

MAY 11 2001

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,	:	Civil Action No.: MS 1 01-0005
	:	
Plaintiff,	:	Judge Spiegel
	:	
v.	:	UNITED STATES DISTRICT COURT
	:	SOUTHERN DISTRICT OF INDIANA
	:	CIVIL ACTION NO. IP01-0259-C-H/G
JOHN E. BRINKER, JR., et al.,	:	
	:	DEPOSITION SUBPOENA
Defendants.	:	<u>DUCES TECUM</u>

To: Matt Powers
441 Morman
Cincinnati, Ohio 45215

PLEASE TAKE NOTICE that James A. Knauer, Esq., appointed as Examiner and Receiver for Relief Defendant Eleven Eighty-Five LP ("1185"), pursuant to Rule 45 of the Federal Rules of Civil Procedure, hereby commands you to appear at the law offices of Ulmer & Berne LLP, 600 Vine Street, Suite 2800, Cincinnati, Ohio 45202 on May 24, 2001, at 1:00 p.m., to testify upon oral examination concerning (a) all loans or gifts in excess of \$5,000 in cash or property made to you since January 1, 1997, by any of the following or any person or entity acting on the behalf of the same, or any other agent or affiliate of the same and (b) your employment by or with any of the following or any person or entity acting on behalf of the same, or any other agent or affiliate of the same:

- (a) John E. Brinker, Jr.;
- (b) Gary J. Bentz;
- (c) Castlerock Consulting, LLC;
- (d) Guardian First Limited, Inc. (A Nevada Corporation);

m. BWF

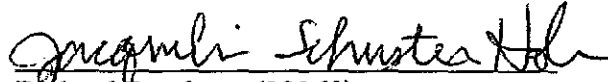
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- (e) Guardian First Limited, Inc. (A Grenada Corporation);
- (f) Wellington Bank and Trust, Ltd.;
- (g) Wellington Capital Holdings, Ltd.;
- (h) Wellington International Investments, Inc.;
- (i) Wellington First International Investments, Inc.;
- (j) Alpha Advantage II, Inc.;
- (k) 1185; or
- (l) Steadfast Ministries.

You also are hereby commanded to produce at your deposition on May 24, 2001, all documents, including, but not limited to, contracts, agreements, correspondence, notes, memoranda, or other records of any kind, which refer or relate to (a) any loans or gifts in excess of \$5,000 in cash or property made to you since January 1, 1997, by any of the individuals or entities listed above or any person or entity acting on behalf of the same or any other agent or affiliate of the same; (b) your acquisition or disposition of any interest in real estate since January 1, 1997; and (c) your employment by or with any of the individuals or entities listed above or any person or entity acting on behalf of the same or any other agent or affiliate of the same. Said deposition shall be taken pursuant to and for all purposes allowed under the Federal Rules

of Civil Procedure and shall continue from day to day until completed.

Respectfully submitted,



Richard Boydston (22360)

Jacqueline Schuster Hobbs (68236)

ULMER & BERNE LLP

600 Vine Street, Suite 2800

Cincinnati, Ohio 45202-2409

(513) 762-6200

(513) 762-6245 (Fax)

Attorneys for Receiver James A. Knauer, Esq.

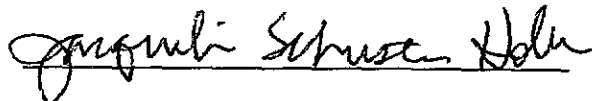
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Deposition Subpoena Duces Tecum was served upon those listed below by regular U.S. mail, postage prepaid, this 8th day of May, 2001.

Thomas J. Eme
United States Securities and
Exchange Commission
500 West Madison Street, Suite 1400
Chicago, Illinois 60661-2511

John E. Brinker, Jr.
4287 Wellington Drive
Cincinnati, Ohio 45245-1942

Gary J. Bentz
11961 Fallcreek Lane
Loveland, Ohio 45140-4809



PROOF OF SERVICE

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

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

-- (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (ii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(E) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.