

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re: ELETSON HOLDINGS INC,

: Chapter 11

: Case No. 23-10322 (JPM)

Debtor/Judgment Creditor.<sup>1</sup>  
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**DEBTOR/JUDGMENT CREDITOR ELETSON HOLDINGS INC.'S  
OPPOSITION TO MOTION TO QUASH OR FOR PARTIAL PROTECTIVE ORDER**

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<sup>1</sup> Prior to November 19, 2024, the Debtors in these cases were: Eletson Holdings Inc., Eletson Finance (US) LLC, and Agathonissos Finance LLC. On March 5, 2025, the Court entered a final decree and order closing the chapter 11 cases of Eletson Finance (US) LLC and Agathonissos Finance LLC. Commencing on March 5, 2025, all motions, notices, and other pleadings relating to any of the Debtors shall be filed in the chapter 11 case of Eletson Holdings Inc. The Debtor's mailing address is c/o Herbert Smith Freehills Kramer (US) LLP, 1177 Avenue of the Americas, New York, New York 10036.



**TABLE OF CONTENTS**

	<b>Page</b>
BACKGROUND .....	1
LEGAL STANDARD .....	2
ARGUMENT .....	3
I. The Information Subpoenas are Valid.....	3
II. Holdings is Entitled to the Information Sought by the Information Subpoenas.....	5
CONCLUSION.....	8

## TABLE OF AUTHORITIES

### *Cases*

<i>Astraea NYC LLC v. Rivada Networks, Inc.</i> , 592 F. Supp. 3d 181 (S.D.N.Y. 2022) .....	6
<i>Ateni Mar. Corp. v. Great Marine Ltd.</i> , 639 N.Y.S.2d 116 (2d Dep’t 1996) .....	5
<i>Avalon Holdings Corp. v. Gentile</i> , 350 F.R.D. 8 (S.D.N.Y. 2025) .....	3, 6
<i>EM Ltd. v. Republic of Arg.</i> , 695 F.3d 201 (2d Cir. 2012) .....	2
<i>Goldstone v. Gracie Terrace Apartment Corp.</i> , 938 N.Y.S.2d 227 (N.Y. Sup. Ct. 2011) .....	4
<i>Gordon v. Voronova</i> , 2017 WL 1164389 (N.Y. Sup. Ct. Mar. 28, 2017) .....	3
<i>Gryphon Domestic VI, LLC v. GBR Info. Servs., Inc.</i> , 815 N.Y.S.2d 65 (1st Dep’t 2006) .....	2
<i>IMO Indus., Inc. v. Anderson Kill &amp; Olick, P.C.</i> , 746 N.Y.S.2d 572 (N.Y. Sup. Ct. 2002) .....	7
<i>In re Nassau Cty. Grand Jury Subpoena Duces Tecum Dated June 24, 2003</i> , 4 N.Y.3d 665 (N.Y. 2005) .....	7
<i>In re Parmalat Sec. Litig.</i> , 2006 WL 3592936 (S.D.N.Y. Dec. 1, 2006) .....	7
<i>Knopf v. Sanford</i> , 106 N.Y.S.3d 777 (N.Y. Sup. Ct. 2019) .....	6
<i>Kozel v Kozel</i> , 145 A.D.3d 530 (1st Dep’t 2016) .....	3
<i>Leon v. Anderson’s Tree Serv., Inc.</i> , 2025 WL 1348442 (E.D.N.Y. May 8, 2025) .....	4
<i>LR Credit 21, LLC v. Burnett, the Nassau County</i> , 967 N.Y.S.2d 916 (N.Y. Dist. Ct. 2013) .....	4

