

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

BSI MORTGAGE IV, LLC

*Plaintiff*

v.

VEKRAM KAUSHIK s/h/a VEKRAM KAUSHIK et al.

*Defendant*

Civil Action No. 2:14-cv-01640-LDW-ARL

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Harvard Business Services, Inc., 16192 Coastal Hwy., Lewes, DE 19958

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Attachment II, annexed hereto.

Place: Sheehan & Associates, P.C., 10 Middle Neck Road,  
Suite 200, Great Neck, NY 11021

Date and Time:

03/14/2015 10:00 am

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

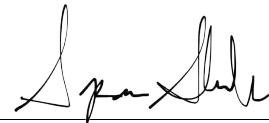
The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/20/2015

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk



Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_  
defendent Vekram Kaushik s/h/a Vekram Kaushik \_\_\_\_\_, who issues or requests this subpoena, are:

Spencer Sheehan, Sheehan & Associates, P.C., 10 Middle Neck Road, Suite 200, Great Neck, NY 11021; tel: (347) 635-4160; email: spencer@spencersheehan.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 2:14-cv-01640-LDW-ARL

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_  
\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

## Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

### (c) Place of Compliance.

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

### (d) Protecting a Person Subject to a Subpoena; Enforcement.

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

### (e) Duties in Responding to a Subpoena.

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

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

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

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

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

BSI MORTGAGE IV, LLC,	)	
	)	
Plaintiff,	)	Case No. 2:14-cv-01640-LDW-ARL
	)	
-against-	)	
	)	
VEKRUM KAUSHIK s/h/a VEKRAM KAUSHIK	)	
MORTGAGE ELECTRONIC REGISTRATION	)	
SYSTEMS, INC. AS NOMINEE FOR CITIBANK,	)	
N.A., CITIBANK, N.A. AND JOHN DOE	)	
“1 through 12”, said persons or parties having or	)	
claimed to have a right, title or interest in the	)	
Mortgaged premises herein, their respective names	)	
are presently unknown to the Plaintiff,	)	
	)	
Defendants.	)	
	)	

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**NOTICE OF SERVICE OF SUBPOENA COMMANDING PRODUCTION OF  
DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE  
THINGS (*DUCES TECUM*)**

**TO:** Harvard Business Services, Inc.  
16192 Coastal Hwy.  
Lewes, DE 19958

**PLEASE TAKE NOTICE** that pursuant to Rules 45(a)(C), 45(a)(D), 45(a)(2), 45(C)(2), 45(d)(2) and 45(e)(1) of the Federal Rules of Civil Procedure (“FRCP”), the attached subpoena, issued by the United States District Court, Eastern District of New York, will be served by the undersigned counsel for defendant Vekrum Kaushik s/h/a Vekram Kaushik in the above-entitled action, commanding the production of documents, electronically stored information, or tangible things (*duces tecum*) upon Harvard Business Services, Inc.

**YOU ARE HEREBY ORDERED** to produce at the offices of Sheehan & Associates, P.C., 10 Middle Neck Road, Suite 200, Great Neck, NY 11021 on March 13, 2015 at 10:00 AM or at such other time and place agreed upon, all of the documents, electronically stored information, or tangible things in your possession, custody, or control that are listed and described in Attachment II, annexed hereto. The five (5) exhibits annexed hereto are intended to provide any clarification with respect to the information sought herein. The documents, electronically stored information, or tangible things include but are not limited to names, email addresses, phone numbers, countries of residence, package selection (i.e., Green, Basic, Standard or Premium), Communications Contact Information, Members Indicated, if any, whether Harvard Business Services, Inc. obtained an Employer Identification Number or Federal Tax Identification Number, Identity of Payer, Billing Address of Payer, Shipping Address provided, Incorporation Order Receipt and Introductory Emails (i.e., "RE: Status of Your Company") for the entity known as BSI Mortgage IV LLC. The File Number for BSI Mortgage IV LLC is 5450612 and the date of incorporation/formation is December 17, 2013, as listed by the Department of State, Division of Corporations, State of Delaware.

Dated: Great Neck, New York  
February 20, 2015



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Spencer Sheehan, Esq.  
SHEEHAN & ASSOCIATES, P.C.  
*Attorneys for Defendant Vekrum Kaushik*  
10 Middle Neck Road  
Suite 200  
Great Neck, NY 11021  
Tel: (347) 635-4160  
Fax: (516) 234-7800  
spencer@spencersheehan.com

## **ATTACHMENT I**

### **INTRODUCTION**

1. Defendant Vekrum Kaushik s/h/a Vekram Kaushik hereby requests that for the purposes of complying with the subpoena commanding production of documents, electronically stored information or tangible things (*duces tecum*), that Harvard Business Services, Inc. utilize the definitions proffered below.

