McManimon, Scotland & Baumann, LLC
427 Riverview Plaza
Trenton, NJ 08611
(609) 695-6070
Andrea Dobin (adobin@msbnj.com)
Michele M. Dudas (mdudas@msbnj.com)
Counsel to Andrea Dobin, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re: NATIONAL MANAGEMENT AND PRESERVATION SERVICES LLC, d/b/a NATIONAL FIELD NETWORK, Debtor.	Case No. 18-16859 (CMG) Honorable Christine M. Gravelle, U.S.B.J. Chapter 7

NOTICE OF MOTION OF ANDREA DOBIN, CHAPTER 7 TRUSTEE, FOR AN ORDER COMPELLING VICTOR A. DEUTCH, ESQ. AND DEUTCH & ASSOCIATES, LLC TO COMPLY WITH RULE 2004 SUBPOENA ISSUED BY ANDREA DOBIN, CHAPTER 7 TRUSTEE, AND GRANTING RELATED RELIEF

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PLEASE TAKE NOTICE that on **June 18, 2024, at 10:00 a.m.** or as soon thereafter as the movant may be heard, Andrea Dobin, Chapter 7 Trustee (the "**Trustee**") in the bankruptcy proceeding of National Management and Preservation Services, LLC, d/b/a National Field Network, Chapter 7 debtor, will move before the Honorable Christine M. Gravelle, United States Bankruptcy Judge, at the United States Bankruptcy Court, U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, for an Order compelling Victor A. Deutch, Esq. and Deutch & Associates, LLC, to Comply with Rule 2004 Subpoena served by the Trustee, and granting related relief (the "**Motion**").

PLEASE TAKE FURTHER NOTICE that in support of the within Motion, the Trustee will rely upon her enclosed Certification and Letter Brief filed in support of the relief requested.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion shall: (i) be in writing; (ii) state with particularity the basis of the objection; and (iii) be filed with the Clerk of the United States Bankruptcy in accordance with D.N.J. LBR 9013-2.

PLEASE TAKE FURTHER NOTICE that as the Motion does not involve any complex issue of law, no brief is required.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served, the Motion shall be deemed unopposed and the relief may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that an order granting the relief requested herein is submitted herewith and made part of the Motion herein.

McMANIMON, SCOTLAND & BAUMANN, LLC
Counsel to Andrea Dobin, Chapter 7 Trustee

Dated: May 28, 2024

By: */s/ Michele M. Dudas*
MICHELE M. DUDAS

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McManimon, Scotland & Baumann, LLC
427 Riverview Plaza
Trenton, New Jersey 08611
(609) 695-6070
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Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re: NATIONAL MANAGEMENT AND PRESERVATION SERVICES LLC, d/b/a NATIONAL FIELD NETWORK, Debtor.	Case No. 18-16859 (CMG) Honorable Christine M. Gravelle, U.S.B.J. Chapter 7 **Hearing Date and Time:** **June 18, 2024, at 10:00 a.m.**

CERTIFICATION OF ANDREA DOBIN, CHAPTER 7 TRUSTEE IN SUPPORT OF MOTION FOR ENTRY OF AN ORDER COMPELLING VICTOR A. DEUTCH, ESQ. AND DEUTCH & ASSOCIATES, LLC TO COMPLY WITH RULE 2004 SUBPOENA ISSUED BY ANDREA DOBIN, CHAPTER 7 TRUSTEE, AND GRANTING RELATED RELIEF

ANDREA DOBIN, of full age, certifies as follows:

1. I serve as the Chapter 7 Trustee in the bankruptcy proceeding of National Management and Preservation Services, LLC, d/b/a National Field Network, Chapter 7 debtor ("**Debtor**"). I submit this Certification in support of my motion for an Order compelling Victor A. Deutch, Esq. ("**Deutch**") and Deutch & Associates, LLC ("**D&A**"), his now defunct law firm, to comply with a Rule 2004 Subpoena ("**Subpoena**"), and related relief ("**Motion**").

Background on Debtor

2. The Debtor was in the business of providing default services, including property preservation services, to banks and other institutions.

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3. The Debtor was formed in 2009 and since nearly from the inception of the Debtor's business, Shari Nott ("**Nott**") was responsible for operations of the Debtor, and eventually became its Chief Executive Officer.

4. Nott was given complete control of the Debtor's business and was responsible for all major decisions. Nott's job duties included operations, client services, business development and information technology.

5. One of the Debtor's affiliates was National Field Network Now, d/b/a All the Right Movers.

6. D&A was the long-time counsel to the Debtor and to Nott, individually.

7. During the course of Nott's employment, the Debtor advanced Nott monies for lavish personal expenses, including funds related to the acquisition, renovation and maintenance of a vacation home in the Bahamas, luxury vehicles, including a Thunderbird, multiple Audi vehicles, a specialty Tesla vehicle and a Ford Explorer, and funds to pay contractors who did work for Nott at her various personal residences and/or investments in other business ventures and payments on her personal credit cards.

8. Most significantly, the Debtor transferred the amount of $588,414.99 to D&A on October 10, 2012.[1] The funds were thereafter used for Nott, individually, to purchase the real property located at 3 Abis Place, West Long Branch, New Jersey ("**Abis Property**").

9. The closing on the purchase of the Abis Property by Nott from Sandra Rosen and Ronald B. Rosen for the purchase price of $630,000 was consummated on October 10, 2012. The Deed for Nott's purchase of the Abis Property is of the same date and recorded with the

[1] On August 24, 2012, Nott was advanced $50,000 for a payment to Chamlin, Rosen, Uliano & Witherington, a law firm located in Monmouth County, New Jersey. Upon information and belief, said amount represented the initial deposit for the purchase of the Abis Property.

Monmouth County Clerk's Office on November 16, 2012 at Deed Book OR-8981, Page 3152, *et seq.*

10. The majority of the funds, if not all, used by Nott to purchase the Abis Property were advanced by the Debtor.

11. Each of the advances to Nott were documented in the Debtor's books and records as an accounts receivable ("**Accounts Receivable**") due and owing from Nott.

12. Upon information and belief, in or about 2015, the Debtor began experiencing financial difficulties as a result of delayed payment from one of its primary vendors, large receivables from another primary vendor, and other financial obligations of the Debtor, including tax payments.

13. Upon information and belief, in or about January 2017, the Debtor laid off more than twenty-five (25%) percent of its workforce.

14. Upon information and belief, in or about November 2017, the Debtor did a second major layoff, leaving approximately thirty (30) employees operating the business.

15. In February 2018, All the Right Movers Unlimited, LLC ("**Unlimited**") was formed, with Jonathan Oglensky ("**Oglensky**"), Nott's husband, listed as the owner of Unlimited. Deutch was listed as Unlimited's registered agent, until April 6, 2021, when Oglensky was substituted as registered agent.

Bankruptcy Filing

16. On April 6, 2018, an involuntary Chapter 7 petition was filed against the Debtor. ECF 1. On April 13, 2018, a Motion to appoint a Trustee was filed. ECF 7. On April 23, 2018, the Debtor filed a Motion to convert the Chapter 7 case to Chapter 11. ECF 13, which was

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granted by Order entered April 25, 2018. ECF 15. On or about July 20, 2018, a Creditors Committee was formed. ECF 64.