<i>Maness v. Meyers</i> , 419 U.S. 449 (1975).....	8
<i>Newco Cap. Grp. VI LLC v. La Rubia Rest. Inc.</i> , 217 N.Y.S.3d 851 (N.Y. Sup. Ct. 2024) .....	3, 5, 7
<i>Olin Corp. v. Lamorak Ins. Co.</i> , 2021 WL 396781 (S.D.N.Y. Feb. 4, 2021) .....	4
<i>Pala Assets Holdings Ltd v. Rolta, LLC</i> , 2022 WL 5004378 (N.Y. Sup. Ct. Oct. 04, 2022).....	7, 8
<i>Republic of Arg. v. NML Cap., Ltd.</i> , 573 U.S. 134 (2014).....	2
<i>Res. Grp. Int’l Ltd. v. Chishti</i> , 2025 WL 2636993 (S.D.N.Y. Sept. 12, 2025) .....	3
<i>United States v. Miller</i> , 626 F.3d 682 (2d Cir. 2010) .....	8
<i>Universitas Educ., LLC v. Nova Grp., Inc.</i> , 2013 WL 57892 (S.D.N.Y. Jan. 4, 2013) .....	7
<i>Woloszuk v. Logan-Young</i> , 234 N.Y.S.3d 365 (4th Dep’t 2025) .....	4
 <b><i>Other Authorities</i></b>	
CPLR § 3016(a) .....	4
Fed. R. Civ. P. 69.....	2
N.Y. Local R. 37.2 .....	4
N.Y. Local R. 7001 .....	4

Eletson Holdings Inc. (“Holdings”) respectfully submits this memorandum of law in opposition to the *Motion to Quash or for a Partial Protective Order* [Dkt. 1888] (the “Motion”) filed by non-party Rolnick Kramer Sadighi LLC (“RKS”) on behalf of itself and its clients, judgment debtors Lassia Investment Company, Glafkos Trust Company, Family Unity Trust Company, and Elafonissos Shipping Corporation (the “Moving Judgment Debtors,” together with RKS, the “Moving Parties”). The Motion seeks to quash information subpoenas directed to RKS and non-party Reed Smith, LLP (“Reed Smith”) and to prohibit Holdings from discovering limited, highly relevant information to enforce a judgment entered by this Court on September 22, 2025 [Dkt. 1836] (the “Judgment”).<sup>2</sup> For the reasons stated herein, the Court should deny the Motion.

### **BACKGROUND**

On September 22, 2025, this Court entered the Judgment in favor of Holdings and against fourteen judgment debtors (the “Judgment Debtors”), including the Moving Judgment Debtors, in amounts ranging from \$150,000 to \$873,000, plus interest from September 22, 2025.

On October 20, 2025, Holdings served two information subpoenas (the “Information Subpoenas”) upon RKS and Reed Smith, two law firms whom Holdings reasonably believes each have, or had, a relationship with each of the Judgment Debtors, and who are each in possession of information about the Judgment Debtors that will assist Holdings in collecting the Judgment.

The Information Subpoenas are identical to each other in language and are both reasonably calculated to identify assets of the Judgment Debtors that can be used to satisfy the Judgment. Included in each Information Subpoena is a questionnaire that seeks information about each of the Judgment Debtors, including (a) general identifying information such as names, addresses, and

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<sup>2</sup> Since the date this Court entered the Judgment, this Court has entered additional judgments against the Judgment Debtors and others. Dkt. 1862; *see also* Dkt. 1840 (order approving Holdings’ application for attorneys’ fees / costs).

contact information (Nos. 4, 5, 6 & 8), (b) payments to counsel of litigation-related attorney fees (Nos. 2 & 7), (c) escrow or deposits held by counsel (No. 1), and (d) the accounts or businesses which the Judgment Debtors used to make fund transfers or payments (No. 3).

All of these items are narrowly tailored in scope and relevant to satisfying the Judgment against the Judgment Debtors. Because the Moving Parties have failed to “conclusively establish[]” that either RKS or Reed Smith “lacks information to assist the judgment creditors in obtaining satisfaction of the judgment,” Holdings is “entitled to pursue discovery against” RKS and Reed Smith. *See Gryphon Domestic VI, LLC v. GBR Info. Servs., Inc.*, 815 N.Y.S.2d 65, 66 (1st Dep’t 2006). The Court should deny the Motion.

### **LEGAL STANDARD**

“[B]road post-judgment discovery in aid of execution is the norm in federal and New York state courts.” *EM Ltd. v. Republic of Arg.*, 695 F.3d 201, 207 (2d Cir. 2012), *aff’d sub nom. Republic of Arg. v. NML Cap., Ltd.*, 573 U.S. 134 (2014). As the Second Circuit has observed, “[i]t is not uncommon to seek asset discovery from third parties, including banks, that possess information pertaining to the judgment debtor’s assets.” *EM Ltd.*, 695 F.3d at 207–08 (citing authority).

