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*Co-Counsel for Bruce Donner*

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

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In Re:  
ALLIED HEALTHCARE SERVICES, INC.

Debtor

Case No.: 10-35561 (MS)  
Chapter 7 Involuntary

**NOTICE OF MOTION TO  
QUASH SUBPOENA**

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TO: Richard D. Trenk, Esq.  
Trenk DiPasquale Webster Della Fera Sodono  
347 Mt. Pleasant Avenue, Suite 300  
West Orange, New Jersey 07052  
*Attorneys for Team Capital Bank*

COUNSEL:

**PLEASE TAKE NOTICE** that on October 18, 2010 at 10:00 a.m., the undersigned, attorneys for a subpoenaed witness, Bruce Donner, will move before the Honorable Morris Stern, U.S.B.J., at the United States Bankruptcy Court for the District of New Jersey, 50 Walnut Street, Newark, New Jersey for an order quashing and/or modifying a certain subpoena for a ruled 2004 examination, which commands Mr. Donner to give testimony and produce documents.

BIEBELBERG & MARTIN  
*Attorneys for Bruce Donner,  
A Subpoenaed Witness*

Dated: September 30, 2010

By: /s/ Keith N. Biebelberg  
KEITH N. BIEBELBERG

YABLONSKY & ASSOCIATES  
*Co-Counsel for Bruce Donner*

Dated: September 30, 2010

By: /s/ Daniel J. Yablonsky  
DANIEL J. YABLONSKY

In support of this motion, the undersigned, on behalf of Bruce Donner, will rely upon the annexed Declaration of Counsel, and the enclosed letter brief dated 2

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**DECLARATION OF KEITH N. BIEBELBERG, ESQ.  
IN SUPPORT OF MOTION TO QUASH SUBPOENA**

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Keith N. Biebelberg hereby declares:

11. I am attorney at law of the State of New Jersey and am admitted to practice in the United States District Court for the District of New Jersey. I represent Bruce Donner, a subpoenaed witness herein. As such, I am fully familiar with this matter as it concerns Mr. Donner.
  
2. Attached hereto as **Exhibit A** is a true copy of a subpoena served upon my client, Mr. Donner. Originally, the subpoena for a Rule 2004 examination required his testimony on September 24, 2010, and that he

produce the documentation sought in an attachment to the subpoena on September 23, 2010.

3. Trenk, DiPasquale, Webster, Della Fera & Sodono was kind enough to adjourn, at my request, the return dates of the subpoena. The production of documents was adjourned to October 1, 2010, and the appearance for testimony was adjourned until October 8, 2010.
4. For the reasons set forth in the accompanying letter memorandum, the witness, Mr. Donner, respectfully moves herein to quash the subpoena; or in the alternative, to modify the subpoena.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Executed on September 30, 2010

/s/ Keith N. Biebelberg

KEITH N. BIEBELBERG

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In Re:  
ALLIED HEALTHCARE SERVICES, INC.

Debtor

Case No.: 10-35561 (MS)  
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**BRIEF IN SUPPORT OF MOTION TO QUASH SUBPOENA SERVED UPON ONE  
BRUCE DONNER**

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**STATEMENT OF FACTS**

We do not submit a version of the facts to this Court. Rather, we observe that allegations have been made in the pleadings. The documents of record that offer the alleged factual background of this matter are: (A) the Application in Support of Notice of Motion Seeking Entry of Order Authorizing the Trustee to Execute and File on Behalf of the Debtor the List of Creditors, Schedule of Assets and Liabilities and Statement of

Financial Affairs on or Before October 29, 2010. (Docket Entry No. 120, attachment 1):

(Paragraph 6) The Principal of the Debtor, Charles Schwartz, was arrested by the FBI on or about September 2, 2010 and is currently incarcerated in the Essex County Jail. As a result of his incarceration and likelihood that he will invoke his Fifth Amendment privilege, Debtor's counsel has advised that the Debtor will be unable to file the Schedules. Accordingly, it is the Trustee's intention to undertake this responsibility but needs additional time to do so.

