UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

ELLEN AGUIAR,)
Plaintiff,)
V.)
WILLIAM NATBONY, individually and as))
trustee of the THOMAS S. KAPLAN 2004 QUALIFIED TEN YEAR ANNUITY TRUST) Case No. 11-cv-61314) ZLOCH/ROSENBAUM
AGREEMENT and the DAFNA KAPLAN 2003 EIGHT YEAR ANNUITY TRUST)
AGREEMENT, THOMAS KAPLAN, and DAFNA KAPLAN,)
Defendants.)
	_)

THE LEIDEN GALLERY'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S SUBPOENA TO PRODUCE DOCUMENTS

The Leiden Gallery ("Leiden Gallery") hereby submits these responses and objections ("Responses") to Plaintiff Ellen Aguiar's Subpoena to Produce Documents ("Subpoena") and Document Requests ("Requests") contained therein.

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

As an initial matter, Leiden Gallery objects to any production of documents, and will not produce documents, until after a determination by the Court of Defendants' pending motion to stay and motion for protective order. In the motion to stay, Defendants seek the stay of this action pending resolution of their motion to dismiss, which could dispose of the action as a matter of law, and a determination as to whether Plaintiff Ellen Aguiar and her counsel were privy to confidential, attorney-client privileged information of Defendant Thomas Kaplan that was stolen by Plaintiff's son, Guma Aguiar. In the motion for protective order, Defendants request that the Court order

Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon, 9th Floor, Miami, Florida 33134 Phone 305.372.1800 Fax 305.372.3508

that no discovery proceed until after a determination of the pending motion to dismiss, a determination of the hacking issue, and a determination as to whether Plaintiff Ellen Aguiar, as a former, discretionary, contingent future beneficiary of the Thomas S. Kaplan 2004 Qualified Ten Year Grantor Retained Annuity Trust and the Dafna Kaplan 2003 Eight Year Grantor Retained Annuity Trust (collectively, the "GRATs") has standing to seek an accounting of the activities of the GRATs. The vast majority of the documents requested in the Subpoena are documents which seek such accounting, and Leiden Gallery should not be required to produce said documents until a determination of the standing issue has been made by the Court.

Leiden Gallery' Responses are subject to the following qualifications, explanations, and objections which apply to each of the Requests and are incorporated in full by this reference into each and every Response below as if fully set forth therein:

- 1. Leiden Gallery responds to the Requests as Leiden Gallery reasonably interprets and understands the Requests. Should Plaintiff subsequently assert an interpretation of any individual Request that differs from Leiden Gallery' understanding, Leiden Gallery reserves the right to supplement the Responses and/or Objections.
- 2. To the extent a Request seeks documents protected from discovery by the attorney-client privilege, the work product doctrine, or any other privilege or protection, no such documents shall be produced even if no specific objection is asserted in response to each individual request. Further, documents produced which contain information subject to such privilege or protection shall be redacted and marked as such. Inadvertent identification or production of privileged documents or information is not a waiver of any applicable privilege.

326712

- 3. Leiden Gallery objects to the Definitions and Instructions and to each Request to the extent they seek to alter or expand upon the obligations imposed by the Federal Rules of Civil Procedure or the Local Rules for the District of Delaware and the Southern District of Florida.
- 4. Leiden Gallery objects to the Definitions and Instructions and to each Request to the extent that each calls for the production of documents that are not in the custody, possession, or control of Leiden Gallery.
- 5. A statement in response to a specific Request that Leiden Gallery will produce documents is not a statement that any such documents exist, but rather, means only that such documents that exist and are responsive to a specific Request will be produced.
- 6. To the extent that Leiden Gallery produces documents in response to specific Requests to which it has objected, Leiden Gallery reserves the right to maintain such objections with respect to any additional information and such objections are not waived by the production of responsive documents.
- 7. Leiden Gallery objects to the definition of "GRAT Related Entity" as overbroad, vague, seeking information that is not relevant to this matter and is an impermissible attempt to obtain third-party discovery from Leiden Gallery.
- 8. Leiden Gallery objects to the definition of "Natbony Related Entity" as overbroad, vague, seeking information that is not relevant to this matter and is an impermissible attempt to obtain third-party discovery from Leiden Gallery.
- 9. Leiden Gallery objects to Instruction No. 24 requiring Leiden Gallery "In producing the documents requested, indicate the specific request(s) pursuant to which the

document is being produced." Leiden Gallery will produce responsive documents as they are kept in the usual course of business.