Post-judgment discovery is governed by Federal Rule of Civil Procedure 69, which provides that “[i]n aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or by the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(2); *accord EM Ltd.*, 695 F.3d at 207. The scope of post-judgment discovery under Rule 69(a)(2) is “constrained principally in that it must be calculated to assist in collecting on a judgment.” *Id.* New York state’s post-judgment discovery procedures, made applicable through Rule 69(a)(1), “have a similarly broad sweep.” *Id.* (under C.P.L.R. § 5223, a “judgment

creditor may compel disclosure of all matter relevant to the satisfaction of the judgment, by serving upon any person a subpoena”); *see also* David D. Siegel, New York Practice § 509 (6th ed.) (C.P.L.R. § 5223 is “a broad criterion authorizing investigation through any person shown to have any light to shed on the subject of the judgment debtor’s assets or their whereabouts”).

A judgment creditor may serve information subpoenas on a judgment debtor’s current or former law firms. *See, e.g., Res. Grp. Int’l Ltd. v. Chishti*, 2025 WL 2636993, at \*3 (S.D.N.Y. Sept. 12, 2025) (denying motion to quash information subpoena served on judgment debtor’s current and former law firms); *Avalon Holdings Corp. v. Gentile*, 350 F.R.D. 8, 14 (S.D.N.Y. 2025) (same); *Newco Cap. Grp. VI LLC v. La Rubia Rest. Inc.*, 217 N.Y.S.3d 851 (N.Y. Sup. Ct. 2024) (“Any person” for purposes of C.P.L.R. § 5223 “includes current or former counsel to the judgment debtors”); *Kozel v Kozel*, 145 A.D.3d 530, 531 (1st Dep’t 2016) (“[Nonparty attorney] cites no authority suggesting that a nonparty attorney is exempt from the standard, or subject to a different standard, on a motion to quash a subpoena”); *Gordon v. Voronova*, 2017 WL 1164389, at \*2 (N.Y. Sup. Ct. Mar. 28, 2017) (“[T]o the extent that defense counsel possesses non-privileged information relevant to the satisfaction of the judgment, he is compelled to provide it....”).

## **ARGUMENT**

### **I. The Information Subpoenas are Valid**

The Moving Parties argue that the Information Subpoenas are invalid because the attorney certification language does not precisely track the language set forth in C.P.L.R. § 5224(a)(3)(i). Motion at 7. They are mistaken. The language used in the Information Subpoenas’ certifications is appropriate and tracks the language that the District Court blessed just last year in *Avalon Holdings Corp. v. Guy Gentile*, Case No. 18-cv-7291 (DLC) (RLJ), Dkt. No. 359-1 (attached hereto as **Exhibit A**). Just as the certifications were sufficient in *Avalon*, the certifications are sufficient here.

The authorities cited by the Moving Parties do not provide otherwise. In *LR Credit 21, LLC v. Burnett*, the Nassau County district court merely denied a petition to compel a garnishee bank to turn over proceeds of a judgment debtors' account where the petitioner submitted "no proof ... that the judgement debtor actually received the exemption notice and exemption claim forms." 967 N.Y.S.2d 916, 919 (N.Y. Dist. Ct. 2013). In *Woloszuk v. Logan-Young*, the New York Supreme Court merely required "strict compliance with conditions precedent to dismissal" for want of prosecution pursuant to CPLR 3216. 234 N.Y.S.3d 365, 367 (4th Dep't 2025). And in *Goldstone v. Gracie Terrace Apartment Corp.*, the New York Supreme Court merely noted that "CPLR 3016(a) requires that in 'an action for libel or slander, the particular words complained of shall be set forth in the complaint.'" 938 N.Y.S.2d 227, at \*6 (N.Y. Sup. Ct. 2011). *None* of these cases stand for the proposition that the Information Subpoenas are invalid for any minor deviation from the language of the statute, which of course is not the law.