Also: (B) the Application for Entry of Order Authorizing the Trustee to Enter Into an Interim Use Agreement With AtHome Medical, Inc. states, at paragraph 6 (Docket Entry No. 124, attachment 1):

(Paragraph 6) The Debtor was engaged in the business of the supply of medical equipment and supplies to the general public with offices and facilities located at 89 Main Street, Orange, New Jersey and Route 59, Monsey, New York. The Debtor did not diagnose or treat customers or patients, but merely provided equipment and supplies prescribed by a physician or medical care person.

The nature of the pleadings suggests that there is an allegation of unlawful conduct, and that one or more persons are targeted by the inquiry. Upon information and belief, those entities who claim to have been victimized by Allied Health Care Services, Inc. are lenders and/or leasing companies who funded transactions involving the sale or leasing of medical equipment. The pleadings arguably suggest, but do not explicitly state, that Schwartz engaged in bogus transactions concerning the equipment.

Upon information and belief, it is indeed a matter of public record that Charles Schwartz, the principal of Allied Health Care Services Inc., has been arrested by federal law enforcement agents. This point is mentioned only for the purpose of demonstrating that there is an ongoing federal investigation, a fact which, presumably, will not be in dispute in connection with this motion.

**LEGAL ARGUMENT**

**THE FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION APPLIES NOT ONLY TO ANY QUESTIONS THAT WILL BE ASKED OF MOVANT AT A 2004 BANKRUPTCY EXAMINATION, BUT ALSO TO THE DEMAND WITHIN THE SUBPOENA FOR PRODUCTION OF RECORDS. UNDER THE CIRCUMSTANCES OF THIS CASE, SUCH PRODUCTION HAS THE CAPACITY TO BE TESTIMONIAL IN NATURE**

In Rogers Transp., Inc. v. Stern, 763 F. 2d 165 (3d Cir. 1985), the Court of Appeals set forth the well-established law regarding the testimonial implications of document production compelled by a summons or subpoena:

Although the contents of a document may not be privileged under the Fifth Amendment, the act of producing or authenticating the document may be privileged. This terse summary of the law originated with Fisher v. United States, 425 U.S. 391, 410, 96 S. Ct. 1589, 1581, 48 L. Ed. 2d 39 (1976), and was confirmed in United States v. Doe, 465 U.S. 605, 104 S. Ct. 1237, 79 L. Ed. 2d 562 (1984).

As the United States Supreme Court noted in Fisher v. United States, 425 U.S. at 410, 96 S. Ct. at 1581:

Compliance with the subpoena tacitly concedes the existence of the papers demanded and their possession or control by the taxpayer. It also would indicate the taxpayer's belief that the papers are those described in the subpoena. Curcio v. United States, 354 U.S. 118, 125 (1957). The elements of compulsion are clearly present. But the more difficult issues are whether the tacit averments of the taxpayer are both "testimonial" and "incriminating" for purposes of applying the Fifth Amendment. These questions perhaps do not lend themselves to categorical answers; their resolution may instead depend on the facts and circumstances of particular cases or classes thereof.

In the instant case, we believe that the entire subpoena should be quashed based on the foregoing settled case law. We recognize that the Court might wish to examine the document demand item-by-item, to determine whether any of the specific

categories of documents should be produced. We do not believe that a “split decision” is warranted because the Fifth Amendment privilege applies across the board. That said, we address each of the eleven items below.

1. **Documents Demanded By the Subpoena** *Any and all documents concerning invoices for medical equipment or other assets sold to Allied Health.*

This item calls upon the movant to acknowledge and authenticate evidence of a business relationship with Allied Health Care Services, Inc. To the extent that, one of the issues in the litigation is whether certain invoices are disingenuous, the demand calls for the movant to inform counsel for Team Capital Bank which invoices pertain to actual sales, thus creating a tacit admission that invoices not produced but eventually discovered are of a legally questionable nature. Accordingly, this item, if responded to, has testimonial implications.

