronic, mechanical or electric records or representations of any kind (including without limitation tapes, cassettes, discs and records).

3. The term "all documents" means every document as defined above known to you and every such document which can be located or discovered by reasonably diligent efforts.

4. When producing the documents, please keep all documents segregated by the file in which the documents are contained and the name of the documents being produced.

5. In the event such file(s) or document(s) has(have) been removed for the purposes of this action or any other purpose, please state the name and address of the person who removed the file, the title of the file and each subfile, if any, maintained within the file and the present location

of the file.

6. If you choose to withhold any documents from production for inspection and copying on the ground of privilege or the like, it is requested that, in addition to identifying the documents so withheld, you state the grounds for withholding said documents.

#### **DOCUMENTS TO BE PRODUCED**

1. All federal income tax returns filed by you or on your behalf for the years 1994 to date.

2. All financial statements, inventories and schedules reflecting your assets, liabilities, income and/or net worth prepared by you or on your behalf from January 1, 1994, to and including the date of this request.

3. With respect to any savings accounts or certificates of deposit in any bank, savings and loan association or other financial institution (whether foreign or domestic) maintained in your name, individually, jointly with others or as trustee or custodian or in which you have had any interest of any nature, since January 1, 1994; all statements, passbooks, ledger sheets, account cards and other written instruments reflecting the nature of your interest and the extent and amount thereof at all times from January 1, 1994 to and including the date of this request.

4. All canceled checks drawn in any checking accounts maintained in your name or in which you have had an interest for the period beginning January 1, 1994 to and including the date of this request together with all check stubs or vouchers and all written documents showing the nature and status of such accounts during such time, including but not limited to account and signature cards and monthly or other periodic statements submitted by the banks in which such accounts have been maintained.

5. All records, including account cards, passbooks, statements, ledger sheets, canceled checks, withdrawal or deposit slips and all other written instruments, regarding any savings or checking accounts or certificates of deposit on which your name has not appeared, but with respect to which you either withdrew or deposited money at any time from January 1, 1994, to the date of this request.

6. All insurance policies in which you have an interest of any nature.

7. A list and records of all safety deposit boxes in which property owned by you or in which you have an interest has been stored at any time since January 1, 1994, such records to include all documents that indicate the names and addresses of the institutions were maintained, the names and addresses of all persons having rights of access to the boxes and a schedule of contents thereof beginning January 1, 1994, to the date of this request.

8. Records of all charge and credit card accounts maintained by you or in your name or in which you have or have had an interest at any time from January 1, 1994, to the date of this request, including credit cards.

9. Records which would identify and describe the nature and extent of any interest which you have had in any real property at any time and the nature, extent and present status of that interest, including but not limited to contracts of purchase, deeds, mortgages, leases, trust agreements, partnership agreements, joint venture agreement and syndication agreements pertaining to such interest.

10. All pleadings, judgments, executions and other documents pertaining to all claims, counterclaims and/or interests presently asserted or previously asserted by and against you in all legal proceedings, foreign or domestic, subsequent to January 1, 1994, and pertaining to the status and disposition thereof (with the exception of documents pertaining to the instant suit).

11. True and correct copies of all personal (tangible or intangible) and real property tax returns filed by you or on your behalf since January 1, 1994, and all financial records pertaining thereto.

12. All books and records pertaining to all stock or commodities brokerage accounts maintained by you or in which you have had an interest from January 1, 1994, to the date of this, including but not limited to monthly statements of account and customer confirmation slips (notifications of purchase or sale).

13. A schedule of all stocks, bonds and other securities in which you have an interest or have had an interest of any kind, nature or character from January 1, 1994, to the date of this request and also all original stock certificates, bonds and other securities, certificates or agreements representing or evidencing an interest, beneficial or otherwise, in any corporation or other business entity (publicly owned or otherwise).

14. All books, records and documents reflecting the identity and addresses of persons or entities which owe you any money and such additional information as will reflect the nature, status and amount of each such debt.

15. All journals, general ledgers, subsidiary ledgers, cash disbursements journals, receipt journals, stock transfer books, real and personal property ledgers, tax returns, inventories, financial statements and all other books of account, worksheets and accounting records of all corporations, partnerships, proprietorships, business trusts and all other businesses or income producing ventures in which you have or have had any interest since January 1, 1994, and all contracts, agreements and other written documents pertaining to the nature and status of your interest in each such business and venture.

16. Records which would identify all automobiles, boats, airplanes or other vehicles of transportation in which you have had any interest of any kind and nature from January 1, 1994, to the date of this request and the nature and present status of that interest, including title and license registration certificates, mortgages, security agreements and mortgage or security payment books pertaining to such interest.

17. A schedule of all personal property owned by you or in which you have had an interest of any kind at any time from January 1, 1994, to the date of this request; all financial statements and inventories which have been prepared by you or on your behalf pertaining to such personal property and all other documents showing the nature and status of your interest therein.

18. As to any personal or real property in which you have had an interest and with respect to which you have sold, deeded, conveyed away, assigned or otherwise transferred or encumbered any interest of any kind or nature from January 1, 1994, to the date of this request; all contracts, memoranda and other writings and documents which would show or tend to show the persons or entities to whom such interests were transferred, the dates of transfer, the consideration, if any, paid by the transferee involved and all other circumstances surrounding said transfers.

19. Copies of all trust agreements which you have entered into or as to which you have been designated a settlor, grantor, trustee, administrator or a beneficiary which were in effect at any time from January 1, 1994, to the date of this request together with any inventories, correspondence, memoranda and all other documents and writings which would show the subject matter, nature and status of all such trusts since their inception.

20. All documents of any nature regarding any real or personal property which you hold or maintain for the benefit of any other person, whether in trust or otherwise,

21. All check vouchers, income tax withholding slips, payment schedules, employment contracts and any other documents evidencing salaries and other remuneration paid to you by any employer and evidencing compensation, dividends or interest paid to you by any other person from January 1, 1994, to the date of this request.

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