17. Within weeks of the involuntary bankruptcy filing, by Deed dated April 24, 2018 and recorded May 2, 2018, Oglensky was added as an owner of the Abis Property reciting $1.00 consideration having been paid ("**April 2018 Deed**").

18. According to public records, Deutch prepared the April 2018 Deed, and is also listed, individually, in the "record and return" section of the April 2018 Deed.

19. On January 28, 2019, the Office of the United States Trustee filed a Motion to convert the Chapter 11 case to Chapter 7 [ECF109], which was granted by Order entered April 2, 2019. ECF 137. On April 3, 2019, Bunce D. Atkinson, Esq. ("**Original Trustee**") was appointed to serve as the Chapter 7 Trustee. ECF 138 and 139.

20. The Creditors Committee deposed Nott, and the Original Trustee served a Rule Subpoena on Nott after his appointment.

21. By Deed dated May 15, 2020 and recorded May 27, 2020, Nott and Oglensky sold the Abis Property for $910,000 to Judith and Albert Morabia.

22. On July 20, 2020, I was appointed as the successor Chapter 7 Trustee to the Original Trustee. ECF 178 and 179.

23. In November 2020, my counsel deposed Nott, after compelling her appearance at a Rule 2004 examination. ECF 196 and 198.

24. On December 30, 2020, I filed an Adversary Complaint against Nott and others seeking to recover property of the Estate, for avoidance of fraudulent transfers and for related relief at Adv. Pro. No. 20-1648 (CMG) ("**Adversary Proceeding**"). Nott's co-defendants settled with me.

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25. After extensive delays requested by Nott, trial in the Adversary Proceeding was eventually scheduled for July 12, 2023 ("**Trial Date**").

26. After lengthy negotiations, Nott agreed to settle the Adversary Proceeding by providing a Consent Judgment in the amount of $1,485,000, representing the amounts due on Accounts Receivable I was pursuing ("**Settlement**").

27. A motion to approve the Settlement ("**Settlement Motion**") was granted by Order entered December 12, 2023. ECF 345.

28. The Settlement Motion made it clear that I intended to pursue collection on the Consent Judgment to the fullest extent, using all remedies available to me in law and in equity.

29. The Consent Judgment was entered on the docket on December 21, 2023. ECF 348.

30. No portion of the Consent Judgment has been voluntarily paid by Nott and in fact, she has taken efforts to evade voluntary payment and my involuntary collection efforts.

31. On February 2, 2024, the Consent Judgment was recorded as a lien against Nott's assets in the State of New Jersey at Judgment No. MON-DJ-13308-24.

32. On February 13, 2024, I filed a Motion to compel Nott to comply with an Information Subpoena served in furtherance of my efforts to collect the Consent Judgment ("**Motion to Compel**") [ECF 350]. On March 6, 2024, an Order was entered granting the Motion to Compel ("**Compel Order**"). ECF 352.

33. On March 21, 2024, I served a Rule 2004 Subpoena on Title Link, the title company which handled the closing on the sale of the Abis Property.

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34. Nott once again failed to comply with the Compel Order. Consequently on March 26, 2024, I filed a Motion to find Nott in contempt of the Compel Order [ECF 354], which was granted by Order entered April 18, 2024 ("**Contempt Order**"). [ECF 355].

35. On April 17, 2024, I received a response from Title Link forwarding the closing statement and copies of payments made at the closing on the sale of the Abis Property.

36. Significantly, the documents reveal that Nott was the only party listed as "seller" on the closing statement and $91,215.24 for "seller proceeds and attorney fee" were wired to D&A's attorney trust account on May 18, 2024. A copy of the documents received from Title Link are annexed as **Exhibit "A."**

37. Since the net sale proceeds were wired to D&A, I have no way of knowing where Nott eventually deposited the sale proceeds.

38. Therefore, on April 18, 2024, my counsel served a Rule 2004 Subpoena ("**Subpoena**") on D&A, requesting any attorney trust account ledgers or payments made by D&A to Nott. The Subpoena required a response by May 2, 2024 ("**Deadline**"). A copy of the Subpoena is annexed as **Exhibit "B."**

39. Nott was served with a copy of the Subpoena.

40. After the Deadline passed without response, on May 7, 2024, my counsel followed up with Deutch, who responded with an e-mail address for DeutchLaw,[2] to advise that he had not received a copy of the Subpoena. Notably, the Subpoena served by ordinary mail was not returned as undeliverable.

[2] As the Court may recall, I sued D&A at Adv. Pro. No. 20-1647 (CMG) to recover preferential and fraudulent transfers received by D&A ("**Deutch Adversary Proceeding**"). In connection with the Deutch Adversary Proceeding, I obtained two Judgments: the first on May 11, 2022 by way of partial summary judgment in the amount of $46,315.01 and the second by way of Consent Judgment entered December 30, 2022 in the amount of $110,000. Interestingly, DeutchLaw was formed as a limited liability company with the State of New Jersey, with Deutch serving as its member care of his personal residence on May 18, 2022, exactly one (1) week after the first Judgment was entered against D&A.

41. Deutch requested a copy of the Consent Judgment and time to respond to the Subpoena until June 10, 2024. A copy of Deutch's May 7, 2024 correspondence is annexed as **Exhibit "C."**

42. On that same date, my counsel provided Deutch with a copy of the Consent Judgment and until May 21, 2024 to respond to the Subpoena. A copy of the May 7, 2024 e-mail chain with Deutch is annexed as **Exhibit "D."**

43. On May 21, 2024, Deutch responded and took a legally unsound position arguing, *inter alia*, that Fed. R. Civ. P. 69 applied (and, therefore, state law applied). Deutch improperly asserted I was seeking to execute on the Consent Judgment when, in fact, I was investigating assets of Nott and to inform me of my business judgment relating to the pursuit of same. The Consent Judgment is property of the bankruptcy Estate. A Rule 2004 Subpoenas and the powers afforded to me under Fed. R. Bankr. P. 2004 is the proper channel for me to obtain such information. A copy of Deutch's May 21, 2024 correspondence is annexed as **Exhibit "E."**

44. On that same date, my counsel responded to inform Deutch that he took an incorrect legal position and demanded the information by May 22, 2024. A copy of the May 21, 2024 e-mail response from my counsel is annexed as **Exhibit "F."**

45. No further response or request for a protective order was made by D&A and/or Deutch.

46. Nott similarly never took any action regarding the Subpoena.

47. There is no reason for Deutch and D&A not to produce the information relating to Nott. Deutch's and D&A's refusal to comply with a valid Subpoena has raised further suspicion. I intend to further investigate exactly what Deutch and D&A have to hide and/or their possible role as conspirators in Nott's efforts to avoid collection efforts.

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48. While reserving any rights against Deutch and D&A, the information requested in the Subpoena will help me at the very least attempt to identify, if not actually identify, sources of information relating to where Nott may have deposited monies, so I can take action to levy on those accounts and further explore her assets, since Nott has intentionally and brazenly refused to provide information voluntarily.

