

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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GPB CAPITAL HOLDINGS, LLC, GPB	:	
HOLDINGS, LP, GPB AUTOMOTIVE	:	
PORTFOLIO LP, GPB HOLDINGS	:	
AUTOMOTIVE, LLC, and GPB PORTFOLIO	:	Index No. 606417/2017
AUTOMOTIVE, LLC,	:	
	:	
Plaintiffs,	:	
	:	
-against-	:	<u>2nd Order for Additional Discovery</u>
	:	
PATRICK DIBRE,	:	
	:	
Defendant.	:	
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In furtherance of the order of April 23, 2018 appointing the undersigned as Special Master a conference was held on November 15, 2018 for the purpose of resolving certain discovery disputes. Counsel for all parties were in attendance. Under the supervision of the Special Master, a framework to resolve the discovery disputes was agreed to. The Special Master issued an Order for Additional Discovery dated November 28, 2018. Thereafter, counsel for Plaintiffs, by letter (with exhibits) dated December 14, 2018, voiced certain objections to the sufficiency of the discovery produced by Defendant. Counsel for Defendant answered by letter (with exhibits) dated December 17, 2018, and counsel for Plaintiffs replied by letter (with exhibits) dated December 18, 2018. Having considered the parties' respective positions:

IT IS HEREBY ORDERED

On or before the close of business on January 11, 2019:

1. With respect to paragraphs 2 a – d of the November 28, 2018 Order for Additional Discovery, which is incorporated herein by reference, Defendant shall produce to Plaintiffs the signed copy of the agreements annexed as Exhibit B to the letter of December 17, 2018 together with

- a. All periodic (monthly, quarterly, and annual) reporting from the Masi Entities, including any Profit / Loss statements, Loss Ratio statements, or Cession statements to the extent not already produced; and
 - b. Copies of monthly remittance reports, prepared by Denise Loniewski or others on behalf of any of the subject Dealerships, Defendant or any of Defendant's related entities, regarding any of the sales of the Reinsurance Products at the Subject Dealerships, the premium amounts payable to the Masi Entities, any losses or loss reserves, etc, to the extent not already produced;
 - c. To the extent Defendant contends that certain information is contained on an optical image which was purported to be marked "for attorney's eyes only", counsel for the parties, by counsels' respective letters, now agree that the image may be accessed by persons other than their attorneys; Defendant is directed to access that information himself or designate a representative to do so for the purpose of searching for the information set forth in paragraph 2 of the Order for Additional Discovery.
2. In furtherance of paragraph 3 of the Order for Additional Discovery, Defendant shall produce to Plaintiffs information to supplement the document D316114 as supplemented by the spreadsheets annexed as Exhibit C to Plaintiffs letter of December 14, 2018 and the documents designated "BOUGHT_OCT16-DEC16FINISH" and "SOLD_OCT16-DEC16FINISH" annexed to Defendant's letter of December 17, 2018, the following:
- a. Defendant shall produce revised spreadsheets of each of the foregoing exhibits to counsels' respective letters in "native" format; and
 - b. Because of the significant period of time and manual labor that it would take for Defendant to provide a "vehicle-by-vehicle breakdown of the actual costs" for "each deal folder" (on an interim basis and subject to further consideration

by the Special Master on good cause shown by Plaintiffs), Defendant shall produce copies of the entire contents of the “deal folder” for those vehicles whose ordinal number in the first column on each of the foregoing exhibits is divisible by 300 (for example vehicle numbered 300, 600, 900, etc.) *and* the first and last numbered vehicle on each such exhibit.

3. In all other respects, Plaintiffs’ motion is denied subject to further review.

4. The parties’ counsel shall appear before the undersigned at his offices, on January 31, 2019 at 2:00 p.m., and will discuss in advance of that date whether principals should attend.

AND IT IS FURTHER ORDERED THAT

The attorneys for Plaintiff shall e-file this Order within five (5) days of the date hereof.

So Ordered on December 24, 2018

Hon. Peter B. Skelos (J.S.C. (Ret’d), Special Master
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To: All Counsel