- 10. Leiden Gallery objects to the Requests on the grounds that they are harassing, burdensome, and seek confidential information and information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
- 11. Leiden Gallery objects to the Requests on the grounds that they seek personal and confidential information related to third-parties which is unrelated and not relevant to the underlying litigation between parties. To the extent confidential documents are required to be produced, Leiden Gallery will designate such documents "Attorneys-Eyes Only" for protection. Prior to production, to the extent confidential investment strategies of the GRATs are required to be produced, including, but not limited to, information regarding the GRATs' trading in securities in the United States and abroad, and investments in real estate and art, Leiden Gallery will require the attorneys to which said documents are to be disclosed to certify they will not profit, or attempt to profit, from receipt of such confidential information, to prevent follow on trading and investment that could cause significant, financial harm to the GRATs and interfere with their investment strategies.
- 12. Leiden Gallery objects to the Requests to the extent that they seek documents already in Plaintiff's possession.
- 13. Leiden Gallery objects to the Requests to the extent they seek documents subject to discovery between the parties to the underlying litigation.
- 14. Leiden Gallery objects to the Requests as overbroad in that the Requests are not limited to a relevant time period.

- 15. Leiden Gallery objects to the Request to the extent that the Plaintiff lacks standing to request such documents.
- 16. Leiden Gallery objects to the Requests to the extent they are subject to a Motion to Stay and Motion for Protective Order pending in Southern District of Florida in *Ellen Aguiar* v. *William Natbony*, et al., Case No. 11-cv-61314.

RESPONSES AND OBJECTIONS

1. All documents produced by you to any of the parties in the case of *Leor Exploration & Production LLC*, *Pardus Petroleum L.P.*, *et al.* v. *Guma Aguiar*, Case No. 09-60136-CIV-Seitz (S.D. Fla.).

Response: In addition to its Preliminary Statement and General Objections, subject to and without waiving the foregoing objections, there are no documents responsive to this Request because Leiden Gallery did not produce documents in the case of *Leor Exploration & Production LLC, Pardus Petroleum L.P., et al. v. Guma Aguiar*, Case No. 09-60136-CIV-Seitz (S.D. Fla.).

2. All documents produced by you to any of the parties in the case of *Guma Aguiar v. William Natbony, Thomas Kaplan, and Katten Muchin Rosenman, LLP*, Case No. 09-60683 (S.D. Fla.).

Response: In addition to its Preliminary Statement and General Objections, subject to and without waiving the foregoing objections, there are no documents responsive to this Request because Leiden Gallery did not produce documents in the case of Guma Aguiar v. William Natbony, Thomas Kaplan, and Katten Muchin Rosenman, LLP, Case No. 09-60683 (S.D. Fla.).

3. All documents produced by you to any of the parties in the case of Guma Aguiar v. Pardus Petroleum, LP, Pardus Petroleum LLC, and William Natbony, in his capacity as Trustee of the Dafna Kaplan 2003 Eight-Year Grantor Retained Annuity Trust and Thomas Kaplan 2004 Ten-Year Grantor Retained Annuity Trust, Case No. 6:09CV0005 (W.D. Tex.).

Response: In addition to its Preliminary Statement and General Objections, subject to and without waiving the foregoing objections, there are no documents responsive to this Request because Leiden Gallery did not produce documents in the case of Guma Aguiar v. Pardus Petroleum, LP, Pardus Petroleum LLC, and William Natbony, in his capacity as Trustee of the Dafna Kaplan 2003 Eight-Year Grantor Retained Annuity Trust and Thomas Kaplan 2004 Ten-Year Grantor Retained Annuity Trust, Case No. 6:09CV0005 (W.D. Tex.).