I hereby certify that the above statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: May 28, 2024 By: */s/ Andrea Dobin*
ANDREA DOBIN

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EXHIBIT A

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Westcor Land Title Insurance Company

ALTA Se lement Statement - Seller
Adopted 05-01-2015

File No./Escrow No.: 15-30442
Print Date & Time: 05/15/2020 11:39:55
O cer/Escrow O cer: James B. Jordan, Jr.
Se lement Loca on: 685 Neptune Boulevard
Neptune, NJ 07753

Title Link Llc

3415 Sunset Ave.
Ocean, NJ 07712

Property Address: 3 Abis Place, West Long Branch, NJ 07764
Buyer: Judith Morabia and Albert Morabia
Seller: Sharl Nott
Lender: BANK OF AMERICA, NA
Settlement Date: 5/15/2020 13:00:00
Disbursement Date: 5/15/2020

Description	Seller	
	Debit	Credit
Financial		
Sales Price of Property		$910,000.00
Personal Property		
Deposit including earnest money		
Loan Amount		
Exis ng Loan(s) Assumed or Taken Subject to		
Excess Deposit	$91,000.00	
Seller Credit		
Prora ons/Adjustments		
City/Town Taxes 05/15/2020 to 06/30/2020		$2,125.87
County Taxes from to		
Assessments from to		
Sewer Assessment 05/15/2020 to 06/30/2020		$46.36
City/Town Taxes from to		
County Taxes from to		
Assessments from to		
Lender Credits		
Q2 2020 Taxes good thru 5/22 BOROUGH OF WEST LONG BRANCH	$4,170.69	
Open Sewer to TRWRA	$90.00	

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File #15-30442
Printed on 05/15/2020 11:39 am EST

Services to REAL ESTATE ASSISTANT LLC.	$100.00	
Loan Charges to (lender co.)		
% of Loan Amount (Points)		
Lender Origina on Fee		
Prepaid Interest		
Other Loan Charges		
Appraisal Fee to CoreLogic Valua on Solu ons II		
Appraisal Update to BAC Appraisal Assignment		
Credit Report Fee to CoreLogic Credco		
Flood Cer ca on Fee to CoreLogic Flood Services, LLC		
Life of Loan Flood Monitoring to CoreLogic Flood Services, LLC		
Tax Service Fee		
Title Fees, Search Fees, Endorsement Fees to Title Link/Westcor		
Closing/Paralegal Fee to Title Link		
Impounds		
Homeowner s Insurance $166.33 per day for 3 days		
Mortgage Insurance		
Property Taxes $1,375.78 per month for 4 mo.		
Aggregate Adjustment		
Title Charges & Escrow / Se lement Charges		
Title Lender's Title Insurance to Title Link/Westcor		
Title Owner's Insurance to Title Link/Westcor		
Commission		
Real Estate Commission		
Real Estate Commission		
Government Recording and Transfer Charges		
Transfer Taxes to County	$8,531.00	
Recording Fees Deed: $110 Mortgage: $250		
Payo (s)		
NO OPEN MORTGAGE OF RECORD		
Wire Fee to Quality Title	$48.00	
Escrow Pending Tax Cert Payo Receipt	$2,000.00	
Payo of Judgment DJ-046952-2020 to STATE OF NEW JERSEY	$2,678.94	

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Description	Debit	Credit
Homeowner's Insurance Premium 12 mo to NATIONAL GENERAL INS CO		
Mortgage Insurance Premium (mip)		
Buyer Attorney Fee STONE MANOR, LLC		$15,000.00
Seller Attorney Fee DEUTCH & ASSOCIATES, LLC		$18,445.00
Title Commission G&G AGENCY INC		$18,100.00
Selling Commission CATHY ADES REAL ESTATE		
Survey Fee MORGAN ENGINEERING & SURVEYING		$56,485.79
Tax Sale Payo 18-00021 good thru 5/29/20 BOROUGH OF WEST LONG BRANCH		$57,714.57
Judgment 015612-17 payo good thru 6/15/20 STATE OF NEW JERSEY		$561,593.00
Payo of Federal Tax Lien to IRS		
Subtotals	$835,956.99	$912,172
Due From/To Borrower		
Due From/To Seller	$76,215.24	[X] To [ ] Fr
Totals		

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Title Link, Llc to cause the funds to be disbursed in accordance with this statement.

Seller

Escrow Officer

Miscellaneous		
Homeowner s Insurance Premium (12 mo.) to NATIONAL GENERAL INS CO		
Mortgage Insurance Premium (mo.)		
Buyer A orney Fee STONE MANDIA, LLC		
Seller A orney Fee DEUTCH & ASSOCIATES LLC	$15,000.00	
Lis ng Commission G&G AGENCY INC	$18,445.00	
Selling Commission CATHY ADES REAL ESTATE	$18,100.00	
Survey Fee MORGAN ENGINEERING & SURVEYING		
Tax Sale Payo 18-00021 good thru 5/29/20 BOROUGH OF WEST LONG BRANCH	$56,485.79	
Judgment DJ156612-17 payo good thru 6/15/20 STATE OF NEW JERSEY	$57,714.57	
Payo of Federal Tax Llen to IRS	$561,593.00	

	Debit	Credit
Subtotals		
Due From/To Borrower		
Due From/To Seller	$835,956.99	$912,172.23
Totals	$76,215.24	[X]To [ ]From

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Title Link Llc to cause the funds to be disbursed in accordance with this statement.

_____

Seller

_____

Escrow O cer

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investorsBank

101 JFK Parkway
Short Hills, NJ 07078

TITLE LINK LLC

3415 SUNSET AVE
OCEAN NJ 07712-3911

OUTGOING WIRE-ADVICE OF DEBIT

DATE:	05/18/2020
AMOUNT:	$91,215.24
ACCOUNT NUMBER:	******8726
BANK REFERENCE NUMBER:	[redacted]
RECEIVING BANK ABA:	[redacted]
RECEIVING BANK NAME:	

BENEFICIARY INFORMATION

NAME:	DEUTCH & ASSOCIATES, LLC
REFERENCE FOR BENEFICIARY:	30444
ORIGINATOR TO BENEFICIARY INFO:	SELLER PROCEEDS & ATTORNEY FEE DEUTCH & ASSOCIATES, LLC SHARI NOTT 3 ABIS PLACE, WEST LONG BRANCH, NJ

ADDITIONAL INFORMATION

BENEFICIARY BANK:	WELLS FARGO BANK, NA
BANK TO BANK INFO:	
FED REFERENCE NUMBER:	[redacted]0117

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The above wire transfer was processed today. We have debited the transaction amount from your account. Please refer to our current Service Charge Schedule for any wire transfer fees which may apply. If you have any questions, please contact our Wire Payment Center at 973-924-8297.

This message, together with attachments, is intended only for the use of the individual or firm to which it is addressed and is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited. Please contact the sender immediately if you receive this message in error and destroy this message in its entirety, along with any attachments.

EXHIBIT B

MS&B McMANIMON • SCOTLAND • BAUMANN

75 Livingston Avenue, Roseland, NJ 07068 (973) 622-1800

Michele M. Dudas
Direct Dial: (973) 721-5021
mdudas@msbnj.com

18811-1055

April 18, 2024

Via Certified (RRR) Mail and First-Class Mail
Deutch & Associates, LLC
Attn: Victor A. Deutch, Esq., or Member
or Responsible Representative or Agent
1000 U.S. Highway 9 North, Suite 204
Woodbridge, New Jersey 07095

Re: In re National Management and Preservation Services LLC d/b/a National Field Network
Chapter 7 – Case No. 18-16859 (CMG)

Dear Mr. Deutch, Member, Responsible Representative and/or Agent:

As you are aware, this firm represents Andrea Dobin, the Chapter 7 Trustee ("Trustee") for National Management and Preservation Services LLC d/b/a National Field Network, Chapter 7 debtor.