2. *Any and all documents concerning monies received from Team Capital Bank.*

If Team Capital Bank is asserting that it is a victim of unlawful conduct arising out of alleged dealings between Allied Health Care Services, Inc. and the movant, then it becomes clear that this demand within the subpoena essentially calls upon the movant to identify assertedly ill-begotten monies. It is testimonial in nature. Moreover, assuming *arguendo* that Team Capital Bank sent one or more checks to the movant - - which seems to be the implication of this demand - - then



surely Team Capital Bank has access to its own cancelled checks.

3. *Any and all documents concerning e-mail communications with Charles Schwartz or any other employee representative or (sic) Allied Health.*

This demand calls upon the movant to acknowledge that he has had e-mail communications with Charles Schwartz or other representatives of Allied Health, and to authenticate any such communications if they exist. It is testimonial in nature if responded to.

4. *Any and all documents concerning monies received from Team Capital Bank.*

This demand is a verbatim repetition of item number 2 above. We incorporate by reference our response set forth above.

5. *Any and all documents concerning monies received by or on account of Allied Health.*

This demand is not fully clear, but it seems to mean that, if there are documents that pertain to monies received by Allied Health Care Services, Inc. or that were received “on account of Allied Health Services, Inc.”, then they shall be produced. There are two significant problems with this demand. First, it requires the movant to identify and authenticate such documents, causing such a response to be testimonial in nature. Second, it requires the movant to state tacitly that certain documents which, on their face, might not reflect monies received “on

account of Allied Health”, i.e., for the benefit of Allied Health, are in for such purpose. To put it another way, this demand would hypothetically call upon the movant to select a document that is relatively non-descriptive and benign on its face, and to affirmatively identify it as something that is “on account of Allied Health”. Such a responsive act would be testimonial in nature.

6. *Any and all documents concerning the incorporation of Donner Medical Marketing.*

This demand, if responded to, would also be testimonial in nature. For example, the demand calls upon the movant to authenticate documents; and indeed, to acknowledge that Donner Medical Marketing is a corporation. It is not for the party serving this subpoena to argue that a “mere” admission that a business entity is structured in a certain way, e.g., a corporation, a sole proprietorship, a general partnership, or a limited partnership, is not so important. It is not for the party serving the subpoena to determine what is important. The issue is whether a response would be testimonial in nature. Moreover, as a practical matter, assuming *arguendo* that Donner Medical Marketing is a corporation, the parties serving the subpoena can access public records to obtain evidence of same.

7. *Any and all documents concerning bank accounts maintained by Donner Medical Marketing from January 1, 2009 through the present.*

The moving party should not be required to give tacit testimony

authenticating bank account records. Assuming *arguendo* that Team Capital Bank paid monies to Donner Medical Marketing, and that Donner Medical Marketing deposited such monies, then Team Capital Bank can determine from its cancelled checks the bank accounts that Donner Medical Marketing allegedly utilized in connection with such payments. Accordingly, Team Capital Bank has an alternative method of obtaining such records - - which is not to suggest that the absence of an alternative method would justify abrogating the movant's Fifth Amendment privilege against self-incrimination.

8. *Any and all documents concerning checks issued or written by Donner Medical Marketing to Allied Health, Charles Schwartz or any other individual or representative.*

Preliminarily, it should be noted that this demand is not entirely clear. We assume that the terminology "or any other individual or representative" means any other individual or representative of Allied Health Care, Inc., but, as noted, it is unclear. If this is what it means, then there are two fundamental problems with the demand. First, it requires the movant to identify and authenticate such documents. Second, assuming *arguendo* that there exist checks issued to or received from "any other individual or representative (of Allied Health Care, Inc.)", the production of such hypothetical documents would be testimonial in nature because, for example, if Donner Medical Marketing wrote a check to "John Smith" which appears non-descriptive on its face, this demand calls for the

movant to state tacitly that “John Smith” is known to be an individual or representative of Allied Health Care, Inc.