2. The definitions proffered herein do not purport to expand the obligations to produce documents, electronically stored information or tangible things other than customer calling records or subscriber information as kept in the usual course of business.

### **DEFINITIONS**

1. “You” or “your” includes but is not limited to Harvard Business Services, Inc., DelawareInc.com, DelawareLLC.com and any other divisions, entities, subsidiaries or capacities which you possess an interest in.

2. “Person(s)” includes not only natural persons, but also firms, limited liability companies, professional limited liability companies, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, trusts, groups, and organizations.

3. As used herein, any reference to any “person” includes the present and former officers, members, executives, partners, directors, trustees, employees, attorneys, agents, representatives, and all other persons acting or purporting to act on behalf of the person and also its subsidiaries, affiliates, divisions, and predecessors and successors in interest.

4. The singular of each word shall be construed to include its plural and vice versa, and the root word and all derivations (i.e., “ing,” “ed,” etc.) shall be construed to

include each other.

5. The following rules of construction apply to these discovery requests:

- i. **All/Any/Each.** The terms “all,” “any,” and “each” shall each be construed as encompassing any and all.
- ii. **And/Or.** The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
- iii. **Number.** The use of the singular form of any word includes the plural and vice versa.
- iv. **Gender.** The masculine shall be construed to include the feminine and vice versa.
- v. **Tense.** The present tense shall be construed to include the past tense and vice versa.

6. “Knowledge,” “information,” “possession,” “custody,” and “control” of a person shall be construed to include such person’s agents, representatives, and attorneys.

7. “Including” shall have its ordinary meaning and shall mean “including but not limited to” and shall not indicate limitation to the examples or items mentioned.

8. “Reflect, refer, or relate to” means reflecting, referring to, relating to, regarding, describing, evidencing, discussing, concerning, mentioning, pertaining to, alluding to, or associated with or constituting, directly or indirectly.

9. “To present” means to the date on which you respond to these interrogatories and requests.

10. “Document(s)” include all “writings,” “recordings,” and “photographs,” as those terms are defined in Rule 1001 of the Federal Rules of Evidence (“FRE”), and should be construed in the broadest sense permissible. Accordingly, “document(s)” includes, but is not limited to, all written, printed, recorded or graphic matter, photographic matter, sound reproductions, or other retrievable data (whether recorded, taped, or coded electrostatically,

electromagnetically, optically or otherwise on hard drive, diskette, compact disk, primary or backup tape, audio tape or video tape) from whatever source derived and however and by whomever prepared, produced, reproduced, disseminated or made. Without limiting the generality of the foregoing, “document(s)” includes the original and any non-identical copy and also every draft and proposed draft of all correspondence, internal memoranda, notes of meetings, telegrams, telexes, facsimiles, electronic mail, reports, transcripts or notes of telephone conversations, diaries, notebooks, minutes, notes, tests, reports, analyses, studies, testimony, speeches, worksheets, maps, charts, diagrams, computer printouts, and any other writings or documentary materials of any nature whatsoever, whether or not divulged to other parties, together with any attachments thereto and enclosures therewith. In addition, the word “document(s)” encompasses all forms and manifestations of electronically or optically coded, stored, and/or retrievable information, including but not limited to “email,” “voice mail,” digital images and graphics, digital or analog audiotapes and files, and digital or analog videotapes and files.

11. “Communication” means the transmittal of information (in the form of facts, digits, numbers, alphanumeric representations, ideas, inquiries or otherwise).

12. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, telephone number (including, where applicable, country code) and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

13. Identify (with respect to documents). When referring to documents, “to

identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; (iv) author(s), addressee(s) and recipient(s); (v) the location of the document; (vi) the identity of the person who has custody of the document; (vii) Whether the document has been destroyed, and if so, the date of its destruction, the reason for its destruction and the identity of the person who destroyed it or caused it to be destroyed.

## **ATTACHMENT II**

### **INTRODUCTION**

1. The definitions set forth in Attachment I are incorporated herein by reference.
2. For a statement of your obligations in producing documents under this subpoena, see Rules 45(d)(1) and (2) of the Federal Rules of Civil Procedure (“FRCP”), which appear on the final page of the subpoena *duces tecum* form (AO 88B).
3. In responding to the subpoena *duces tecum* served on you requesting the production of documents, electronically stored information, or tangible things, please furnish all documents, electronically stored information, or tangible things, however obtained, that are available to or in possession or control of yourself, your agents, and/or your attorneys.
4. Please produce documents, electronically stored information, or tangible things in a reasonably useable form.
5. Identify any documents, electronically stored information, or tangible things responsive to this request that have been destroyed and state the circumstances of their destruction.
6. If you cannot respond to this request in full after exercising due diligence to secure the documents, electronically stored information, or tangible things, so state and respond to the extent possible, specifying your inability to provide the remaining documents, electronically stored information, or tangible things, stating whatever information or knowledge you have concerning the remaining documents, electronically stored information, or tangible things, and detailing what you did in attempting to secure the documents, electronically stored information, or tangible things.
7. If you object to a request on the grounds of privilege or work product, provide