The Trustee is a judgment creditor of Shari Nott. In that regard, enclosed for service upon Deutch & Associates, LLC please find a Rule 2004 Subpoena, which requires production of documents on or before May 2, 2024.

Please be guided accordingly.

Very truly yours,

/s/ Michele M. Dudas

Michele M. Dudas

Enclosure

cc: Ms. Shari Nott

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Form 254 - Subpoena for Rule 2004 Examination (12/06)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re

NATIONAL MANAGEMENT AND PRESERVATION SERVICES, LLC, d/b/a NATIONAL FIELD NETWORK,

Debtor.

SUBPOENA IN A CASE UNDER THE BANKRUPTCY CODE PURSUANT TO FED. R. BANKR. P. 2004 AND D.N.J. LBR 2004-1

To: Victor A. Deutch, Esq., or Member, Responsible Officer and/or Agent
Deutch & Associates, LLC
1000 U.S. Highway 9 North, Suite 204
Woodbridge, NJ 07095

Case No. 18-16859 (CMG)

Chapter 7

☐ YOU ARE COMMANDED to appear and testify at an examination under Rule 2004, Federal Rules of Bankruptcy Procedure, at the place, date, and time specified below. A copy of the court order authorizing the examination is attached.

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).

See attached Schedule A.

PLACE	DATE AND TIME
McManimon, Scotland & Baumann, LLC 75 Livingston Avenue, Suite 201 Roseland, New Jersey 07068 Attn: Michele M. Dudas, Esq.	May 2, 2024, by 5:00 p.m.

ISSUING OFFICER SIGNATURE AND TITLE	DATE
/s/ Michele M. Dudas	April 18, 2024

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Michele M. Dudas, Esq., counsel to Andrea Dobin, Chapter 7 Trustee
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, Suite 201
Roseland, New Jersey 07068
(973) 622-1800 (Main) | (973) 721-5021 (Direct) | mdudas@msbnj.com

*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.

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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: _____

_____
SIGNATURE OF SERVER

_____
ADDRESS OF SERVER

_____

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

(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 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, or

(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 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.

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SCHEDULE "A"

- Attorney Trust Account Ledger for any and all matters involving Shari Nott and/or for the benefit of Shari Nott from January 1, 2014 through the present.

- Copies of any checks, wires or other payment advices made by Deutch & Associates, LLC to Shari Nott or for her benefit from January 1, 2014 through the present.

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EXHIBIT C

DEUTCHLAW LLC
COUNSELLORS AT LAW
873 U.S.ROUTE 1 - #1114
NORTH BRUNSWICK, N.J. 08902
732.636.4200

VICTOR A. DEUTCH
N.J. & N.Y. BARS
EMAIL:
victor@deutch.law

NEW YORK OFFICE:
305 BROADWAY
7TH FLOOR
NEW YORK, NY 10007
212.822.1424

May 7, 2024

Via E-Mail

Michele M. Dudas, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, Suite 201
Roseland, NJ 07068

Re: National Management and Preservation Services LLC d/b/a National Field Network - Ch. 7 Case No. 18-16859 (CMG)

Dear Ms. Dudas:

I respond to your April 18, 2024 letter, a copy of which you provided only today by email, sent to my prior email address.

You could not have served anyone at the street address listed on the April 18, 2024 [Post-Judgment] Subpoena. That office was closed on June 30, 2023. The premises is vacant. Nothing was forwarded by USPS.

As a professional courtesy, I am willing to accept service of the Subpoena as of today, under the following conditions:

1. The date for response will be June 10, 2024;
2. You provide me today with a copy(ies) of the filed Judgment(s) against Shari Nott as to which the documents requested in the April 18, 2024 [Post-Judgment] Subpoena relate; and
3. Any and all objections to the Subpoena and its requests are preserved.

Your demand that the documents be provided by May 9, 2024 and threat to institute motion practice if not are both ill advised. You failed to serve the Subpoena. I reserve the right to seek sanctions and any other remedy available if action by you to enforce the unserved [Post-Judgment] Subpoena is initiated.

Thank you.

Very truly yours,

DEUTCHLAW LLC

s:// Victor A. Deutch
VICTOR A. DEUTCH

VAD:rvl

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EXHIBIT D

Michele M. Dudas

From: Michele M. Dudas
Sent: Tuesday, May 7, 2024 2:28 PM
To: 'victor@deutch.law'
Cc: Andrea Dobin
Subject: RE: In re National Management & Preservation Services
Attachments: Judgment vs. Shari Nott (Recorded as Lien with State of New Jersey).pdf

Mr. Deutch,

No mail has been returned by the Post Office and we had no way of knowing the new address for your new firm which was apparently formed shortly after the Trustee obtained judgment(s) against Deutch & Associates, LLC. We respond as follows:

1. We will provide until Tuesday, May 21, 2024 to respond, not June 10, 2024, as 14 days' notice is what is required under the Federal Rules.
2. Attached is the Judgment vs. Nott.
3. You have your right to object, and we similarly reserve all rights and remedies.

We look forward to receiving your responses.

Michele M. Dudas, Partner
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068
Direct Dial: 973-721-5021
Email: MDudas@MSBNJ.COM
Website

Connect with MS&B on LinkedIn | Twitter | Instagram

From: Victor A. Deutch <victor@deutch.law>
Sent: Tuesday, May 7, 2024 1:59 PM
To: Michele M. Dudas <MDudas@MSBNJ.COM>
Cc: Andrea Dobin <ADobin@MSBNJ.COM>
Subject: RE: In re National Management & Preservation Services

Ms. Dudas,

Please see the attached letter addressed to you.

Thank you.

Victor A. Deutch, Esq.
DeutchLaw LLC
873 U.S. Route 1 #1114
North Brunswick, NJ 08902
Telephone: (732) 636-4200
Email: victor@deutch.law

PLEASE NOTE OUR NEW [N.J.] POSTAL ADDRESS

FORECLOSUREPEDIA EST 2011

New York Office:
305 Broadway, 7th Floor
New York, NY 10007
(212) 822-1424

From: Michele M. Dudas <MDudas@MSBNJ.COM>
Sent: Tuesday, May 7, 2024 10:33 AM
To: Victor A. Deutch <vdeutch@deutchassociates.com>
Cc: Andrea Dobin <ADobin@MSBNJ.COM>
Subject: In re National Management & Preservation Services

Mr. Deutch,

As you know, this firm represents Andrea Dobin, the Chapter 7 Trustee for National Management & Preservation Services, LLC, d/b/a National Field Network. By letter dated April 18, 2024, Deutch & Associates, LLC ("D&A") was served with the attached Rule 2004 Subpoena ("Subpoena"), which required production of documents by Thursday, May 2, 2024. No documents have been received and no protective motion was filed by either D&A or Shari Nott before the return date of the Subpoena. Please produce the documents before close of business on May 9, 2024 so as to avoid motion practice.

Thank you in advance for your anticipated cooperation.