9. *Any and all documents concerning monies received from Donner Medical Marketing by Bruce Donner or any other related person or affiliate.*

A response to this demand would be testimonial in nature, and indeed, have potentially appalling consequences. By way of hypothetical example, suppose it will be alleged at some point - - especially if the movant were to tacitly admit it - - that a check made payable to the XYZ Corporation was a de facto payment “received from Donner Medical Marketing by Bruce Donner” because, hypothetically, he owns the XYZ Corporation, or it was payment for a perquisite, or something similar. This demand requires the movant to select such checks or other documentation, and to make a tacit admission. Under any circumstances, the item calls upon the movant to authenticate documentation, an act that is likewise testimonial in nature.

10. *Any and all licenses to do businesses (sic) issued by any state, federal or other regulatory authority or entity held by Bruce Donner, Donner Medical Marketing or any other related entity or person.*

Upon information and belief, the subject medical equipment industry

does not require a license. However, the demand has been made, and assuming *arguendo*, that such licenses somehow exist, this item would require the movant to authenticate such licenses, as well as to give tacit testimony as to which businesses or persons are “any other related entity or person”.

11. *Any and all documents concerning the receipt of certain monies and loan proceeds from Team Capital including the deposit and disbursement of such proceeds.*

This item is similar to item number 4 above. We incorporate by reference the response set forth above.

### **CONCLUSION**

For the foregoing reasons, movant respectfully requests that the motion to quash the subpoena served by the law firm of Trenk DiPasquale Webster Della Fera & Sodono be granted.

Respectfully submitted,

BIEBELBERG & MARTIN  
*Attorneys for Movant, Bruce Donner*

By: /s/ Keith N. Biebelberg  
KEITH N. BIEBELBERG

Of Counsel  
YABLONSKY & ASSOCIATES, LLC

## United States Bankruptcy Court

District of NEW JERSEY

In re ALLIED HEALTH CARE SERVICES, INC., **SUBPOENA FOR RULE 2004 EXAMINATION**

Debtor

Case No. 10-35561 (MS)

To:

Chapter 7 Involuntary

Bruce Donner  
70 Sutton Drive  
Berkeley Heights, NJ 07922

YOU ARE COMMANDED to appear pursuant to a court order issued under Rule 2004, Fed.R.Bankr.P., at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE	DATE AND TIME
Trenk, DiPasquale, Webster, Della Fera & Sodono, P.C. 347 Mt. Pleasant Avenue, Suite 300 West Orange, NJ 07052	September 24, 2010 at 10:00 a.m.

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 Rider A.

PLACE	DATE AND TIME
Trenk, DiPasquale, Webster, Della Fera & Sodono, P.C. 347 Mt. Pleasant Avenue, Suite 300 West Orange, NJ 07052	September 23, 2010 at 10:00 a.m.

ISSUING OFFICER SIGNATURE AND TITLE	DATE
	September 8, 2010

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
Richard D. Trenk, Esq.  
Trenk, DiPasquale, Webster, Della Fera & Sodono, P.C.  
347 Mt. Pleasant Avenue, Ste. 300, West Orange, NJ 07052-3303; Tel: 973-243-8600

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, 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 A 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 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.



## RIDER A

### INSTRUCTIONS

1. Each request for production shall be deemed continuing so as to require, in accordance with Fed. R. Bankr. P. 7026(e), the additional production of documents if further information or documents are created or discovered subsequent to the date of your response hereto. Such additional document production(s) shall be served from time to time, but not later than three (3) days after such additional information or documents are received or uncovered by you.

2. If any document request is deemed to call for disclosure of proprietary data within the meaning of Fed. R. Bankr. P. 7026(c)(7), Team Capital Bank is prepared to receive such data pursuant to an appropriate order with respect to confidentiality.

3. If any documents are not produced on the ground of a privilege, you shall prepare a listing of a description of all such documents, including the date of all such documents, the drafter of all such documents, the recipient of all such documents, the identity of all persons in possession of all such documents, the privilege upon which you rely in refusing production of all such documents, and you shall produce a redacted version of all such documents to the extent of any non-privileged material contained therein.

4. Each production request shall be construed to include all documents within your possession, custody, or control or the possession, custody or control of any of your agents, as of the date of their response to these production requests as well as any document that subsequently is obtained or discovered.