4. All documents produced by you to any of the parties in the case of *Thomas Kaplan v. Guma Aguiar and The Lillian Jean Kaplan Foundation, Inc.*, Case No. 09-001509 CA (07)(Fla. 17th. Cir.).

Response: In addition to its Preliminary Statement and General Objections, subject to and without waiving the foregoing objections, there are no documents responsive to this Request because Leiden Gallery did not produce documents in the case of *Thomas Kaplan v. Guma Aguiar and The Lillian Jean Kaplan Foundation, Inc.*, Case No. 09-001509 CA (07)(Fla. 17th. Cir.).

5. All documents pertaining to the creation, structure, organization and purpose of the GRATs, including, but not limited to, the original trust agreements, amendments to the trust agreements, documents pertaining to the drafting and adoption of

the original trust agreements and any amendment or proposed amendment to the trust agreements, and documents pertaining to communications among and between the Defendants or between Defendants and other parties concerning the purpose of the trust or any amendment to the GRATs or any advantage to be derived from the structure or organization of the trust or any amendment to the trust.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

6. All documents pertaining to the selection of Natbony as trustee of the GRATs, including, but not limited to, documents pertaining to other candidates considered for trustee, documents pertaining to Natbony's fitness to serve as trustee, documents pertaining to Natbony's anticipated role as trustee, or the advantages or disadvantages of selecting Natbony as trustee, including the impact such selection would have on any other Defendants' influence or control over the trust.

Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon, 9th Floor, Miami, Florida 33134 Phone 305.372.1800 Fax 305.372.3508

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

7. All documents pertaining to any communications among and between the Defendants or between Defendants and other parties concerning the relationship between William Natbony and Thomas S. Kaplan for the period prior to and contemporaneous with Natbony's selection as trustee.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead
to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this
Request to the extent it seeks production of documents already in Plaintiff's possession,
custody, or control, or which has been previously produced in a related action. Leiden
Gallery further objects to this Request to the extent it seeks personal, private,
confidential, or proprietary information wholly unrelated to this litigation. Leiden

Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

8. All documents pertaining to any and all discussion or consideration of the possibility of replacing William Natbony as trustee of the GRATs, including, but not limited to, documents pertaining to the advantages or disadvantages of replacing Natbony as trustee, including the impact such replacement would have on Thomas Kaplan's influence or control over the trust, and documents containing information on any entities or individuals who could have served as replacement trustee.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously in a related
action. Leiden Gallery further objects to this Request to the extent it seeks personal,
private, confidential, or proprietary information wholly unrelated to this litigation.
Leiden Gallery further objects to this Request to the extent it seeks documents protected
by the attorney-client privilege. Subject to and without waiving the foregoing objections,
Leiden Gallery will produce non-privileged, responsive documents, if any, which are
located after a diligent search and after the Court's determination of the pending motions
to stay and protective order.

9. All documents pertaining to Natbony's role as trustee of the GRATs, including, but not limited to, documents pertaining to Natbony's authority as trustee, and documents pertaining to any communications between Natbony and any other Defendant regarding the administration of the trust or any investment, contribution or distribution made or contemplated to be made by the trust.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

10. All documents pertaining to Natbony's actions as trustee of the GRATs, including, but not limited to, documents pertaining to Natbony's authorization of any investments or charitable contributions made by the trust and to any such investment or contribution made or contemplated, documents pertaining to Natbony's authorization of distributions made by the trust and to any such distribution made or contemplated.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated

to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

11. All documents pertaining to Natbony's compensation or enrichment as a result of his role as trustee of the GRATs, including, but not limited to, documents pertaining to any payment, for any purpose, however categorized, made directly to Natbony by the trust or by any Trust Related Entity, and documents pertaining to any payment, for any purpose, however categorized, made to any Natbony Related Entity by the trust or by any GRAT Related Entity.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously produced in a
related action. Leiden Gallery further objects to this Request to the extent it seeks
personal, private, confidential, or proprietary information wholly unrelated to this
litigation. Leiden Gallery further objects to this Request to the extent it seeks documents

protected by the attorney-client privilege. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

