

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

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GENERAL JURISDICTION DIVISION
CASE NO:

COMMISSION
CLERK

090000-0T

LATIN note

CASE NO: 08-33495 (A)

Plaintiff(s),

to

Michael Phelan
Assignee
Defendant(s).

ORDER

GRANTING/DENYING
PLAINTIFF'S/DEFENDANT'S

THIS CAUSE having come on to be heard on Assignee's motion to close
on Plaintiff's/Defendant's Motion CASE and the request for continuance by
Hondatel

and the Court having heard argument of counsel, and being otherwise advised in the premises, it is
hereupon

ORDERED AND ADJUDGED that said Motion be, and the same is hereby

The parties shall select an forensic examiner to conduct
an investigation including the power to subpoena witnesses or
documents to determine if there were preferences or fraudulent
conveyances or if the claim of Hondatel is valid. He shall issue
a written report in 30 days and a hearing is set Oct 13 at
5:30 for a report to the Court. Fees shall be paid by the
estate at an amount agreed to by the parties or further order
of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 28 day of Aug

8/28 JWS


CIRCUIT COURT JUDGE

Barbara Arces
Circuit Court Judge

DOCUMENT NUMBER 09653-SEP 17

FPSC-COMMISSION CLERK

Copies furnished to: Counsel of Record

117-01-554 1/03



DOM
SCN
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DE LA PEÑA
G R O U P

601 BRICKELL KEY DRIVE, SUITE 705
MIAMI, FLORIDA 33131

TEL: 305.377.0909
FAX: 305.377.1771

LEONCIO E. DE LA PEÑA D., ESQ.
EMAIL: leo@dip-law.com

September 3, 2009

VIA EMAIL: jdeleon@chavez-deleon.com

John de Leon, Esq.
Law Offices of Chavez & De Leon, P.A.
5975 Sunset Drive, Suite 605
South Miami, Florida 33143

Re: Assignment for Benefit of Creditors of Latin Node, Inc.
Case No. 08-33495 CA 11

Dear John:

As indicated in my email of Monday, I do not approve of your proposed examiner. As such, below are two proposed names to serve as the examiner:

Lewis B. Freeman, C.P.A.
Alexander Fernandez, C.P.A.

Mr. Freeman's qualifications may be found in the following website: www.flacpa.com/custom10.html. Mr. Fernandez's qualifications may be found in the following website: www.afcgroup.info. Please advise whether you would agree to either of the aforementioned examiners.

If we do not receive a response from you by Tuesday, September 8, 2009, we will assume that you do not agree with any of the aforementioned proposed examiners and move to have Judge Areces appoint an examiner.

Thank you in advance for your cooperation.

Sincerely,

Leoncio E. de la Peña D., Esq.

cc: Jay Gamberg, Esq. (via email)
Steve Bailey, Esq. (via email)
Lawrence M. Schantz, Esq. (via email)
Mike Phelan (via email)



IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

CASE NO: 08-33495 CA 11

In Re:

LATIN NODE, INC.,

Assignor,

to:

MICHAEL PHELAN,

Assignee.

ASSIGNEE'S MOTION FOR THE COURT TO SELECT FORENSIC EXAMINER

COMES NOW the Assignee, Michael Phelan, by and through his undersigned attorney and moves this Court to select a forensic examiner, and as grounds therefore states as follows:

1. On August 28, 2009, this Court entered an Order directing the parties to select a forensic examiner, a copy of which is attached hereto and made a part hereof as Exhibit "A".

2. The parties have exchanged various letters and e-mails nominating candidates as forensic examiner, however, no agreement has been reached. Copies of the letters and e-mails are annexed hereto and made a part hereof as Exhibit "B".

WHEREFORE, Assignee, Michael Phelan respectfully requests that this Court select the forensic examiner together with such other and further relief as the Court may deem just and proper.

Respectfully submitted this 15 day of September, 2009.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was mailed to: All
creditors and interested parties on the attached list this 15th day of September, 2009.

GAMBERG & ABRAMS
Attorney for Assignee
Presidential Circle
4000 Hollywood Boulevard
Suite 350 North Tower
Hollywood, Florida 33021
Telephone: (954) 981-4411
Facsimile: (954) 966-6259

By _____

JAY M. GAMBERG, ESQ.
Fla. Bar No: 178235

Jay Gamberg

From: Steven L. Beiley [sbeiley@adorno.com]
Sent: Thursday, September 03, 2009 7:11 PM
To: jdeleon@chavez-deleon.com
Cc: Jay Gamberg; Lawrence M. Schantz; Mike Phelar; LEONCIO DE LA PENA; Tracy Perez
Subject: Assignment for Benefit of Creditors of Latin Node, Inc.

John,

I do not approve of your single proposed examiner, either. I reiterate that we need someone who is well established and recognized in the bankruptcy/trustee arena with a strong support team who is able to promptly and efficiently conduct this examination. I concur with Leo's recommendations and add forensic accountants Soneet Kapila and Patrick Gannon to the list for all to consider. Their CVs can be accessed at <http://www.kapilatrustee.com/resume.html> and http://www.krco-cpa.com/pdf/ev_gannon.pdf, respectively. Please advise of your responses by Tuesday of next week. Thank you.

