

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-CV-60082-DIMITROULEAS/SNOW

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

FREDERIC ELM f/k/a FREDERIC
ELMALEH, et al.,

Defendants.

_____ /

NOTICE OF TAKING DEPOSITION DUCES TECUM

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure and the attached Subpoena for Deposition Duces Tecum, the undersigned attorneys intend to take the deposition(s) of:

NAME AND ADDRESS

DATE AND TIME

PLACE

Craig Henderson	August 18, 2017 10 a.m.	Broad and Cassel One Financial Plaza 100 S.E. 3 rd Avenue, Suite 2700 Fort Lauderdale, FL 33394
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upon oral examination before a court reporter, any other Notary Public or other officer authorized by law to take depositions in the State of Florida. The oral examination will continue from day to day until completed. The deposition is being taken for purposes of discovery, for use at trial, or such other purposes, as are permitted under the Federal Rules of Civil Procedure.

CASE NO.: 15-cv-60082-DIMITROULEAS/SNOW

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 4, 2017, a true and correct copy of the foregoing was served via electronic transmission on all counsel or parties of record on the Service List below.

Respectfully submitted,

BROAD AND CASSEL

Attorneys for Receiver

One Biscayne Tower, 21st Floor

2 S. Biscayne Boulevard

Miami, FL 33131

Telephone: (305) 373-9467

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By: s/Daniel S. Newman

Daniel S. Newman, P.A.

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CASE NO.: 15-cv-60082-DIMITROULEAS/SNOW

SERVICE LIST

<p>Patrick R. Costello, Esq. Katharine Zoladz, Esq. costello@sec.gov zoladzK@sec.gov U.S. Securities and Exchange Commission 801 Brickell Avenue Suite 1800 Miami, FL 33131 <i>Counsel for U.S. Securities and Exchange Commission</i></p>	<p>David R. Chase, Esq. david@davidchaselaw.com David R. Chase, P.A. 1700 East Las Olas Boulevard Suite 305 Fort Lauderdale, FL 33301 <i>Counsel for Defendant Frederic Elm and Relief Defendant Amanda Elm</i></p>
<p>Christopher Bruno, Esq. cbruno@brunodegenhardt.com Bruno & Degenhardt 10615 Judicial Drive Suite 703 Fairfax, VA 22030 <i>Counsel for Defendant Frederic Elm and Relief Defendant Amanda Elm</i></p>	<p>Grisel Alonso, Esq. galonso@moecker.com Michael Moecker & Associates, Inc. 1883 Marina Mile Blvd., Suite 106 Fort Lauderdale, FL 33315 <i>Receiver</i></p>

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 15-CV-60082-DIMITROULEAS/SNOW

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

FREDERIC ELM f/k/a FREDERIC
ELMALEH, et al.,

Defendants.

**SUBPOENA for DEPOSITION DUCES TECUM
IN A CIVIL CASE**

**TO: Craig Henderson
21346 St. Andrews Boulevard
#202
Boca Raton, FL 33433**

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

Place of Testimony:	Courtroom
	Date and Time

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

Place of Deposition Broad and Cassel One Financial Plaza 100 S.E. 3 rd Avenue, Suite 2700 Fort Lauderdale, FL 33394	Date and Time August 18, 2017 at 10 a.m.
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YOU ARE COMMANDED to produce and permit inspection and copying of the documents or objects described in the attached Schedule "A" at the place, date, and time specified below:

Place: Broad and Cassel One Financial Plaza 100 S.E. 3 rd Avenue, Suite 2700 Fort Lauderdale, FL 33394	Date and Time August 18, 2017 at 10 a.m.
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Premises	Date and Time:
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title DANIEL S. NEWMAN, ESQ.	Date: August 4, 2017
Issuing Officer's Name, Address and Phone Number: DANIEL S. NEWMAN, P.A., Attorney for Receiver, Broad and Cassel LLP, One Biscayne Tower, 21 st Floor, 2 S. Biscayne Blvd., Miami, Florida 33131 (305) 373-9400 (Telephone)	

(See Rule 45 Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (1/94) Subpoena in a Civil Case

PROOF OF SERVICE

		DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE	
SERVED BY (PRINT NAME)		TITLE	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on:

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

INSTRUCTIONS

1. This subpoena requires the production of original documents. For your convenience, and at your expense, you may provide photocopies of the documents. If you choose to produce copies, you must maintain the originals in a secure place.

2. Provide the documents as they are kept in the ordinary course of business, including copies of all file folders, cover sheets, memoranda, fax sheets, routing slips or other documents which might indicate the dissemination of the documents. To the extent that the identity of a document's author or source is not apparent from the face of the document, provide the identity of the author or source in addition to the document.

3. Provide all non-identical documents, including all drafts.

4. Affix a bates label or other identifying mark to each page of each document produced.

5. To the extent that you have already provided any document requested, you may list in your transmittal letter the bates range of the document and the number of the request to which it is responsive in lieu of producing the document again.

6. Your transmittal letter should indicate that you have made a thorough search of all documents in your possession, custody or control and have produced all documents responsive to the subpoena. If no documents responsive to a particular request exist, you should so state in your transmittal letter. Your transmittal letter should indicate whether the documents being produced have been kept in the ordinary course of business.

7. If any responsive documents are withheld based upon an assertion of privilege, include with your transmittal letter a privilege log setting forth the following information for each document withheld: (i) the date of the document; (ii) a description of the document (*e.g.*, "memorandum," "letter," "notes"); (iii) the author(s) of the document; (iv) all recipients of the document; (v) all others who have been informed about the substance of the document even if they did not receive it; (vi) the subject matter of the document; and (vii) the nature of the privilege asserted (*i.e.*, attorney-client, attorney work product).