12. All documents pertaining to the past and present value and assets of the GRATs and any changes in the value or assets of the GRATs that have occurred in the past or are anticipated in the future, including, but not limited to, all estimates, actual accountings and foreword looking projections of valuations, assets, and earnings.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

13. All documents pertaining to any expenditures made by the GRATs.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further

Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon, 9th Floor, Miami, Florida 33134 Phone 305.372.1800 Fax 305.372.3508

objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

14. All document pertaining to the past and present value of the assets of each of the GRATS, including, but not limited, to the present value of all investments, real property, artwork, and companies or entities owned by the GRATs; the value of any and all investments, real property, artwork, and companies or entities owned, past or present, by the GRATs at the time they were acquired; and the value of any and all investments, real property, artwork, and companies or entities previously owned by the GRATs at the time they were sold or otherwise disposed of.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously in a related
action. Leiden Gallery further objects to this Request to the extent it seeks personal,
private, confidential, or proprietary information wholly unrelated to this litigation. Leiden
Gallery further objects to this Request to the extent it seeks documents protected by the

Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon, 9th Floor, Miami, Florida 33134 Phone 305.372.1800 Fax 305.372.3508

attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

15. All documents pertaining to services provided to the GRATs or Natbony as trustee of the GRATs by Tigris Financial Group Ltd. or any other entity owned, managed, directed, or controlled, in whole or in part, directly or indirectly, by any Defendant.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation.

16. All documents pertaining to any payments, for any purpose, however categorized, made by the GRATs or any GRAT Related Entity to Thomas Kaplan, Dafna Kaplan or any entity owned, managed, directed, or controlled, in whole or in part, directly or indirectly, by either or both of the Kaplan's, including, but not limited to, Tigris Financial Group Ltd. and any related persons or entities.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated

14

to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

17. All documents pertaining to any payments, for any purpose, however categorized, made by the GRATs or any GRAT Related Entity to any relative of any Defendant, including, but not limited to, Danielle Recanati, Jason Kaplan and Patricia Kaplan, or to any entity owned, managed, directed, or controlled, in whole or in part, directly or indirectly, by any relative of any Defendant.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously produced in a
related action. Leiden Gallery further objects to this Request to the extent it seeks
personal, private, confidential, or proprietary information wholly unrelated to this
litigation. Leiden Gallery further objects to this Request to the extent it seeks documents
protected by the attorney-client privilege. Leiden Gallery further objects to this Request

Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon, 9th Floor, Miami, Florida 33134 Phone 305.372.1800 Fax 305.372.3508

on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

18. All documents pertaining to the inclusion, addition, removal or modification of any individual, including, but not limited to, Ellen Aguiar and her issue, as an actual, permissible, or potential beneficiary of the GRATs.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

19. All documents pertaining to any communications between Natbony and any actual, permissible, or potential beneficiary of the GRATs, including, but not limited to, Ellen Aguiar and her issue, regarding the GRATs, including, but not limited to, communications regarding amendments to the GRATs, communications regarding distributions from the GRATs, and communications regarding the nature of the GRATs and any actual, permissible, or potential beneficiaries interest in the GRATs.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

20. All documents pertaining to any trust for which Ellen Aguiar is or was at any point in time a beneficiary, or potential beneficiary, however remote or contingent, including, but not limited to, all documents pertaining to any discussion or consideration of her inclusion, addition or removal as a beneficiary or potential beneficiary from any trust.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously produced in a
related action. Leiden Gallery further objects to this Request to the extent it seeks
personal, private, confidential, or proprietary information wholly unrelated to this

litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

21. All documents pertaining to any actual or contemplated purchase or sale of any artwork by the GRATs or any GRAT Related Entity, including, but not limited to all documents pertaining to Leiden Gallery LLC.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

22. All documents pertaining to any company or entity created or acquired by the GRATs, any GRAT Related Entity or any of the Defendants for the purchase of artwork and any company or entity owned or controlled by the GRATs, any GRAT Related Entity or any of the Defendants that either purchased artwork from or sold artwork to the GRATs, any GRAT Related Entity or any of the Defendants.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