Michele M. Dudas, Partner
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068
Direct Dial: 973-721-5021
Email: MDudas@MSBNJ.COM
Website

Connect with MS&B on LinkedIn | Twitter | Instagram

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This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message . If you have received the message in error, please advise the sender by reply e-mail or contact the sender at McManimon, Scotland & Baumann, LLC by phone at (973) 622-1800 and delete the message. Thank you very much.

McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, Suite 201
Roseland, New Jersey 07068
(973) 622-1800
Michele M Dudas, Esq. (000352006)
mdudas@msbnj.com
Attorneys for Plaintiff Andrea Dobin, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

In re: NATIONAL MANAGEMENT & PRESERVATION SERVICES, LLC, d/b/a/ NATIONAL FIELD NETWORK, Debtor.	Case No. 18-16859 (CMG) Chapter 7 Honorable Christine M. Gravelle, U.S.B.J.
ANDREA DOBIN, CHAPTER 7 TRUSTEE, Plaintiff, vs. JACK JAFFA, SHARI NOTT and CHRISTOPHER CRANDELL, Defendants.	Adv. Pro. No. 20-1648 (CMG)

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AFFIDAVIT IN SUPPORT OF APPLICATION TO RECORD A FOREIGN JUDGMENT IN NEW JERSEY

STATE OF NEW JERSEY)
) SS.:
COUNTY OF ESSEX)

MICHELE M. DUDAS, ESQ., of full age, certifies as follows:

1. I am an attorney-at-law of the State of New Jersey and a partner with the law firm of McManimon, Scotland & Baumann, LLC, counsel to Plaintiff Andrea Dobin, the Chapter 7 Trustee (the "**Trustee**") in the bankruptcy proceeding of National Management & Preservation

Services, LLC d/b/a National Field Network, Chapter 7 debtor (the "**Debtor**") and Plaintiff in the above-captioned matter.

2. This Affidavit is made in support of the Application to Record a Foreign Judgment in New Jersey.

3. On December 21, 2023, the Trustee obtained a Consent Judgment against Shari Nott ("**Defendant**") in the amount of one million four-hundred eighty-five thousand ($1,485,000.00) dollars (the "**Judgment**"). The Judgment was entered in the United States Bankruptcy Court for the District of New Jersey.

4. A true and correct copy of the Judgment, along with an Exemplification Certification dated January 8, 2024, and signed by the Honorable Christine M. Gravelle, U.S.B.J., is annexed hereto collectively as **Exhibit "A."**

5. The name of the judgment debtor is Shari Nott. The last known post office address of 646 Bray Avenue, Port Monmouth, New Jersey 07588.

6. The judgment creditor's present address is c/o McManimon, Scotland & Baumann, LLC, 427 Riverview Plaza, Trenton, New Jersey 08611.

7. The time to appeal has expired.

8. The Court of origin has not granted a stay of execution.

Michele Dudas
MICHELE M. DUDAS

Sworn and subscribed to before me
this 17th day of January, 2024

Stacy Lipstein

STACY LIPSTEIN
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES DEC. 16, 2024

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EXHIBIT A

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United States Bankruptcy Court

District of New Jersey

In Re:	
National Management and Preservation Services LLC	Case No.: 18-16859
	Chapter: 7
	Adv. Pro. No.: 20-1648

EXEMPLIFICATION CERTIFICATE

I, Jeanne A. Naughton, clerk of the bankruptcy court of this district and keeper of the records and seal of the court certify that the documents attached are true copies of

Consent Order Against Defendant Shari Nott

now remaining among the records of the court. In testimony of this statement, I sign my name, and affix the seal of the court at Trenton, in the state of New Jersey, this January 8, 2024.

JEANNE A. NAUGHTON, Clerk

BY: [signature]

I, Christine M Gravelle, bankruptcy judge for this district certify that Jeanne A. Naughton is and was at the date of the above certificate, clerk of the bankruptcy court for this district duly appointed and sworn, and keeper of the records and seal of the court, and that the above certificate of the clerk's attestation are in due form of law.

Date: January 8, 2024

[signature]
Bankruptcy Judge

I, Jeanne A. Naughton, clerk of the bankruptcy court for this district and keeper of the seal of the court certify that the Honorable Christine M Gravelle is and was on the date of the above certificate, a judge of this court, duly appointed and sworn, and that I am well acquainted with this handwriting and official signature and know and certify the signature written above to be that of the judge.

In testimony of this statement, I sign my name, and affix the seal of the court at Trenton in the State of New Jersey, this January 8, 2024.

JEANNE A. NAUGHTON, Clerk

BY: [signature]

DocuSign Envelope ID: 8E725A1C-4555-468A-B6E3-FBBBA15EE56E

McMANIMON, SCOTLAND & BAUMANN, LLC
427 Riverview Plaza
Trenton, New Jersey 08611
(609) 695-6070
Andrea Dobin (adobin@msbnj.com)
Michele M. Dudas (mdudas@msbnj.com)
Attorneys for Plaintiff, Andrea Dobin, Chapter 7 Trustee

Order Filed on December 21, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	Chapter 7
NATIONAL MANAGEMENT & PRESERVATION SERVICES, LLC, d/b/a NATIONAL FIELD NETWORK, LLC,	Case No. 18-16859 (CMG)
	Honorable Christine M. Gravelle, U.S.B.J.
Debtor.	
ANDREA DOBIN, Trustee,	
Plaintiff	Adv. Pro. No. 20-1648 (CMG)
v.	**CONSENT JUDGMENT AGAINST DEFENDANT SHARI NOTT**
JACK JAFFA, SHARI NOTT and CHRISTOPHER CRANDELL,	
Defendants.	

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The relief set forth on the following pages, numbered two (2) through three (3), is hereby

ORDERED.

DATED: December 21, 2023

Honorable Christine M. Gravelle
United States Bankruptcy Judge

DocuSign Envelope ID: 6E725A1C-4555-468A-B6E3-EBBBA15EE56E

Debtor: National Management & Preservation Services, LLC, d/b/a National Field Network
Case No.: 18-16859 (CMG)
Adv. Pro.: Andrea Dobin, Chapter 7 Trustee v. Jaffa, *et al.*
Adv. Pro. No.: 20-1648 (CMG)
Caption of Order: Consent Judgment Against Defendant Shari Nott

---

THIS MATTER, having been presented to the Court by McManimon, Scotland & Baumann, LLC, as counsel to Andrea Dobin, Chapter 7 Trustee ("**Trustee**") for the bankruptcy estate of National Management & Preservation Services, LLC, d/b/a National Field Network, Chapter 7 debtor ("**Debtor**"); and the Trustee having commenced an adversary proceeding in December 2020 against Shari Nott ("**Defendant**") seeking to recover accounts receivable pursuant to 11 U.S.C. § 542 ("**Accounts Receivable**"), fraudulent transfers pursuant to 11 U.S.C. §§ 544 and 548, and related causes of action as set forth in the Adversary Complaint ("**Complaint**"); and trial in the above-captioned matter having been scheduled for July 12, 2023; and Defendant having agreed to have this Consent Judgment relating to the Accounts Receivable entered in lieu of proceeding to trial on all claims asserted in the Complaint; and for good cause shown;

IT IS ORDERED THAT:

1. Judgment is entered in favor of the Trustee and against Defendant in the amount of $1,485,000 as to Count One of the Complaint.