In any event, this issue is now moot. Submitted herewith is the Declaration of Jaclyn Grodin ("Grodin Decl."), which includes a supplemental attorney certification applicable to each of the Information Subpoenas that tracks the language of C.P.L.R. §5224(a)(3)(i). Grodin Decl., ¶ 9. Counsel for Holdings has no hesitation certifying that counsel has a reasonable belief that ***both Reed Smith and RKS each have relevant information about each of the fourteen Judgment Debtors.*** *Id.*, ¶ 10. Accordingly, to the extent this argument ever had merit (it did not), it is certainly no longer a basis for RKS or Reed Smith to resist compliance with the Information Subpoenas.<sup>3</sup>

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<sup>3</sup> The Motion should also be denied because the Moving Parties failed to meet and confer in a "good faith effort" to resolve the dispute as required in Local Rule 7001-1. On a meeting held via zoom on November 12, 2025, counsel for Holdings asked RKS to specifically identify the bases for the forthcoming motion to quash. In response, counsel for RKS vaguely identified concerns over service and privilege yet *never* mentioned its claim that the Information Subpoena is allegedly invalid based on the language of the attorney certification. RKS's failure to disclose this basis for the Motion renders the Motion procedurally improper. See, e.g., *Olin Corp. v. Lamorak Ins. Co.*, 2021 WL 396781, at \*10 (S.D.N.Y. Feb. 4, 2021) (party's failure to comply with procedural requirements, including Local Rule 37.2,



## **II. Holdings is Entitled to the Information Sought by the Information Subpoenas**

*First*, the Information Subpoenas are narrowly tailored to seek information from RKS and Reed Smith to collect a debt from the Judgment Debtors. Holdings has the absolute right to demand disclosure from RKS and Reed Smith concerning matters relevant to the satisfaction of the Judgment, including without limitation, the details of all past payments made to counsel, dates and amounts of each such payments, account details where payments were made by the Judgment Debtors with the name on the account, and the amount of the payment, as well as the current balance of the Judgment Debtors' funds in any counsel firm trust/escrow accounts. *See, e.g., Newco Cap.*, 217 N.Y.S.3d 851, at \*2 (judgment creditors are entitled to discovery into judgment debtors' payments to counsel (along with dates, amounts, source accounts, and associated documents) as well as tax, bank and financial statements in counsel's possession and control). Such information is integral to the satisfaction of the Judgment as it can shed light as to Judgment Debtors' ability to satisfy the Judgment. *Id.*<sup>4</sup>

The Information Subpoenas are reasonably calculated to identify assets to satisfy the Judgment, and the Moving Parties are wrong when they claim that the Information Subpoenas are "designed to achieve improper ends." Motion at 2. In fact, the Moving Parties acknowledge that "most of the questions the Subpoena to Reed Smith poses specifically seek information concerning funds or assets of the Judgment Debtors, including the Foreign Shareholders" and "the Subpoena is a post-judgment discovery device designed and expressly intended to gather information from

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"dooms" the application); *Leon v. Anderson's Tree Serv., Inc.*, 2025 WL 1348442, at \*6 (E.D.N.Y. May 8, 2025) (the court "will not entertain [] discovery motions absent genuine rather than feigned efforts by the parties to resolve the disputes through a good faith meet and confer without court intervention").

<sup>4</sup> Holdings is also entitled to discover whether RKS and Reed Smith are indebted to or control escrow accounts for the Judgment Debtors, as this information bears directly on satisfaction of the Judgment. *See Ateni Mar. Corp. v. Great Marine Ltd.*, 639 N.Y.S.2d 116, 117 (2d Dep't 1996) ("Prior to commencing a special proceeding to recover debts owned by a judgment debtor has against third persons, a judgment creditor may utilize a disclosure subpoena to discover facts in support of bringing the special proceeding.") (internal citations omitted).

Reed Smith that ‘will be used’ ‘to collect a debt’ from the Foreign Shareholder and others.” Motion at 7. This is exactly what information subpoenas are designed to do. *See* C.P.L.R. § 5223.

**Second**, the Moving Parties are wrong when they claim that RKS and Reed Smith—as attorneys—are not proper targets of post-judgment discovery. Motion at 9-11. Case law interpreting and applying C.P.L.R. § 5223 makes clear that information subpoenas can be, and often are, directed at current or former counsel to judgment debtors. *See supra*, at 3. The Moving Parties’ citation to *Astraea NYC LLC v. Rivada Networks, Inc.*, 592 F. Supp. 3d 181, 183 (S.D.N.Y. 2022), is unavailing. In that case, the information subpoena was entirely unlike the Information Subpoenas at issue here, in that it sought information that was obviously privileged. *See, e.g.*, Case No. 1:21-cv-10493-LLS, Dkt. 23-1 at Q2 (“describe in full detail the contents of [any] contracts [with the judgment debtor]”); Q3 and Q4 (“describe in full detail the nature of [your] [present or prior] representation [of the judgment debtor]”). In any event, subsequent District Court cases have blessed information subpoenas directed at counsel that mirror the Information Subpoenas directed at RKS and Reed Smith. *See, e.g., Avalon Holdings*, 350 F.R.D. at 14 (denying motion for protective order; ordering disclosure of information about judgment debtor’s payment of attorney’s fees, including the means and sources of payment, in aid of judgment creditors’ efforts to enforce money judgments).<sup>5</sup>