5. If any document responsive to these production requests has been destroyed, for each such document state when it was destroyed, identify the person who destroyed the document and the person who directed that it be destroyed. Also, detail the reasons for the

destruction, describe the nature of the document, identify the persons who created, sent, received or reviewed the document and state in as much detail as possible the contents of the document.

**DEFINITIONS**

A. "Allied Health" means Allied Health Care Services, Inc. and its affiliates ("Allied Health") and/or any other person acting on behalf of Allied Health.

B. "Involuntary Debtor" means Allied Health Care Services, Inc. and/or any other person acting on behalf of said Debtor.

C. "Refer" or "relate" shall mean directly or indirectly mentioning or describing, pertaining to, being connected with or reflecting upon a stated subject matter.

D. "Person" means any natural person, sole proprietorship, corporation, company, association, joint venture, firm, partnership, or other business or legal entity in whatever form.

E. "You" or "yours" means the party or parties upon whom this Subpoena is directed.

F. "Document(s)" mean(s) all written, recorded, or graphic material, however produced or reproduced in your actual or constructive possession, custody or control, including documents accessible at your request, and shall include, without limitation, the following: the originals and all copies of all drafts of written or printed material, recorded audio or video tapes, computer data or information whether printed or recorded on disks or stored in any manner, papers, books, manuals, records, contracts, notes, memoranda (including written memoranda of telephone conversations, other conversations, discussions, agreements, acts or activities), minutes, diaries, calendars, desk pads, appointment books, notebooks, bulletins, forms, pamphlets, notices, statements, cancelled checks, checks, check stubs, correspondence, data cards, computer printouts, photographs, drawings, letters, telegrams, telexes, cables, reports, studies, interoffice communications, charts, blue prints, plans, drawings, graphs, calculations, proposals, diagrams, specifications, brochures, sketches, and accounting and financial records

whether prepared by you for your own use or for transmittal, or received by you, and wherever located.

Unless otherwise specified, documents referred to herein shall be those documents related to, prepared, issued or which any way deal with, the documents requested in this Subpoena, including all portions, or pages of each document referred to and all attachments, enclosures, appendices and supporting documentation, and including, without limitation, originals, copies (with or without notes or changes therein), drafts, working papers, routing slips, handwritten notes and similar materials.

A document shall also mean any electronic, mechanical or electrical records and representations of any kind including, without limitation, tapes, cassettes, discs, recordings and computer programs and memories from which information can be obtained or translated. In addition, documents shall also include data stored in a computer, data stored on removable magnetic or optical media, e-mail, data used for electronic data interchange, audit trails, digitized pictures and video, digitized audio and voicemail.

A document is deemed in your actual or constructive possession, custody or control of if it is in your physical custody or if it is in the physical custody of any person and you (a) own such document in whole or in part, (b) have a right by control, contract, statute, or otherwise, to use, inspect, examine or copy such document on any terms, (c) have an understanding, express or implied, that they may use, inspect, examine, or copy such document on any terms, or (d) have, as a practical matter, been able to use, inspect, examine or copy such document when they saw fit to do so.

G. "Identify" means when used in reference to:

1. A natural person -- his or her full name and present or last known address.
2. A company, corporation, association, joint venture, sole proprietorship, firm, partnership, or any other business or legal entity not a natural person -- its full name now

and at the time in question, its principal place of business now and at the time in question, date of incorporation or jurisdictional status, description or type of entity now and at the time in question, date and place of formation, current jurisdictional status, and nature of business activities in which it is engaged or was engaged at the time in question.

3. A document – its character (e.g., letter, memoranda, report, etc.), its title, date, author, addressees, all distributees, the number of pages, its subject matter, and identification of each person you have reason to believe may have knowledge of the contents thereof, its present location, the identification of its custodian, or if any such document was, but is no longer in existence or in your possession or subject to your control, the disposition made of it and the circumstances and date of such disposition.

4. An oral statement or communication:

- (a) The date and the place where uttered.
- (b) The place where received.
- (c) The substance thereof.
- (d) The means or medium employed for transmission thereof.
- (e) The identification of each person to whom such statement or

communication was made, each person who was present when such statement or communication was made, and each person who was present when such statement was received.