2. The remaining counts of the Complaint as against Defendant Shari Nott are **DISMISSED** with prejudice.

3. This adversary proceeding may be closed.

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DocuSign Envelope ID: 6E725A1C-4555-468A-B6E3-EBBBA15EE56E

Debtor: National Management & Preservation Services, LLC, d/b/a National Field Network
Case No.: 18-16859 (CMG)
Adv. Pro.: Andrea Dobin, Chapter 7 Trustee v. Jaffa, *et al.*
Adv. Pro. No.: 20-1648 (CMG)
Caption of Order: Consent Judgment Against Defendant Shari Nott

4. The United States Bankruptcy Court for the District of New Jersey where Debtor's Chapter 7 case is pending retains jurisdiction to enforce the terms of this Consent Judgment.

I HEREBY CONSENT TO THE FORM AND ENTRY OF THE WITHIN ORDER:

DocuSigned by:
Shari Nott
C63DB928D78446F...
SHARI NOTT

Dated: 8/7/2023

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Steven D. Bonville, Esq.
Chief of Staff

Michelle M. Smith, Esq.
Clerk of the Superior Court

Kathryn Gilbertson Shabel, Esq.
Deputy Clerk

Richard J. Hughes Justice Complex • P.O. Box 971 • Trenton, NJ 08625-0037 njcourts.gov • Tel: 609-815-2900 ext. 54200 •

NOTICE TO JUDGMENT DEBTOR

To: SHARI NOTT
646 BRAY AVE.
PORT MONMOUTH, NJ 07588

Judgment No. DJ-013308-24

You are hereby notified that a judgment entered in the United States Bankruptcy Court for the District of New Jersey has been recorded in the State of New Jersey under the Uniform Enforcement of Foreign Judgments Act on 2.2.24.

The name and address of the judgment creditor(s) and creditor's attorney (if applicable) is as follows:

Creditor: ANDREA DOBIN, CH. 7 TRUSTEE

Creditors Attorney: MCMANIMON, SCOTLAND & BAUMANN, LLC

Attorney's Address: 427 RIVERVIEW PLAZA, TRENTON, NJ 08611

Please be advised that a Writ of Execution or other process for enforcement of the judgment may issue 14 days after the date of entry. Any objection to the entry of the judgment should proceed by Motion filed with the Superior Court of New Jersey Monmouth County. For information on filing the Motion contact the direct filing office in the county of venue.

Any questions concerning the judgment should be directed to the Customer Call Center of the Superior Court Clerk's Office at (609) 421-6100.

MICHELLE M. SMITH, ESQ.
Clerk
By: NL

Sent by Regular Mail

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EXHIBIT E

DEUTCHLAW LLC
COUNSELLORS AT LAW

VICTOR A. DEUTCH
N.J. & N.Y. BARS
EMAIL:
victor@deutch.law

873 U.S.ROUTE 1 - #1114
NORTH BRUNSWICK, N.J. 08902
732.636.4200

NEW YORK OFFICE:
305 BROADWAY
7TH FLOOR
NEW YORK, NY 10007
212.822.1424

May 21, 2024

Via E-Mail

Michele M. Dudas, Esq.
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue, Suite 201
Roseland, NJ 07068

Re: National Management and Preservation Services LLC d/b/a National Field Network
Chapter 7 - Case No. 18-16859 (CMG)

Dear Ms. Dudas:

On May 7, 2024, the Trustee rejected the *only* proposal by which I would accept an unserved Subpoena, dated April 18, 2024. The Subpoena remains not served under D.N.J. LBR 2004-1(a), FRBP 2004 and FRCP 45(b)(1)[adopted by FRBP 9016], each of which require personal service. The Trustee's attempt to serve by mail was not service.

The Trustee represents that she "is a judgment creditor of Shari Nott. In that regard, enclosed for service upon Deutch & Associates, LLC please find a Rule 2004 Subpoena ..." Accepting the representation, the Subpoena pursues a judgment against Shari Nott, entered on the Bankruptcy Court Docket on **December 15, 2023**. Pursuant to FRCP 69(a) [adopted by FRBP 7069], the Trustee did not comply with **R**. 6:7-2(a) or (b)(2) of the New Jersey Court Rules, the "procedure of the state where the court is located." The Trustee clearly understands this requirement, claiming to have served Shari Nott with an Information Subpoena pursuant to **R**. 6:7-2(b)(1).

R. 6:7-2(b)(2) limits the Trustee to seek information from "banking institutions", or "employers or account-debtors (who are business entities)" and to an Information Subpoena in the form of Appendix XI-R. The Trustee clearly understands this requirement. She limited her January, 2024 post-judgment inquiry to Shari Nott to the information permitted in New Jersey's form Appendix XI-L Information Subpoena. Had the Trustee met all of the requirements which protect me from harassment and her from sanctions, including those in **R**. 6:7-2(b)(2), I would be required only to respond to New Jersey's form Appendix XI-R, Section C.

I do not want to engage in litigation with the Trustee. To preserve my rights under FRCP 45(d)(1) and (2)(B), **R**. 6:7-2(a) or (b)(2), avoid having to make claims for sanctions under the New Jersey Court Rules, the FRCP, the FBRP or pursuant to any applicable tort(s), and in a good faith attempt to ameliorate the Trustee's failure to

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DEUTCHLAW LLC

abide by any of the applicable Rules, **without waiving or modifying any objections, claims or rights**, I provide responses to Appendix XI-R, Section C.

SECTION C TO BE ANSWERED BY THOSE CONDUCTING BUSINESS WITH THE NAMED DEFENDANT

1. Has your business ever purchased goods and/or services from the named defendant? Yes ____ No _X_

2. Does your business presently purchase goods and/or services from the named defendant? YES ____ NO _X_

3. In the future, will your business purchase goods and/or services from the named defendant? YES ____ NO _X_

4. Does your business owe any money to the named defendant? YES ____NO _X_ If yes, state the amount currently owed.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DATED: MAY 21, 2024

s://Victor Deutch
Signature

Victor Deutch [former Member, Deutch & Associates LLC]
Print your name and title

This letter states some, but not all of the relevant objections to the Subpoena not served. **ALL RIGHTS, INCLUDING THOSE NOT CITED, ARE PRESERVED**.

Please be guided accordingly.

Very truly yours,

DEUTCHLAW LLC

s:// Victor A. Deutch
VICTOR A. DEUTCH

VAD:rvl
cc: Andrew J. Kelly, Esq., via email

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EXHIBIT F

Michele M. Dudas

From: Michele M. Dudas
Sent: Tuesday, May 21, 2024 5:22 PM
To: 'victor@deutch.law'
Cc: ANDREW J. KELLY ESQ.
Subject: RE: National Management and Preservation Services LLC d/b/a National Field Network, Chapter 7 - Case No. 18-16859 (CMG)

Victor,

Respectfully, you are simply wrong as it relates to the Rule 2004 Subpoena as it relates to Shari Nott. The Judgment against Ms. Nott is an asset of the bankruptcy estate. Please stop with the games (one must question what Deutch & Associates has to hide) and respond to the Subpoena by tomorrow or we will be filing a Motion to compel and have the Bankruptcy Court adjudicate the issue. I can assure you it will be the Trustee seeking sanctions for your willful refusal to respond to same.

On a related note, Deutch & Associates responses to the Information Subpoena are overdue. Please provide those responses by tomorrow as well.