**Third**, the Information Subpoenas expressly do not seek any information that is subject to the attorney-client privilege or work product doctrine. The Information Subpoenas are narrowly tailored and carefully crafted so to not seek production of communications or documents subject to the attorney-client relationship. *See, e.g., Knopf v. Sanford*, 106 N.Y.S.3d 777, 811 (N.Y. Sup.

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<sup>5</sup> The Moving Parties are also wrong when they argue that Holdings was required to exhaust other potential sources of information (*e.g.*, banks) prior to serving the law firms. Motion at 11. Not only is this false—Holdings *has* served subpoenas on various banks—but the Moving Parties cannot dictate the order of Holdings’ discovery.

Ct. 2019) (denying motion to quash subpoenas directed at counsel to discover evidence to bring a special proceeding to enforce judgment).<sup>6</sup> Holdings only seeks disclosure from RKS and Reed Smith of information concerning payments made by the Judgment Debtors, the dates, amounts, accounts from which such payments were made, and the escrow accounts held on behalf of the Judgment Debtors. None of this information is privileged. *See, e.g., IMO Indus., Inc. v. Anderson Kill & Olick, P.C.*, 746 N.Y.S.2d 572, 578 (N.Y. Sup. Ct. 2002) (attorney bills are not work product because preparation is not dependent on legal expertise); *In re Nassau Cty. Grand Jury Subpoena Duces Tecum Dated June 24, 2003*, 4 N.Y.3d 665, 679 (N.Y. 2005) (“Communications regarding the identity of a client and information about fees paid by the client are not generally protected under the privilege, nor are communications regarding the payment of legal fees by a third person.”) (internal quotation marks omitted); *Newco Cap.*, 217 N.Y.S.3d at \*2 (attorney-client privilege does not shield discovery of identity of a client, information about fees paid, nor client-trust-account balance).

**Fourth**, the Moving Parties are wrong when they claim that their compliance with the Information Subpoenas would somehow prejudice their ability to seek appellate review. Motion at 9. It would not. The Moving Parties cite to *Pala Assets Holdings Ltd v. Rolta, LLC*, 2022 WL 5004378 (N.Y. Sup. Ct. Oct. 04, 2022) to argue that the Information Subpoenas should be quashed because RKS is counsel representing the Moving Judgment Debtors in subsequent appeals.

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<sup>6</sup> The Moving Parties also fail to properly invoke the attorney-client privilege. In the Motion, the Moving Parties vaguely state that “[r]equiring RKS to disclose client information, learned while representing that client, would create a fundamental conflict of interest” and “[e]ven what would otherwise appear to be noncontroversial information can raise privilege issues when, as here, jurisdiction itself is subject to ongoing litigation.” This is insufficient to invoke the protection of attorney-client privilege. *Universitas Educ., LLC v. Nova Grp., Inc.*, 2013 WL 57892, \*3 (S.D.N.Y. Jan. 4, 2013) (finding that the party asserting the privilege must both “(i) expressly make the claim; and (ii) describe the nature of the withheld ... communications ... in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim”) (citation omitted); *see also In re Parmalat Sec. Litig.*, 2006 WL 3592936 at \*3 (S.D.N.Y. Dec. 1, 2006) (Pitman, M.J.) (party asserting privilege bears burden of demonstrating that documents in question are privileged and “mere conclusory or ipse dixit assertions” do not suffice) (citation omitted).

However, the court in *Pala Assets* did not hold a subpoena would be quashed merely because “opposing counsel may be subject to disclosing information it has gained in the course of its representation of its client.” *Id.*, at \*6 (citation omitted). Instead, the court in *Pala Assets* found the topics plaintiffs sought to question nonparty counsel about were too broad and plaintiffs failed to show how the information sought could assist in satisfying the outstanding judgments; in fact, the *Pala Assets* court *confirmed* that information subpoenas that are “narrowly tailored to solicit information that is directly relevant...targeted at the individuals and entities that are likely to have this information” are permissible. *Id.*, at \*6-7 (internal quotation omitted).

