From: mari2much@aol.com
Sent: Thursday, October 20, 2011 5:16 PM
To: Najjar, Ameen <anajjar@ncaa.org>
Subject: UPDATE
Attach: SHAPIRO_NCAA_LTR_TWO.pdf

I wanted to let you know that I learned from the bankruptcy court that as I suspected, I do not have to apply for pro hac vice appearance in the bankruptcy court because I am a member of the United States District Court for the Southern District of Florida. However, I registered for an ECF/ECM training session for bankruptcy court filings which will talke place on October 28th, 2011, and once this is completed I will be able to file subpoenas in federal bankruptcy court. I will keep you posted on any developements. Looking forward to your response, I am,

Very truly yours,

Maria Elena Perez, Esq.

-----Original Message-----
From: Mari2much <Mari2much@aol.com>
To: anajjar <anajjar@ncaa.org>
Cc: rjohanningmeier <rjohanningmeier@ncaa.org>
Sent: Wed, Oct 12, 2011 1:44 pm
Subject: RESPONSE TO YOUR EMAIL INQUIRIES

Attached please find correspondence from Ms. Maria Elena Perez, Esq., for your review. Should you have any additional questions or comments, please feel free to contact my office at your earliest convenience. Looking forward to your response, I am,

Very truly yours,

Maria Elena Perez, Esq
The Law Offices of Maria Elena Perez, P.A.
145 Madeira Avenue, Suite 310
Coral Gables, Florida 33134
Tel. (305) 461-3100
Fax.(305) 461-3444
Email: Mari2much@aol.com

MARIA ELENA PÉREZ, P. A.
ATTORNEY AT LAW

145 MADEIRA AVENUE
SUITE 310
CORAL GABLES, FLORIDA 33134

TELEPHONE (305) 461-3100
FACSIMILE (305) 461-3444

October 12th, 2011

Mr. Ameen Najjar
NCAA
1802 Alonzo Watsford Senior Drive
Indianapolis, IN. 46202

REF: **RESPONSE TO YOUR EMAIL INQUIRIES**

Dear Mr. Najjar:

First and foremost, I hope this correspondence finds you well. Second, this letter shall serve to memorialize my conversation with you yesterday wherein I advised that I was in fact Mr. Shapiro's legal counsel relative to all matters, including the Bankruptcy. However, since Mr. Shapiro has not taken an position adverse to that of the designated Bankruptcy Trustee, I have not had to file a formal appearance with the Court and I have likewise not had to litigate any issues before the Bankruptcy Court. Third, United States Bankruptcy Court, Local Rule 2004-1, titled "Examinations of Debtor and Others" permits a party to be examined pursuant to Bankruptcy Rule 2004, without a Court Order. Examinations may be scheduled upon notice served on the trustee, the debtor, the debtor's attorney and the party to be examined, using the local form "Notice of Rule 2004 Examination," and if applicable, the subpoena required by subdivision (D) of Rule 2004. Fourth, No subpoena shall be necessary to compel attendance of, or production of documents from, the debtor at an examination of the debtor, but a Local Form "Subpoena Rule 2004 Examination" shall be necessary to compel the attendance of, or the production of documents by a witness, other than the debtor.

Fifth, the attendance of the examinee and the production of documents may not be required less than 14 days after actual delivery of the notice, except by agreement of the parties or order of the court. Sixth, with regards to the document production, that can be completed by the end of the this week. Seventh, as it concern the FBI 302 summaries, those have already been completed and are ready for delivery to the NCAA upon approval from same of the fee and cost proposal. Eighth, the Motion to Intervene as an Interested Party and to Unseal the [redacted] Deposition(s), can be filed immediately, as it is also completed and ready for filing upon approval from the NCAA of the legal fee and cost proposal forwarded last week.

Ninth, I have attached copies of the Notice of Rule 2004 Examination, as well as the Subpoena for Rule 2004 Examination for your review. Additionally, I have also included a copy of Bankruptcy Rul e 2090-1, titled "Attorneys", the latter which discusses the qualifications to practice. Lastly, the undersigned counsel is a member of the Bar of the United States District Court for the Southern District of Florida, and the Pro Hac Vice appearances are also addressed in the section of the rules which I have included.

I hope this has answered your questions, and those of the NCAA. Thank you for your time and anticipated cooperation in this matter. Should you have any additional questions or comments, please feel free to contact my office at your earliest convenience. Looking forward to your response, I am,

Very truly yours,

Maria Elena Perez, Esq.

MEP/mep

Enclosure(s)

cc: Mr. Nevin Karey Shapiro

MARIA ELENA PÉREZ, P.A.
145 MADEIRA AVENUE • SUITE 310 • CORAL GABLES, FLORIDA 33134 • TELEPHONE (305) 461-3100 • FACSIMILE (305) 461-3444

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

In re:

Case No.
Chapter

_____ Debtor ___/

NOTICE OF RULE 2004 EXAMINATION

_____, by the undersigned attorney, will examine _____ under oath on _____ at _____ m. at_____. The examination may continue from day to day until completed. If the examinee receives this notice less than 14 days prior to the scheduled examination date, the examination will be rescheduled upon timely request to a mutually agreeable time.

The examination is pursuant to Bankruptcy Rule 2004 and Local Rule 2004-1, and will be taken before an officer authorized to record the testimony. The scope of the examination shall be as described in Bankruptcy Rule 2004. Pursuant to Local Rule 2004-1 no order shall be necessary. [If the examination is of a witness other than the debtor, the Local Form "Subpoena for Rule 2004 Examination" is included with this notice.]