Steve

| | |
|--|--|
| ADORNO & YOSS | |
| Steven L. Beiley | |
| Partner | ☎ (305) 460-1000 |
| Adorno & Yoss LLP | ☎ Direct: (305) 460-1057 |
| 2525 Ponce de Leon Blvd., Suite 400 | ☎ Fax : (305) 328-4172 |
| Miami, FL 33134 | ✉ sbeiley@adorno.com |
| www.adorno.com | 🌐 View BIO |

IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or matter addressed herein.

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Jay Gamberg

From: jdeleon@chavez-deleon.com
Sent: Monday, August 31, 2009 4:28 PM
To: Leoncio_E_De_La_Peña
Cc: Jay Gamberg; 'Steven L. Bailey'
Subject: RE:Examiner

I recommend the following as our examiner: Miguel Marin, CV attached. If not approved, then I would ask that Judge Areces appoint examiner.

Miguel A Marin

4925 NW 104 Ave
Coral Springs, Florida 33076
Cell: (954) 292-5334
Email: marinmg@aol.com

Summary: An accomplished, pragmatic, adaptable financial professional with proven abilities in audit, business process improvement, and financial management. Organized, planned, executed or directed over 300 internal and external audits. Recruited, trained, and managed multi-disciplinary staffs in auditing assignments and accounting functions. Conducted fraud investigations in litigation services and insurance claim reviews. Audited a fully integrated ERP system (PeopleSoft) during and after implementation. Led accounting team for an Oracle system conversion. Proficient in Microsoft Office Suite and various accounting, financial reporting, and generalized audit software (ACL). Fluent in English, Spanish and Portuguese.

Education: MBA, Financial Management and Controllershship, Columbia University, Graduate School of Business, New York, New York

BBA, Accounting, Lynn University, Boca Raton, Florida

Certifications: CPA, CIA,CMA, CFM, CFE, CISA, CFSA
SOX Platinum Certification

Experience:

2001 Marin Accounting Services, Florida
To Present

Project Consultant

- Audit Team Leader on a Global SOX review for a \$200B automobile company in Africa and Latin America with responsibilities for documentation of controls, procedures, testing, and remediation.
- Interim Controller of an international division of a major financial services corporation sold to a private equity concern. Oversaw preparation of monthly financial reports and analyses of financial statements for executive management review. Coordinated year-end audit and filings of tax returns. Led accounting team during conversion to

- Assisted US government in Tyco's litigation consulting & expert witness practices. Reviewed cases against Tyco related to the complex commercial disputes, minority shareholder disputes, lost profits, accounting malpractice, fraud, & forensic accounting

1999 to 2000 KPMG, Miami, Florida

Senior Manager

- Directed financial and compliance audit and management and tax advisory services with staff of up to ten for clients in various industries: Central Bank, financial institutions, agribusinesses, construction firms, manufacturers, pension funds, and private and government projects in the health, education, environment, and regional development sectors.
- Conducted fraud investigations in litigation services and insurance claim reviews. Participated in organizational reengineering of state-owned commercial bank in preparation for privatization.
- Instructed at numerous audit seminars offered by the local professional accounting association.

1990 to 1998 Novo Nordisk Pharmaceuticals Inc, Plantation, Florida

Senior Auditor

- Performed financial and operational audits and information systems security reviews for production and marketing operations in North America, Europe, and Latin America.
- Conducted special studies to detect fraud and develop controls for fraud prevention.
- Coordinated international annual fieldwork with external auditor.

**Affiliations and
Professional Designations**

- FICPA, **Certified Public Accountant**
- Institute of Internal Auditors, **Certified Internal Auditor, Certified Financial Services Auditor**
- Institute of Management Accountants, **Certified Management Accountant, Certified Financial Manager**
- Association of Certified Fraud Examiners, **Certified Fraud Examiner**
- Information Systems Audit and Control Association, **Certified Information Systems Auditor**

John de Leon, Esq.
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5975 Sunset Drive, # 605
South Miami, FL 33143
Tel. (305) 740-5347
Fax. (305) 740-5348

9/15/2009

e-mail: jdeleon@chavez-deleon.com

All information in this e-mail is confidential. The unpermitted use of this information is unlawful and will be prosecuted.

----- Original Message -----

Subject:

From: Leoncio_E._De_La_Peña <Leo@dlp-law.com>

Date: Mon, August 31, 2009 2:13 pm

To: "jdeleon@chavez-deleon.com" <jdeleon@chavez-deleon.com>

Cc: Jay Gamberg <jaygamberg@gamberglaw.com>, "Steven L. Beiley" <sbeiley@adorno.com>

Dear John:

I believe you said that you are leaving today for Haiti. WE have not heard back from you on the appointment of the Examiner. We need to hear from you today. The hearing is scheduled for October 13, 2009. Time is very much of the essence. L.

9/15/2009