***Fifth***, any purported prejudice experienced by the Judgment Debtors is entirely self-inflicted. The Judgment Debtors failed to seek a stay of the Judgment pending appeal and, therefore, the Judgment is immediately enforceable notwithstanding any appeal thereof. *See, e.g., United States v. Miller*, 626 F.3d 682, 689 (2d Cir. 2010) (“[I]t is a well-established ‘basic proposition that all orders and judgments of courts must be complied with promptly’ and that while a party has a right to appeal the order, ‘absent a stay, he must comply promptly with the order pending appeal.’”) (citing *Maness v. Meyers*, 419 U.S. 449, 458 (1975)). The Moving Parties’ Motion merely represents a continuation of their widespread campaign to collaterally attack unstayed orders of this Court. The Motion to Quash should be denied.

### **CONCLUSION**

For the foregoing reasons, Holdings respectfully requests the Court deny the Motion to Quash and grant such order, further relief as the Court deems proper.

Dated: December 5, 2025  
New York, New York

/s/ Nathaniel R.B. Koslof  
Jennifer B. Furey (admitted *pro hac vice*)  
Nathaniel R.B. Koslof (admitted *pro hac vice*)  
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*Counsel for Eletson Holdings Inc.*

**Exhibit A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AVALON HOLDINGS CORP.,

Plaintiff,

v.

GUY GENTILE,

Defendant.

Case No. 18-cv-7291 (DLC) (RJL)  
(ECF Case)

**RESTRAINING NOTICE  
WITH INFORMATION SUBPOENA**

**RE: Guy Gentile** (Judgement Debtor)

Related to:

NEW CONCEPT ENERGY, INC.,

Plaintiff,

v.

GUY GENTILE,

Defendant.

Case No. 18 Civ. 8896 (DLC) (RJL)  
(ECF Case)

**RESTRAINING NOTICE  
WITH INFORMATION SUBPOENA**

**RE: Guy Gentile** (Judgement Debtor)

THE PRESIDENT OF THE UNITED STATES OF AMERICA  
THE PEOPLE OF THE STATE OF NEW YORK

**TO: FORD O'BRIEN LLP, *GARNISHEE*:**

**Attn: ADAM FORD**

**By Certified Mail / Personal Delivery**

2 S. Biscayne Blvd #3200, Miami FL 33131

275 Madison Ave 24th Fl., New York NY 10016

**cc by email:** [aford@fordobrien.com](mailto:aford@fordobrien.com)

**GREETING:**

**WHEREAS**, in the above-captioned action between the parties listed above, a Judgment was entered on March 20, 2024, in the U.S. District Court for the Southern District of New York in favor of **Plaintiff Avalon Holdings Corp.** (the "Judgment Creditor"), and against Defendant Guy Gentile (the "Judgment Debtor") in the total amount of \$8,219,175, of which \$8,219,175 remains due, plus post-judgment interest from March 20, 2024.

**WHEREAS**, in the related above-captioned action between the parties listed above, a Judgment was entered on March 20, 2024, in the U.S. District Court for the Southern District of New York in favor of **Plaintiff New Concept Energy, Inc.** (the "Judgment Creditor"), and against Defendant Guy Gentile (the "Judgment Debtor") in the total amount of \$8,073,283, of which \$8,073,283 remains due, plus post-judgment interest from March 20, 2024.

**WHEREAS**, it appears that Ford O'Brien LLP and/or any of its partners, or any affiliates of any of them (collectively, "Ford O'Brien" the "Firm," or "you") owe a debt to the Judgment Debtor or are in possession or in custody of property in which the Judgment Debtor has an interest:

**Any and all funds or assets belonging to the Judgment Debtor, including but not limited to, any escrow or credit payments, funds, or assets of any kind retained by you for legal services rendered or to be rendered by you to the Judgment Debtor or any of his affiliates. or for any other reason.**

**TAKE NOTICE THAT** pursuant to subdivision (b) of § 5222 of the (New York) Civil Practice Law and Rules, which is set forth herein, you are hereby forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property or pay over or otherwise dispose of such debt, except as therein provided,

**TAKE FURTHER NOTICE** that this notice also covers all property in which the Judgment Debtor has an interest hereafter coming into your possession or custody, and debts hereafter coming due from you to the Judgment Debtor.