[The examinee is further requested to bring to the examination all of the documents described on the attached schedule.]

I CERTIFY that a true copy of this notice was served on the examinee, attorney for examinee, the debtor, the attorney for the debtor and the trustee [indicate name of party served, manner of service and date of service].

_____
signature

_____
print name

_____
attorney for

_____
address

_____
phone

_____
Attorney Bar No.

United States Bankruptcy Court
Southern District of Florida

www.flsb.uscourts.gov

In re _____ ,

Debtor

SUBPOENA FOR RULE 2004 EXAMINATION

Case No.[1]

Chapter

To:

[ ] YOU ARE COMMANDED to appear and testify at an examination under Bankruptcy Rule 2004, and Local Rule 2004-1, at the place, date, and time specified below.

PLACE OF TESTIMONY	DATE AND TIME

[ ] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME

ISSUING OFFICER SIGNATURE	TITLE
ISSUING OFFICER'S NAME (PRINT)	PHONE

[1] If the bankruptcy case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

ADDRESS	DATE

PROOF OF SERVICE

DATE PLACE

SERVED

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

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), as amended on December 1, 2006, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure; See also Local Rule 2004-1.

(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, copying, testing, or sampling of designated electronically stored information, 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, copying, testing, or sampling 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 producing any or all of the designated materials or inspection of the premises - or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect, copy, test, or sample 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, inspection, copying, testing, or sampling. Such an order to compel shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection, copying, testing, or sampling 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 person, 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;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) 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) 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.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) (A) 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.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

Rule 2090-1. Attorneys.

(A) Qualifications to Practice. Except as provided in subdivision (B) of this rule, to be qualified to practice in this court an attorney must:

(1) be a member of the Bar of the United States District Court for the Southern District of Florida under the Special Rules Governing the Admission and Practice of Attorneys in the District Court;

(2) read and remain familiar with these rules, administrative orders, the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, The Florida Bar's Rules of Professional Conduct, and the Bankruptcy Code; and

(3) earn at least 12 credit hours from The Florida Bar for attending or participating in CLE courses related to the subject area of "Bankruptcy Law" during each attorney's Florida Bar three-year CLE reporting requirement. This provision will not preclude an attorney from appearing who is within a three-year CLE reporting period but has not yet earned the required 12 credit hours for that period.

Attorneys appearing pursuant to this subdivision who are not registered users of CM/ECF must include on all papers the certification contained in Local Rule 9011-4(B).

(B) Appearances Permitted as Exceptions to Qualification Requirements. An attorney who has not fulfilled the qualifications to practice set forth in subdivision (A) above, may only appear as set forth in this subdivision. Any attorney who appears pursuant to this rule shall be deemed to be familiar with, and shall be governed by, these rules, and the Rules of Professional Conduct and other ethical limitations or requirements governing the professional behavior of members of The Florida Bar.

(1) Appearances in Limited Instances. An attorney may appear in the following limited instances without resort to the requirements contained in subdivision (A) or (B)(2) of this rule: (a) the preparation and filing of a notice of appearance (pursuant to Bankruptcy Rule 9010); (b) a request for service of notices (pursuant to Bankruptcy Rule 2002); (c) the preparation and filing of a proof of claim in chapter 7, 11, 12 or 13 cases, or ballots in chapter 11 cases; (d) the filing of notices under Local Rule 3070-1(B); (e) attendance and inquiry at the meeting of creditors held under 11 U.S.C. §341; and (f) attendance and representation of a creditor at a hearing which has been noticed to all creditors generally, except for representation of a party in a contested matter governed by Bankruptcy Rule 9014, or an adversary proceeding governed by Part VII of the Bankruptcy Rules.

(2) Pro Hac Vice Appearances. Any attorney who is a member in good standing of the bar of any state or territory or insular possession of the United States, who is qualified to practice in this court but is not admitted to practice in the United States District Court for the Southern District of Florida, shall file the Local Form "Motion to Appear Pro Hac Vice" and proposed Local Form "Order Admitting

Attorney Pro Hac Vice" and, upon the entry of the order, shall be permitted to appear and participate in a particular case or proceeding. The motion shall designate an attorney who is qualified to practice in this court and who maintains an office in this district for the practice of law, with whom the court and opposing attorneys may readily communicate regarding the conduct of the case or proceeding and upon whom papers shall be served. The motion must be accompanied by a written statement of the local attorney who consented to the designation, and the name, address and telephone number of the named designee. The motion shall (a) indicate all bars or courts to which the attorney is admitted; (b) indicate all bars or courts, if any, from which the visiting attorney has been disbarred, suspended or prohibited from appearing in front of and the dates of the foregoing; and (c) certify that the visiting attorney is familiar with and shall be governed by these rules, the Rules of Professional Conduct and all other requirements governing the professional behavior of members of The Florida Bar. Visiting attorneys appearing under this subdivision shall include on all papers filed with the court the certification contained in Local Rule 9011-4(B)(2). Upon written motion and for good cause shown, the court may waive or modify the requirements of designation of a qualified local attorney.

(3) **Appearances by Government Attorneys.** Any attorney who is an employee of the United States government, an agency thereof, or a state, municipality or agency or political subdivision thereof, may appear and participate in particular actions or proceedings before the court on behalf of such entity in the attorney's official capacity. Any attorney so appearing is subject to all of the rules of this court.