

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>11/6/09</u>

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HOUBIGANT, INC., ETABLISSEMENT
HOUBIGANT, X

Plaintiffs,

- against -

IMG FRAGRANCE BRANDS, LLC, and
PATRIARCH PARTNERS, LLC, X

Defendants.

Civil Action # 09-CV-839 (LAP)

IMG FRAGRANCE BRANDS, LLC, DANA
CLASSIC FRAGRANCES, INC., ZOHAR
CDO 2003-1 LIMITED, ZOHAR II 2005-1
LIMITED, ZOHAR III LIMITED, and IMG
HOLDINGS, INC., X

Plaintiffs,

- against -

HOUBIGANT, INC., ETABLISSEMENT
HOUBIGANT, and MICHAEL J. SHERMAN, X

Defendants.

Civil Action # 09-CV-3655(LAP)

HOUBIGANT, INC., ETABLISSEMENT
HOUBIGANT, X

Counter-Plaintiffs,

- against -

IMG FRAGRANCE BRANDS, LLC, DANA
CLASSIC FRAGRANCES, INC., ZOHAR
CDO 2003-1 LIMITED, ZOHAR II 2005-1
LIMITED, ZOHAR III LIMITED, IMG
HOLDINGS, INC., PATRIARCH PARTNERS,
L.L.C, and LYNN TILTON, X

Counter-Defendants.

IT IS HEREBY ORDERED:

1. With regard to any third-party subpoena issued by Hougibant not yet responded to in full by the return date set for response, the party subject to that subpoena ~~must~~ ^{shall} turn over all responsive materials within ten (10) days of receipt of this Order. *Yid*

2. With regard to any third-party subpoena issued by Houbigant for which objections were timely filed, those objections are preserved, but the party subject to that subpoena ~~must~~ ^{shall} turn over all responsive materials within ten (10) days of receipt of this Order. *dep*

3. With regard to all third-party subpoena recipients of Houbigant subpoenas, any documents withheld from production on the basis of an assertion of privilege, ~~must~~ ^{shall} be listed on a privilege log and said log ~~must~~ ^{shall} be submitted within fifteen (15) days of receipt of this Order. *Leg*

4. This order extends to the third-party subpoena recipients of Houbigant subpoenas listed in Attachment A.

SO ORDERED.

November 5, 2009 Loretta A. Preska

Hon. Loretta A. Preska

ATTACHMENT A**(1) Southern District of New York**

- (a) Moses & Singer LLP

(2) Southern District of Florida

- (a) Berger Singerman, P.A.
- (b) Gina Zamarelli
- (c) Isaac Cohen
- (d) Wachovia Bank, N.A./Congress Financial Corporation
- (e) Wolfe & Goldstein PA
- (f) Rothstein, Rosenfeldt, Adler
- (g) Jeffrey McGovern

(3) Northern District of Georgia

- (a) Atlanta Equity Investors, LLC
- (b) Wells Fargo Foothill

(4) Northern District of Texas

- (a) Corporate Revitalization Partners, LLC

(5) District of Maryland

- (a) CapitalSource Finance, LLC