

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<b>THOMAS S. RICHEY,</b>	:	<b>Civil Action No. 06-5274(MLC)</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	<b>ORDER</b>
	:	
<b>MAJESTIC CAPITAL MANAGEMENT,</b>	:	
	:	
<b>Respondent.</b>	:	
	:	

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This matter having come before the Court upon Motion by Petitioner Thomas S. Richey (“Petitioner”), as Receiver for Weston Rutledge Financial Services, Inc., Zamindari Capital, LLC, Lexington International Fund, LLC a/k/a Lexington International Fund, Inc., and Oxford Adams Capital, LLC (“Receivership Companies”), to Compel compliance with certain subpoena [Docket Entry # 1], returnable December 4, 2006; and no opposition having been filed; and Petitioner stating that “[b]ecause of the approximately \$1 million transferred to Majestic, the [Petitioner] requested that Majestic produce documents relating to Majestic’s involvement with [Geoffrey] Gish[, Defendant,] and the Receivership Companies and receipt of funds from the Receivership Companies pursuant to a subpoena dated July 20, 2006” (Pet.’s Br. at 3); and Petitioner further stating that “Majestic objects to the subpoena on grounds of privilege and undue burden.” Id. at 4; and Petitioner further stating that “Majestic has not . . . made the necessary showing on a document-by-document basis that the application of any privilege is appropriate.” Id.; and Petitioner further stating that “Majestic provides no explanation as to how or why production of the documents requested in the Subpoena would be unduly burdensome.” Id.; and Petitioner requesting the Court to “order Majestic to pay the Receiver’s reasonable attorneys fees incurred to file this Motion to Compel.” Id. at 6; and the Court noting that Rule 26(b)(1) provides that “[p]arties may obtain discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party.” FED. R. CIV. P. 26(b)(1); and the Court further

noting that Respondent was served on July 20, 2006 with a subpoena directing it to produce certain documents by August 8, 2006. (See Pet.'s Ex. A, Majestic Subpoena); and the Court finding that the documents requested from Respondent are relevant to the Securities and Exchange Commission's Complaint against Mr. Gish and the Receivership Companies; and the Court having reviewed Petitioner's submissions; and the Court having considered the matter pursuant to FED. R. CIV. P. 78; and good cause having been shown;

IT IS on this 4<sup>th</sup> day of December 2006,

ORDERED that Petitioner's Motion to Compel compliance with certain subpoena [Docket Entry # 1] is Granted in part and Denied in part as follows:

1. Respondent shall produce the documents requested in the subpoena no later than **December 22, 2006**.
2. Petitioner's counsel shall serve a copy of this Order on Respondent by **regular and certified mail**.
3. Petitioner's motion for attorneys' fees is denied.

/s/ John J. Hughes  
**JOHN J. HUGHES**  
**UNITED STATES MAGISTRATE JUDGE**