**(NEW YORK) CIVIL PRACTICE LAW AND RULES**

Section 5222(b)—Effect of restraint: prohibition of transfer; duration. A Judgment Debtor served with a restraining notice is forbidden to make or suffer any sale, assignment, transfer or interference with any property in which he has an interest, except upon direction of the sheriff [United States Marshal]<sup>1</sup> or pursuant to an order of the court, until the judgment is satisfied or vacated. A restraining notice served upon a person other than the Judgment Debtor is effective only if, at the time of service, he owes a debt to the Judgment Debtor or he is in possession or custody of property in which he knows or has reason to believe the Judgment Debtor has an interest, or if the Judgment Creditor has stated in the notice that a specified debt is owed by the person served to the Judgment Debtor or that the Judgment Debtor has an interest in specified property in the possession or custody of the person served. All property in which the Judgment Debtor is known or believed to have an interest then in and thereafter coming into possession or custody of such a person, including any specified in the notice, and all debts of such a person, including any specified in the notice, then due and thereafter coming due to the Judgment Debtor, shall be subject to the notice. Such a person is forbidden to make or suffer any sale, assignment or transfer of, or any interference with, any such property, or pay over or otherwise dispose of any such debt, to any person other than the sheriff [U.S. Marshal], except upon the sheriff [U.S. Marshal] or pursuant to an order of the court, until the expiration of one year after the notice is served upon him, or until the judgment is satisfied or vacated, whichever event first occurs. A Judgment Creditor who has specified personal property or debt in a restraining notice shall be liable to the owner of the property or the person to whom the debt is owed, if other than the Judgment Debtor, for any damages sustained by reason of the restraint. If a Garnishee served with a restraining notice withholds the payment of money belonging or owed to the Judgment Debtor in an amount equal to twice the amount due on the Judgment, the restraining notice is not effective as to other property or money.

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<sup>1</sup> Because the Judgment in this action was rendered by a federal court, the U.S. Marshal may serve the enforcement functions ascribed to the sheriff in this Notice.

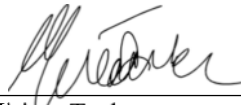


**FURTHER, WE COMMAND YOU** to answer in writing under oath, separately and fully, each question in the Questionnaire accompanying this Subpoena, each answer referring to the question to which it responds; and return the answers together with the original of the questions within seven (7) days after your receipt of the questions and this Subpoena.

**TAKE FURTHER NOTICE THAT DISOBEDIENCE OF THIS RESTRAINING NOTICE OR FALSE SWEARING OR FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO FINE AND IMPRISONMENT, PUNISHMENT FOR PERJURY, AND/OR CONTEMPT OF COURT.**

I hereby certify that this Information Subpoena complies with Rule 5224 of the (New York) Civil Practice Law and Rules and that I have a reasonable belief that the party receiving this Subpoena has in their possession information about the debtor that will assist the creditor in collecting the Judgment.

Dated: July 23, 2024



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Miriam Tauber  
MIRIAM TAUBER LAW PLLC  
885 Park Ave. #2A  
New York, NY 10075  
Tel: (323) 790-4881  
Email: [MiriamTauberLaw@gmail.com](mailto:MiriamTauberLaw@gmail.com)

*Attorney for Plaintiffs/Judgment Creditors  
Avalon Holdings Corp.; New Concept Energy, Inc.*

**DIRECT ALL INQUIRIES AND RESPONSES TO THE ABOVE.**

This communication is from a debt collector.  
It is an attempt to collect a debt and any information obtained will be used for that purpose.

**THE FOLLOWING DEMANDS RELATE TO THE PERIOD FROM  
THE DATE OF FILING OF SUIT, AUGUST 13, 2018, TO THE DATE HEREOF  
(AND CONTINUING UNTIL SATISFACTION OF THE JUDGMENT IN FULL)**

**QUESTIONNAIRE**

**Answer the following Questions based on any information known to you and any information reflected in your records or files, whether or not verified or confirmed by you:**

1. For any account in which you hold or have ever held any funds or assets belonging to the Judgment Debtor or any of his affiliates, and expected to be returned or transferred upon the occurrence or fulfillment of any condition, including, without limitation, funds or assets received by you as a deposit, retainer, or in escrow for services rendered, or in connection with a transaction for which you represented the Judgment Debtor:

- a. Provide the INSTITUTION, NAME ON THE ACCOUNT, BRANCH, ADDRESS, and ACCOUNT NUMBER, the date the account was opened, and the amount of funds or cash value and description of assets escrowed or deposited in each account; and
- b. State whether the account is currently open or closed. If open, provide the current balance and anticipated date of transfer or return of the deposited or escrowed funds or assets. If closed, provide the date of closing and identify the party, institutions, and account numbers to which escrowed or deposited funds or assets were transferred.
- c. Identify and set forth the amount or value of any other funds or assets belonging to the Judgment Debtor and currently in your possession.

**Response to 1: Ford O'Brien Landy has never held any funds or assets belonging to the Judgment Debtor or any of his affiliates.**

2. Set forth every institution and/or account from which you have ever received funds from the Judgment Debtor, as compensation or consideration for services rendered by you or in connection with any transaction of any kind. For each payment or deposit of funds received from the Judgment Debtor, provide:

- a. The NAME of any individual associated with the payment or deposit, and the ACCOUNT NUMBER and ROUTING NUMBER of any accounts associated with the payment or deposit.
- b. The INSTITUTION, BRANCH, and ADDRESS at which the account was held.
- c. The DATE and DOLLAR AMOUNT of any such payment or deposit, or if the payment or deposit was made in a form other than cash, the cash value of and form in which the payment or deposit was made (if securities, state the issuer and type of securities).

**Response 2: Ford O'Brien Landy bank records go back seven years, to September 2017. Since September 2017, Ford O'Brien Landy has not received any funds from the judgment debtor, as compensation or consideration for services rendered.**

3. Set forth all inquiries received related to the credit of the Judgment Debtor. (Who inquired? When? What was the stated purpose of inquirer?)

**Response 3: None, excluding Plaintiffs counsel in these related cases for which they are in possession of such information.**

4. Set forth the name and address of the closest living relative of the Judgment Debtor.

**Response 4: Unknown**

5. Set forth any and all references (both business, banking, and personal) listed by the Judgment Debtor, as well as their addresses.

**Response 5: None**

6. Identify any and all offshore or international businesses, entities, institutions and accounts (including, without limitation, any so-called "international business companies") that you know to be owned, directly or indirectly, by the Judgment Debtor, or otherwise affiliated or associated with the Judgment Debtor. For each:

- a. State whether you are aware of any transfers from the Judgment Debtor.
- b. If so, provide the date of all such transfers, and the amount of funds or identify and provide the cash value of any assets transferred.

**Response 6: None**

7. Set forth the person or persons within the Firm most familiar with the Judgment Debtor's assets, business affiliations, and accounts.

**Response 7: No individual at Ford O'Brien is familiar with the Judgment Debtor's assets, business affiliations, and accounts.**

8. Please have the person(s) identified in response to Question No. 7 review and supplement your answers to all of these Questions; it goes to the essence of integrity of the answers provided by you that your answers accurately reflect and present a true and accurate picture of the information the Questions seek.

**Response 8: Not Applicable**

9. Set forth the most recent home and business addresses and the most recent phone number and email address your records indicate for the Judgment Debtor. Identify the date on which you most recently communicated or contacted the Judgment Debtor by phone, email and/or mail.

**Response 9: Judgment Debtor has changed his email and did not forward any new email information. The last known email address is [guygentile@me.com](mailto:guygentile@me.com), [ggentile@swissamericas.com](mailto:ggentile@swissamericas.com), [guy@stockusainc.com](mailto:guy@stockusainc.com). All phone communications with Judgment Debtor, including dates of communications are shielded by the attorney client privilege for which the judgment debtor has not waived privilege.**

10. State whether you are in possession or are aware of any deposits or escrowed assets expected to become due or be returned to Judgment Debtor not otherwise described in your responses to these Questions and identify when and the amount that such payments are expected to be paid or returned.

**Response 10: None**

11. Set forth any passport numbers or drivers licenses, along with respective countries or states, dates of issuance, and expiration dates, which you have on file for the Judgment Debtor.

**Response 11: Not in possession of any passport or drivers licenses of the Judgment Debtor**

12. Identify any and all accounts, securities, or other assets owned, held by, or owing to the Judgment Debtor not otherwise accounted for in your responses.

**Response 12: None**