We reserve all rights.

Michele M. Dudas, Partner
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068
Direct Dial: 973-721-5021
Email: MDudas@MSBNJ.COM
Website

Connect with MS&B on LinkedIn | Twitter | Instagram

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From: Victor A. Deutch <victor@deutch.law>
Sent: Tuesday, May 21, 2024 4:26 PM
To: Michele M. Dudas <MDudas@MSBNJ.COM>
Cc: ANDREW J. KELLY ESQ. <akelly@kbtlaw.com>
Subject: Re: National Management and Preservation Services LLC d/b/a National Field Network, Chapter 7 - Case No. 18-16859 (CMG)

Ms. Dudas,

Please see the attached letter dated today and addressed to you.

Thank you.

Victor A. Deutch, Esq.
DeutchLaw LLC
873 U.S. Route 1 #1114
North Brunswick, NJ 08902
Telephone: (732) 636-4200
Email: victor@deutch.law

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75 Livingston Avenue, Roseland, NJ 07068 (973) 622-1800

Michele M. Dudas
Partner
Direct 973-721-5021
mdudas@msbnj.com

18811-1055

May 28, 2024

Via ECF
Honorable Christine M. Gravelle, U.S.B.J.
United States Bankruptcy Court
402 East State Street
Trenton, New Jersey 08608

RE: In re National Management and Preservation Services, LLC d/b/a National Field Network
Chapter 7 Case No. 18-16859 (CMG)
Motion of Andrea Dobin, Chapter 7 Trustee, to Compel Victor A. Deutch, Esq. and Deutch & Associates, LLC to Comply with Rule 2004 Subpoena, and Granting Related Relief
Hearing Date and Time: June 18, 2024, at 10:00 a.m.

Dear Judge Gravelle:

This firm represents Andrea Dobin, Chapter 7 Trustee ("**Trustee**") for National Management and Preservation Services, LLC d/b/a National Field Network, Chapter 7 debtor ("**Debtor**"). Please accept this Letter Brief in lieu of a more formal brief in support of the Trustee's Motion to compel Victor A. Deutch, Esq. ("**Deutch**") and Deutch & Associates, LLC ("**D&A**") to comply with the Trustee's Rule 2004 Subpoena ("**Subpoena**") addressed to D&A respecting payments received by D&A on behalf of Shari Nott ("**Nott**"), and any payments made by D&A to Nott and/or for her benefit, and granting related relief ("**Motion**").

Background Facts

The Trustee specifically incorporates the facts from her Certification filed in support of the Motion. However, by brief background, as this Court is aware, the Trustee obtained a Consent Judgment against Nott in December 2023 in excess of $1,400,000. Nott has made no effort to voluntarily satisfy the Judgment and in fact, has thwarted and/or otherwise ignored the Trustee's involuntarily collection efforts. The Trustee has subpoenaed third parties, including the title company which handling the sale of Nott's former residence located at 3 Abis Place, West Long Branch, New Jersey ("**Abis Property**") in May 2020, at a time when Nott knew she was being targeted to recover significant transfers made by the Debtor to her and/or for her personal benefit. Those documents reveal that the entirety of the net sale proceeds from the Abis Property were wired to D&A. *See Exhibit "A"* to the Certification of the Trustee ("**Dobin Cert.**") in

support of the within Motion. The Trustee has reason to believe other funds relating to the Debtor have flowed to Nott (and/or for her benefit) to and from D&A, which firm, solely owned by Deutch, was the Debtor's longtime counsel, as well as Nott's personal counsel. Perhaps even more significantly to the Trustee, she requires the information to investigate potential bank accounts and other assets of Nott in her attempts to collect on the Consent Judgment. Nott refuses to voluntarily comply with said requests, so the Trustee has been forced to seek the information from third parties, such as D&A and the title company.[1] The Consent Judgment is a significant remaining asset of this Estate.[2] One must question exactly what Deutch and D&A have to hide when refusing to turn over the information and when neither Nott nor Deutch and D&A have sought a protective order.

Legal Argument

Deutch has taken the improper position that Fed. R. Civ. P. 69, made applicable through Fed. R. Bankr. P. 7069, applies and, therefore, the Trustee is limited to State law remedies for execution. *See Exhibit "E"* to Dobin Cert. This position is legally unsound. Rule 69 applies to adversary proceedings. The adversary proceeding involving Nott was closed on September 11 2023. *See* Adv. Pro. No. 20-1648 (CMG). Moreover, Rule 69 applies to the ***execution*** of judgments. The Consent Judgment is an asset of this bankruptcy Estate. The Subpoena relates to the Trustee's ***investigation*** into the assets of Nott to determine if there are assets available for execution and levy, and to inform the Trustee's business judgment relating to same.

As this Court is aware and what Deutch and D&A refuse to acknowledge, a Rule 2004 subpoena has been compared to a "fishing expedition." In fact, it is the term generally described in the context of a Trustee's *authority* to use a Rule 2004 subpoena to obtain information. *In re Millennium Lab Holdings II, LLC*, 562 B.R. 614, 626 (Bankr. D. Del. 2016) ("Unlike traditional discovery, which narrowly focuses on the issues germane to the dispute, the scope of Rule 2004 is broad and unfettered, and has been likened to a fishing expedition and an inquisition.") (internal citations omitted); *In re Ecam Publications, Inc.*, 131 B.R. 556, 559 (Bankr. S.D.N.Y. 1991) (noting that third parties with knowledge of the debtor's affairs are subject to Rule 2004 examination, and that the scope of a Rule 2004 examination is so broad that it can be in the nature of a fishing expedition); *In re Drexel Burnham Lambert, Inc.*, 123 B.R. 702, 711 (Bankr. S.D.N.Y. 1991) (instructing that Rule 2004 examination "can be legitimately compared to a fishing expedition"); and *Matter of Wilcher*, 56 B.R. 428 (Bankr. N.D. Ill. 1985) (stating that the scope of a Rule 2004 examination is larger than that allowed by the Federal Rules of Civil Procedure and "can legitimately be in the nature of a fishing expedition.")

Trustees are entitled to obtain information relative to the Debtor and assets of the Estate. The Consent Judgment voluntarily executed by Nott is property of this bankruptcy Estate and the Subpoena is an investigative tool of the Trustee to aid her collection attempts. D&A, through

[1] The Court should note that the Trustee has *not yet* sought the arrest of Nott for her blatant contempt of this Court's Orders, but has obtained the right to do so. ECF 355. She intends to do so in short order.
[2] As are the outstanding Judgments the Trustee obtained against D&A in Adv. Pro. No. 20-1647 (CMG).

Deutch, has information that is critical to the Trustee's collection efforts. The Subpoena is not an execution on the Consent Judgment.

Notably, Nott did not seek any protective order in connection with the Subpoena, and neither has D&A. This Court must question what D&A and Deutch have to hide, or why he and the firm would go through such great lengths to try to prevent information relating to his [former?] client from being produced to the Trustee. The Trustee submits it may be based upon fear of Deutch's own personal exposure as to the lengths that he and D&A were involved with Nott and the disappearance of the Debtor's assets.

Conclusion

Based on the foregoing, it is respectfully requested that the Motion be granted in its entirety, and such other and further relief as this Court deems just and equitable.