23. All documents pertaining to the purchase, directly or indirectly, of any property in the Pantanal region of Brazil, or any other property purchases made or contemplated to be made related to the preservation of wildlife, by the GRATs or any GRAT Related Entity.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously produced in a
related action. Leiden Gallery further objects to this Request to the extent it seeks
personal, private, confidential, or proprietary information wholly unrelated to this
litigation. Leiden Gallery further objects to this Request to the extent it seeks documents

protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

24. All documents pertaining to the purchase, directly or indirectly, of any property in the Seychelles, Israel, or any other location where purchases were made or contemplated to be made for the personal use of any Defendant or their families, by the GRATs or any GRAT Related Entity.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

25. All documents pertaining to any charitable contributions made or contemplated to be made to any entity affiliated with any Defendant by the GRATs or any GRAT Related Entity.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated

to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

26. All documents pertaining to any threat or retaliatory act made or contemplated by any Defendant against Plaintiff Ellen Aguiar, any member of her family, or any other person related to or affiliated with Ms. Aguiar.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects
to this Request to the extent it seeks documents protected by the attorney-client privilege.

27. All documents pertaining to any threat, promise of reward, actual reward or retaliatory act made or contemplated by any Defendant against any person involving their status as an actual, permissible, or potential beneficiary of the GRATs or involving the use or direction of the assets of the GRATs or any GRAT Related Entity.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated

to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege.

28. All documents pertaining to investments made by the GRATs or any GRAT Related Entity, directly or indirectly, in oil and gas exploration and development, including, but not limited to, documents pertaining to investments, including indirect investments, in Leor Exploration & Production LLC and any related entities and documents pertaining to any financial returns generated from such investments.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

29. All documents pertaining to the participation of Robert Friedman and Katten Muchin Rosenman LLP in the formation and administration of the GRATs.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further

objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

30. All documents pertaining to any compensation received by Natbony from any source for the years 2003 to the present, including any and all documents related to any potential compensation discussed or contemplated during this period.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation.

31. All documents pertaining to any trusts or related entities for which Ellen Aguiar or any of her issue is currently or ever has been a beneficiary or potential beneficiary, including, but not limited to, the Aqua Ocean Generations Trust, the Next

23

Generations Trust, the Aguiar Generations Trust, CGT Management Ltd., Electrum and Terralliance.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

32. All documents pertaining to any Surrogate Court filings related to the GRATs or any other trust or related entity that Ellen Aguiar or any of her issue is currently or ever has been a beneficiary or potential beneficiary, including, but not limited to the Aqua Ocean Generations Trust, the Next Generations Trust, the Aguiar Generations Trust, CGT Management Ltd., Electrum and Terralliance.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated
to lead to the discovery of relevant or admissible evidence. Leiden Gallery further
objects to this Request to the extent it seeks production of documents already in
Plaintiff's possession, custody, or control, or which has been previously produced in a

Kozyak Tropin & Throckmorton, P.A. 2525 Ponce de Leon, 9th Floor, Miami, Florida 33134 Phone 305.372.1800 Fax 305.372.3508

related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Subject to and without waiving the foregoing objections, Leiden Gallery will produce non-privileged, responsive documents, if any, which are located after a diligent search and after the Court's determination of the pending motions to stay and protective order.

33. All documents pertaining to any communications of any of the Defendants regarding the GRATs or any other trust that Ellen Aguiar or any of her issue is currently or ever has been a beneficiary or potential beneficiary.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation.

34. All documents pertaining to any communications of any of the Defendants regarding any former or current beneficiaries or potential beneficiaries of the GRATs.

Response: In addition to its Preliminary Statement and General Objections,
Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead

to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege.

35. All documents pertaining to any communications of any of the Defendants with Rabbi Lieb Tropper regarding the GRATS, any GRAT Related Entity, including, but not limited to Leor Exploration and Production, LLP, or any current or former beneficiary or potential beneficiary of the GRATs.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead
to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this
Request to the extent it seeks production of documents already in Plaintiff's possession,
custody, or control, or which has been previously produced in a related action. Leiden
Gallery further objects to this Request to the extent it seeks personal, private,
confidential, or proprietary information wholly unrelated to this litigation.