8. Unless otherwise stated, the relevant time period is January 1, 2012 to the present.

DEFINITIONS

1. The term “document” is used in its broadest possible sense, and means any and all records, and any other tangible forms of expression, communication or information, or the recording or storing thereof, in your possession, custody or control, whether such documents are drafts or unfinished versions, originals, or annotated or nonconforming copies, however or by whoever created, produced or stored (manually, mechanically, electronically or otherwise) including writings, books, papers, files, minutes, summaries, records, analyses, plans, correspondence, memoranda, ledger sheets, schedules, invoices, account statements, reports, wires, telegrams, telexes, electronic mail, telephone logs, notes, or records of conversations of meetings, contracts, agreements, calendars, date books, work sheets, working papers, bills, records of payment, magnetic tape, tape recordings, disks, diskettes, disk packs, and other electronic media, microfilm, microfiche, date or memory storage devices, appointment books, diaries, notices and message slips.

2. The term “Receivership Entities” refers to Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, Elm Tree ‘e’conomy Fund LP, Elm Tree Motion Opportunity LP, and Etopia LP, and all entities in which they have or had a controlling interest, including but not limited to all divisions, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, managing partners, limited partners, partnerships, and all aliases, code names, or trade or business named used by any of the foregoing.

3. The term "Frederic Elm" refers to Frederic Elm a/k/a Frederic Elmaleh, and any of his representatives, attorneys, affiliates, predecessors, or successors.

4. The term “Amanda Elm” refers to Amanda Elm a/k/a Amanda Elmaleh, and any of her representatives, attorneys, affiliates, predecessors, or successors.

5. The terms “you” or “your” refers to Craig Henderson, and any of his representatives, attorneys, affiliates, predecessors, or successors.

6. The term "MyEcco" refers to MyEcco, and all of its divisions, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, managing partners, limited partners, partnerships, and all aliases, code names, or trade or business names used by any of the foregoing.

7. The term "Mojilife" refers to Mojilife, and all of its divisions, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, managing partners, limited partners, partnerships, and all aliases, code names, or trade or business names used by any of the foregoing.

8. The term “Strategictek” refers to Strategictek, LLC, and all of its divisions, subsidiaries, affiliates, predecessors, successors, officers, directors, employees, agents, general partners, managing partners, limited partners, partnerships, and all aliases, code names, or trade or business names used by any of the foregoing.

9. The term “person” means any natural person or any business, legal or government entity, or association.

10. The term “concerning” means reflecting, relating to, referencing, referring to, describing, evidencing, or constituting.

11. The following rules of construction apply to this attachment:

a. the term “any” shall include “all,” and the term “all” shall include “any,” as needed to make the request inclusive and not exclusive.

b. the term “and” shall include “or,” and the term “or” shall include “and,” as needed to make the request inclusive and not exclusive; and

c. the use of the singular form of any work includes the plural and vice versa.

SCHEDULE “A”
DOCUMENTS TO BE PRODUCED

1. All documents that evidence, refer or relate to work performed by you for Frederic Elm, Amanda Elm, any of the Receivership Entities, MyEcco and/or MojiLife, including but not limited to all agreements, contracts, correspondence, communications, memorandum, checks, wire transfer advices, hard drives and/or other such documents.

2. All documents that evidence, refer or relate to any transfers of funds between Frederic Elm, Amanda Elm, any of the Receivership Entities, MyEcco and/or MojiLife, including but not limited to checks, wire transfer advices, bank statements, transfer memoranda, and deposit slips.

3. All documents that evidence, refer or relate to the location of the original source code information as well as any back ups, marketing materials, presentations and investor or prospective investor communications prepared by you or others for Frederic Elm, Amanda Elm, any of the Receivership Entities, MyEcco and/or MojiLife.

4. All communications, agreements and/or documents related to coding work, programming, software purchases, marketing, employment agreements and asset purchases

performed for Frederic Elm, Amanda Elm, any of the Receivership Entities, MyEcco and/or MojiLife, including but not limited to all agreements, contracts, correspondence, communications, memorandum, checks, wire transfer advices, hard drives and/or other such documents..

5. All documents that evidence, refer or relate to payments made to you, to Strategictek, or for your benefit by or on behalf of Frederic Elm, Amanda Elm, any of the Receivership Entities, MyEcco and/or MojiLife, including but not limited to checks, wire transfer records, billing statements, or credit card stubs.

6. All documents that evidence, refer or relate to any payments made by you or Strategictek to Frederic Elm, Amanda Elm, any of the Receivership Entities, MyEcco and/or MojiLife, including but not limited to checks, wire transfer records, billing statements, or credit card stubs.

7. All documents that evidence, pertain, refer or relate to the current location of any property that at any time belongs or belonged to any of the Receivership Entities, MyEcco and/or Moji Life.

8. All documents the evidence, pertain, refer or relate to MojiLife's ownership, control, and/or corporate structure, including but not limited to LLC agreements, shareholder agreements, articles of incorporation, articles of organization, and any filings with state or federal offices.

9. All documents that evidence, pertain, refer or relate to the current location of any records reflecting MojiLife's ownership, control, and/or corporate structure, including but not limited to LLC agreements, shareholder agreements, articles of incorporation, articles of organization, and any filings with state or federal offices.