

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA  
COMPLEX BUSINESS LITIGATION DIVISION**

CASE NO: 2024-003495-CA-01

GROCERKEY, INC., a Delaware corporation,

Assignor,

To:

PETER HURWITZ,

Assignee.

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**NOTICE OF EXAMINATION OF ASSIGNOR DUCES TECUM**

PLEASE TAKE NOTICE that Peter Hurwitz, Assignee, by and through his undersigned counsel, will take the examination of **the person with the most knowledge of the financial condition and transactions of Assignor, GROCERKEY, INC.**, or any matter relating to the Assignee's administration of the estate, pursuant to Section §727.108(2), Florida Statutes, for the two-year period preceding the filing of the Assignment for Benefit of Creditors before an officer duly authorized to take depositions, on March 19, 2024 at 09:00 a.m. (EST).

**LOCATION: AKERMAN, LLP  
201 E. LAS OLAS BOULEVARD, SUITE 1800  
FORT LAUDERDALE, FL 33301**

**DATE: MARCH 19, 2024**

**TIME: 09:00 A.M. (EST)**

The examination may continue from day to day until completed. The deposition is being taken for the purpose of discovery, for use at trial, or for such other purposes as are permitted under the applicable Statutes, Rules of Civil Procedure or Rules of Court. **CREDITORS OR**

**INTERESTED PARTIES WHO PLAN TO ATTEND MUST CONTACT THE UNDERSIGNED COUNSEL NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE SCHEDULED EXAMINATION DATE, SO THAT PROPER ARRANGEMENTS CAN BE MADE FOR SUCH APPEARANCE.**

**DUCES TECUM**

The examinee is directed to deliver the following documents to counsel for the Assignee two (2) business days prior to the date of the examination:

**SEE EXHIBIT "A" ATTACHED HERETO.**

Date: March 1, 2024

Respectfully submitted,

/s/ D. Brett Marks

Eyal Berger, Esq.

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**AKERMAN LLP**

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Fort Lauderdale, FL 33301

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*Counsel for the Assignee, Peter Hurwitz*

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished on March 1, 2024 via email or U.S. Mail to the Service List attached. Peter Hurwitz, Assignee, shall furnish copies of the forgoing to all creditors and interested parties identified in the Petition and Schedules, and a certificate of service by the Assignee will be filed with the Clerk of Court.

*/s/ D. Brett Marks*

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D. Brett Marks, Esq.  
Fla. Bar No. 099635

**SERVICE LIST**

GROCERKEY, INC.

Assignor

c/o Bradford J. Sandler, Esq.

Colin R. Robinson, Esq.

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Peter Hurwitz

Assignee

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cc: Ouellette & Mauldin Court Reporters

**EXHIBIT A**

**PRODUCING DOCUMENTS BY EMAIL OR FLASH DRIVE IS NOT PERMITTED**

**Please note that unless otherwise specified, all documents sought are for the period dating 2 years prior to the petition date through to the present. In addition, any document sought that references a shareholder is being sought only to the extent that said document also relates to the Assignor.**

1. Complete copies of U.S. and State of Florida corporate income tax returns as well as corporate income tax returns filed in all other states in which Assignor conducted business;
2. All year-end financial statements;
3. All financial statements, whether prepared by the Corporations All financial statements, whether prepared by the Corporation's staff or others on its behalf, which were issued to banks, other financial institutions, regulatory agencies or third parties;
4. All financial statements prepared internally or by the Corporation's staff or others on its behalf for use internally, or issued to banks, financial institutions, regulatory agencies, or third parties;
5. All settlement agreements entered into between the Corporation, its subsidiaries, its shareholders, and creditors settling disputes between the parties;
6. All pleadings involving pending actions involving the Corporation, its subsidiaries, or shareholder, whether as a plaintiff, defendant, or third party;
7. All documents threatening litigation which could name the Corporation, its subsidiaries, and shareholder, either as a Plaintiff, defendant, or third party;
8. All pending mediation or arbitration agreements;
9. All presently existing brokerage agreements entered into between the Corporation, its subsidiaries, or its shareholder to sell all or part of the Corporation's business or its assets;
10. All offers to purchase the Corporation, its subsidiaries, business or their assets;
11. Any written offers made by the Corporation's board of directors, its officers, its subsidiaries or shareholder, or on behalf of it to sell all or part of the business or its assets to another;
12. All filings with any regulatory agency overseeing the Corporation and/or its subsidiaries activities;
13. General ledgers;

14. Payroll tax forms Florida Form UCT-6;
15. Cash receipts books, which shall contain complete information to all the Corporation's bank accounts, whether maintained locally, in other parts of the United States, or anywhere else in the world, whether in the Corporation's name or standing in the name of another to which the Corporation has access to deposit funds, make withdrawals, or some other interest;
16. Cash disbursements book, which shall contain complete information to all the Corporation's bank accounts, whether maintained locally, in other parts of the United States, or anywhere else in the world, whether in the Corporation's name or standing in the name of another to which the Corporation has access to deposit funds, make withdrawals, or has some other interest;
17. Bank statements, cancelled checks, debit memorandum, credit memorandum, wire transfers, deposit slips, for all checking accounts maintained by the Corporation and/or its subsidiaries or in the name of another in which they have an interest, maintained locally, in other parts of the United States, or located anywhere else in the world;
18. Copies of all other monetary accounts including but not limited to: savings accounts, certificates of deposit, money market accounts, or any other monetary instrument not requested above, standing in the Corporation or its subsidiaries name or in the name of another in which the Corporation or its subsidiaries has an interest, located anywhere in the world;
19. Copies of all brokerage accounts standing in the Corporation or its subsidiaries name or in the name of another in which the Corporation or its subsidiaries has an interest, located anywhere in the world;
20. Most recent Aged schedule of accounts receivable;
21. The latest property and equipment schedule;
22. Appraisals for any tangible personal property or real property owned by the Corporation or its subsidiaries;
23. Aged schedules of account payables;
24. A detailed schedule of notes payable with copies of the notes and loan agreements that relate to them;
25. A schedule of shareholders notes payable or loan payable with the underlying supporting documents;

26. Minute book, stock book, stock transfer ledgers for the Corporation and/or its subsidiaries;
27. All executory contracts presently in force to which the Corporation and/or its subsidiaries is a party to;
28. All insurance policies to which the Corporation and/or its subsidiaries are the insured, to include but not limited to:
  - a. Life insurance
  - b. Merchants policy
  - c. Automobile policy
  - d. Key man policy
  - e. Professional liability
  - f. Any document requesting a change in coverage or riders or endorsements, to date;
29. Employment agreements or contracts with any person or entity to which the Corporation, its subsidiaries, or shareholder is a party;
30. All stock option agreements;
31. Any retirement, pension, or profit-sharing plans to which the Corporation, its subsidiaries, its shareholder, or other are party to;
32. Contracts for any safe deposit box to which the Corporation or its subsidiaries is a party;
33. Deeds for real property to which the Corporation, its subsidiaries or shareholder has an interest in or has had an interest;
34. Titles or registration statements for motor vehicles, aircraft, boats, golf carts, or any such other vehicle in which the Corporation or its subsidiaries has an interest;
35. All closing documents and transfer documents for any of the Corporation's personal or real property sold;
36. Internal revenue audit reports and related correspondence;
37. All personal guarantees extended by the shareholder on behalf of the Corporation and its subsidiaries.
38. Any and all UCC-1 Financing Statements or other documents evidencing any lien given upon any asset in which the Assignor has an interest.