36. All documents pertaining to any communications of any of the Defendants with Jason Kaplan or Patricia Kaplan regarding the GRATS, any GRAT Related Entity, including, but not limited to Leor Exploration and Production, LLP, or any current or former beneficiary or potential beneficiary of the GRATs.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead
to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this
Request to the extent it seeks production of documents already in Plaintiff's possession,
custody, or control, or which has been previously produced in a related action. Leiden
Gallery further objects to this Request to the extent it seeks personal, private,
confidential, or proprietary information wholly unrelated to this litigation.

37. All documents pertaining to any communications of any of the Defendants with Emma Wells regarding the GRATS or any other trusts, any GRAT Related Entity, including, but not limited to Leor Exploration and Production, LLP, or any current or former beneficiary or potential beneficiary of the GRATs or any other trust.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as overbroad, harassing, and not calculated to lead
to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this
Request to the extent it seeks production of documents already in Plaintiff's possession,
custody, or control, or which has been previously produced in a related action. Leiden
Gallery further objects to this Request to the extent it seeks personal, private,
confidential, or proprietary information wholly unrelated to this litigation.

38. All documents pertaining to any communications of any of the Defendants with the Katten Muchin Rosenman LLP or anyone affiliated with the Katten Muchin Rosenman LLP regarding the GRATS or any other trusts, any GRAT Related Entity, including, but not limited to Leor Exploration and Production, LLP, or any current or former beneficiary or potential beneficiary of the GRATs or any other trusts.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege.

39. All documents pertaining to any investments in Gold or other precious metals or in companies involved in the exploration, production, holding or distribution of Gold or other precious metals by the GRATs or any GRAT Related Entity.

Response: In addition to its Preliminary Statement and General Objections, Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated to lead to the discovery of relevant or admissible evidence. Leiden Gallery further objects to this Request to the extent it seeks production of documents already in Plaintiff's possession, custody, or control, or which has been previously produced in a related action. Leiden Gallery further objects to this Request to the extent it seeks personal, private, confidential, or proprietary information wholly unrelated to this litigation. Leiden Gallery further objects to this Request to the extent it seeks documents protected by the attorney-client privilege. Leiden Gallery further objects to this Request on the grounds that Plaintiff lacks standing to request such documents because she has no vested interest in the GRATs.

40. All documents pertaining to any investigation of Guma Aguiar that

William Natbony authorized, conducted or participated in while serving as trustee of the

GRATs or any other trust for which Ellen Aguiar or any of her issue are or where at the

time beneficiaries or potential beneficiaries.

Response: In addition to its Preliminary Statement and General Objections,

Leiden Gallery objects to this Request as vague, overbroad, harassing, and not calculated

to lead to the discovery of relevant or admissible evidence. Leiden Gallery further

objects to this Request to the extent it seeks production of documents already in

Plaintiff's possession, custody, or control, or which has been previously in a related

action. Leiden Gallery further objects to this Request to the extent it seeks documents

protected by the attorney-client privilege. Leiden Gallery further objects to this Request

to the extent it seeks personal, private, confidential, or proprietary information wholly

unrelated to this litigation.

Dated: July 15, 2011

Respectfully Submitted,

/s/Detra Shaw-Wilder

Harley S. Tropin

hst@kttlaw.com

Thomas A. Tucker Ronzetti

tr@kttlaw.com

Detra Shaw-Wilder

dps@kttlaw.com

KOZYAK TROPIN & THROCKMORTON, P.A.

2525 Ponce de Leon Boulevard, 9th Floor

Coral Gables, Florida 33134

Tel. (305) 372-1800

Fax. (305) 372-3508

Counsel for Non-party The Leiden Gallery

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Responses and Objections to Plaintiff's Subpoena to Produce Documents was furnished via US Mail and Electronic Mail this 15th day of July, 2011 to Carlos M. Sires, Esq., Sigrid S. McCawley, Esq., and Alex H. Schultz, Boies Schiller & Flexner, LLP, 401 East Las Olas Blvd., Suite 1200 Fort Lauderdale, FL 33301.

Detra Shaw-Wilder