Respectfully submitted,

/s/ Michele M. Dudas

Michele M. Dudas

cc: Victor A. Deutch, Esq. (via e-mail and first-class mail)
Ms. Shari Nott (via first-class mail)
Andrea Dobin, Chapter 7 Trustee (via ECF)

FORECLOSUREPEDIA
EST 2011

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004

McManimon, Scotland & Baumann, LLC
427 Riverview Plaza
Trenton, NJ 08611
(609) 695-6070
Andrea Dobin (adobin@msbnj.com)
Michele M. Dudas (mdudas@msbnj.com)
Counsel to Andrea Dobin, Chapter 7 Trustee

In re:

NATIONAL MANAGEMENT AND PRESERVATION SERVICES LLC, d/b/a NATIONAL FIELD NETWORK,

Debtor.

Case No. 18-16859 (CMG)

Honorable Christine M. Gravelle, U.S.B.J.

Chapter 7

Return Date and Time:
June 18, 2024, at 10:00 a.m.

ORDER COMPELLING VICTOR A. DEUTCH, ESQ. AND DEUTCH & ASSOCIATES, LLC TO COMPLY WITH RULE 2004 SUBPOENA ISSUED BY ANDREA DOBIN, CHAPTER 7 TRUSTEE, AND GRANTING RELATED RELIEF

The relief set forth on the following page, numbered two (2), is hereby **ORDERED.**

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THIS MATTER, having been presented to the Court by Andrea Dobin, Chapter 7 Trustee ("**Trustee**") for National Management and Preservation Services LLC, Chapter 7 debtor ("**Debtor**"), upon the filing of a motion (the "**Motion**") to compel Victor A. Deutch, Esq. ("**Deutch**") and Deutch & Associates, LLC ("**D&A**") to comply with the Rule 2004 Subpoena ("**Subpoena**") served by the Trustee on D&A, and granting related relief (the "**Motion**"); and due and proper notice of the Motion having been given; and the Court having considered the papers in support of the Motion and opposition thereto, if any; and oral argument, if any; and good and sufficient cause existing for the granting of the relief as set forth herein,

IT IS ORDERED that Deutch and D&A are compelled to produce the following information to the Trustee on or before June 25, 2024:

- Attorney Trust Account Ledger of D&A for any and all matters involving Shari Nott and/or for the benefit of Shari Nott from January 1, 2014 through the present.
- Copies of any checks, wires or other payment advices made by D&A to Shari Nott or for her benefit from January 1, 2014 through the present.

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McMANIMON, SCOTLAND & BAUMANN, LLC
75 Livingston Avenue, Suite 201
Roseland, New Jersey 07068
(973) 622-1800
Andrea Dobin (adobin@msbnj.com)
Michele M. Dudas (mdudas@msbnj.com)
Counsel to Andrea Dobin, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	Case No. 18-16859 (CMG)
NATIONAL MANAGEMENT & PRESERVATION SERVICES, LLC, d/b/a NATIONAL FIELD NETWORK,	Chapter 7
	Honorable Christine M. Gravelle
Debtor.	

CERTIFICATION OF SERVICE

1. I, Stacy Lipstein am a legal assistant employed by McManimon, Scotland & Baumann, LLC, attorneys for Andrea Dobin, Chapter 7 Trustee for National Management and Preservation Services LLC, d/b/a National Field Network, Chapter 7 Debtor in the above-captioned matter.

2. On May 28, 2024, a copy of the following pleadings were served on the parties listed in the chart below:

   - Notice of Motion of Andrea Dobin, Chapter 7 Trustee, to Compel Victor A. Deutch, Esq. and Deutch & Associates, LLC to Comply with Rule 2004 Subpoena and Granting Related Relief ("Motion");
   - Certification of Andrea Dobin, Chapter 7 Trustee in support of the Motion;
   - Letter Brief in support of Motion; and
   - Proposed Order granting Motion.

I hereby certify under penalty of perjury that the above document was sent using the mode of service indicated.

Dated: May 28, 2024

/s/ Stacy Lipstein
Stacy Lipstein

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Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Chad Friedman, Esq. Ravin Greenberg, LLC 24 Commerce Street Newark, NJ 07102	*Attorneys for Debtor*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Lauren Bielskie, Esq. Office of the United States Trustee One Newark Center, Suite 2100 Newark, NJ 07102	*US Trustee*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
David E. Shaver, Esq. Broege, Neumann, Fischer & Shaver 25 Abe Voorhees Drive Manasquan, NJ 08736	*Attorneys for Garden State Property Services, Inc.; The Cole Team, Inc.; and Eleuteria Sandra Hering d/b/a El Paso Property Construction, Petitioning Creditors*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Bunce D. Atkinson 1011 Highway 71, Suite 200 Spring Lake, NJ 07762	*Attorneys for Debtor's Former Trustee*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Derek J. Baker, Esq. Reed Smith LLP Princeton Forrestal Village 136 Main Street, Suite 2540 Princeton, NJ 08543	*Attorneys for Reverse Mortgage Solutions, Inc. (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Joseph H. Lemkin, Esq. Stark & Stark, P.C. 993 Lenox Drive, Building 2 PO Box 5315 Princeton, NJ 08543	*Attorneys for Amrose Homes, LLC, Creditor (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Kevin C. Orr, Esq. Law Offices of Kevin Crawford Orr 33 Washington Street, Suite 1010 Newark, New Jersey 07102	*Attorneys for Epic Property Services, LLC, Creditor (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Timothy J. McNichols, Esq. Dasti Murphy McGuckin Ulaky Koutsouris & Connors 620 W. Lacey Road Forked River, NJ 08731	*Attorneys for Township of Howell (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:

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Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Nicole G. Suglia, Esq. Fleischer, Fleischer & Suglia, P.C. Four Greentree Centre 601 Route 73 North, Suite 305 Marlton, NJ 08053	*Attorneys for LEAF Capital Funding, LLC (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Allen A. Etish, Esq. Earp Cohn P.C. 20 Brace Road, Suite 400 Cherry Hill, NJ 08034	*Attorney for Lakapro Property, LLC (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
VRP Corp. Attn: Lauren McLelland 161 Pond Street Weymouth, MA 02190	*(NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Eric R. Perkins, Esq. Becker, LLC Eisenhower Plaza II 354 Eisenhower Parkway, Ste. 1500 Livingston, NJ 07038	*Attorneys for L&Y Services (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Nancy Isaacson, Esq. Greenbaum, Rowe, Smith & Davis, LLP 75 Livingston Avenue, Suite 301 Roseland, NJ 07068	*Attorneys for Jack Jaffa (NOA filed)*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Shari Nott 646 Bray Avenue Port Monmouth, NJ 07588	*Interested Party*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☐ Other:
Victor A. Deutch, Esq. c/o DeutchLaw LLC 873 U.S. Route 1 #1114 North Brunswick, NJ 08902	*Subpoenaed Party*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☑Other: E-Mail
Victor A. Deutch, Esq. c/o DeutchLaw LLC 305 Broadway, 7th Floor New York, NY 10007	*Subpoenaed Party*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☑Other: E-Mail
Victor A. Deutch, Esq. c/o 2 Woodmere Road North Brunswick, NJ 08902	*Member of Subpoenaed Party*	☐ Hand-delivered ☑ Regular mail ☐ Certified Mail ☑Other: E-Mail

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