5. Any other thing -- a description with sufficient particularity that such thing may thereafter be specified and recognized as such.

**DOCUMENTS TO BE PRODUCED**

1. Any and all documents concerning invoices for medical equipment or other assets sold to Allied Health.
2. Any and all documents concerning monies received from Team Capital Bank. *any a/b/9*
3. Any and all documents concerning email communications with Charles Schwartz or any other employee representative or Allied Health.
4. Any and all documents concerning monies received from Team Capital Bank.
5. Any and all documents concerning monies received by or on account of Allied Health. *recording?*
6. Any and all documents concerning the incorporation of Donner Medical Marketing.
7. Any and all documents concerning bank accounts maintained by Donner Medical Marketing from January 1, 2009 through the present.
8. Any and all documents concerning checks issued or written by Donner Medical Marketing to Allied Health, Charles Schwartz or any other individual or representative. *anyone?*
9. Any and all documents concerning monies received from Donner Medical Marketing by Bruce Donner or any other related person or affiliate. *what put it time*
10. Any and all licenses to do businesses issued by any state, federal or other regulatory authority or entity held by Bruce Donner, Donner Medical Marketing or any other related entity or person.
11. Any and all documents concerning the receipt of certain monies and loan proceeds from Team Capital including the deposit and disbursement of such proceeds.

*nothing*

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*Co-Counsel for Bruce Donner*

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

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In Re:  
ALLIED HEALTHCARE SERVICES, INC.  
  
Debtor

Case No.: 10-35561 (MS)  
Chapter 7 Involuntary

**ORDER**

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THIS MATTER having been opened to the Court by Biebelberg & Martin and Yablonsky & Associates, counsel for Bruce Donner, a subpoenaed witness, seeking an order quashing a subpoena served upon him by the law firm of Trenk DiPasquale Webster Della Fera & Sodono; notice having been given to Richard D. Trenk, Esq. of the law firm of Trenk DiPasquale Webster Della Fera & Sodono attorneys for Team Capital Bank, and to all other counsel of record; the Court having reviewed the papers submitted, and heard the arguments of counsel, and for good cause shown,

It is on this \_\_\_\_\_ day of \_\_\_\_\_, 2010 ordered that the motion to quash the subpoena served upon Bruce Donner is granted.

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HONORABLE MORRIS STERN, U.S.B.J.

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**UNITED STATES BANKRUPTCY COURT  
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**CERTIFICATION OF MAILING**

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Robert R. Estes, being of full age, does hereby certify as follow:

1. I am a paralegal employed by the firm of Yablonsky & Associates, co-counsel for Bruce Donner.

2. The Parties listed below were served by electronic mail via the Court's Electronic Filing System:

U.S. Trustee's Office  
1 Newark Ctr., Suite 2100  
Newark, NJ 07102

Gary K. Norgaard  
Stern, Laventhal, Frankenberg & Norgaard  
184 Grand Avenue  
Englewood, NJ 07631  
Attorneys for Debtor

Eric R. Perkins, Trustee  
McElroy, Deutsch, Mulvaney & Carpenter  
40 West Ridgwood Ave.  
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Richard Honig  
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Attorneys for the Trustee

Daniel C. Fleming  
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P.O. Box 3663  
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Attorneys for Petitioning Creditors

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Attorneys for Petitioning Creditors

Richard D. Trenk, Esq.  
Trenk, DiPasquale, Webster, Della Fera & Sodono  
347 Mt. Pleasant Avenue, Suite 300  
West Orange, New Jersey 07052  
Attorneys for Team Capital Bank



All Parties who filed a Notice of Appearance

3. The parties, whose names and addresses are listed below were served by regular mail, postage prepaid, within one (1) day after filing with the Court:

Deborah A. Cmielewski, Esquire.  
Schenck, Price, Smith & King, LLP  
220 Park Avenue  
P.O. Box 991  
Florham Park, NJ 07932  
Attorneys for AtHome Medical, Inc.

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.

/s/Robert R. Estes

Robert R. Estes

Dated: September 30, 2010