documents, electronically stored information, or tangible things (or portions thereof) with such non-privileged information as is responsive, identify the nature of the information withheld as privileged, and specify the basis for your claim of privilege. List all documents, electronically stored information, or tangible things (or portions thereof) or other information withheld pursuant to the claim of privilege, provide a general description of the documents, electronically stored information, or tangible things (or portions thereof) or information withheld pursuant to the claim of privilege, and identify the specific privilege(s) which provide(s) the basis for nondisclosure of each piece of responsive information.

8. This request shall be deemed to be continuing until and during the course of trial. Information sought by these requests and that you obtain after you respond to these requests must be disclosed to defendant Vekrum Kaushik s/h/a Vekram Kaushik by supplementary responses.

9. The itemized production requests below may be duplicative based on naming conventions for the relevant documents, electronically stored information, or tangible things sought which may be referred to by different names, sections, titles, etc., at various points of time from various corporation and business entity formation companies.

#### PRODUCTION REQUESTS

1. Full Name of person who entered his or her name in the “Company Type” section with the heading “LET’S GET STARTED PAGE” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “A”.

2. Email address provided by person who entered his or her name in the “Company Type” section with the heading “LET’S GET STARTED PAGE” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit

“A”.

3. Internet Protocol address associated with the person who formed BSI Mortgage IV, LLC.

4. Email address provided by person who entered his or her name in the “Company Type” section with the heading “LET’S GET STARTED PAGE” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “A”.

5. Phone Number, including any extension, provided by person who entered his or her name in the “Company Type” section with the heading “LET’S GET STARTED PAGE” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “A”.

6. Country of Residence selected by person who entered his or her full name in the “Company Type” section with the heading “LET’S GET STARTED PAGE” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “A”.

7. Response to entry “How did you hear about us?” which appears in the “Company Type” section with the heading “LET’S GET STARTED PAGE” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “A”.

8. Package Selection selected by person who initiated the formation of BSI Mortgage IV, LLC which appears in the “Select Package” section with the heading, “SELECT YOUR PACKAGE: WE NOW OFFER 4 VALUE-PACKED OPTIONS!” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See

Exhibit “B”.

9. Communications Contact Information provided by person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

10. Membership status indicated of person indicated as “Communications Contact” on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

11. Full Name indicated of “Communications Contact” person provided by the person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

12. Email Address indicated for “Communications Contact” person provided by the person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

13. Phone Number, including any extension, and whether said Phone Number was for a U.S. phone number or an International phone number, as indicated for the person named as “Communications Contact” provided by the person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

14. “Alt. Phone” (Alternate Phone Number) indicated for “Communications Contact” person provided by the person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

15. Street Address, City, State and Zip Code indicated for “Communications Contact” person provided by the person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

16. Country indicated for “Communications Contact” person provided by the person who initiated the formation of BSI Mortgage IV, LLC on the “Enter Details” section with the heading, “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “C”.

17. Names provided of any members by the person who initiated the formation of BSI Mortgage IV, LLC in the “Enter Details” section with the heading, “WHO ARE THE COMPANY MEMBERS/OWNERS” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “D”.

18. Selection made by the person who initiated the formation of BSI Mortgage IV, LLC in the “Enter Details” section with the heading, “EIN – FEDERAL TAX IDENTIFICATION NUMBER” of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “E”.

19. Digits of Employer Identification Number (“EIN”) or Federal Tax

Identification Number (“Federal Tax ID”) obtained by Harvard Business Services, Inc. for BSI Mortgage IV, LLC.

20. Name of Cardholder who rendered payment to Harvard Business Services, Inc. for the formation of BSI Mortgage IV, LLC on the “PAYMENT INFORMATION” page of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “F”.

21. Billing Address, including City, State, Zip Code and Country of Cardholder who rendered payment to Harvard Business Services, Inc. for the formation of BSI Mortgage IV, LLC on the “PAYMENT INFORMATION” page of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “F”.

22. Shipping Address, including City, State, Zip Code and Country indicated by Cardholder who rendered payment to Harvard Business Services, Inc. for the formation of BSI Mortgage IV, LLC on the “PAYMENT INFORMATION” page of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “F”.

23. Email address which received introductory email from Harvard Business Services, Inc., following that person clicking on the “PLACE ORDER” button at the bottom of the “PAYMENT INFORMATION” page of the LLC formation website of Harvard Business Services, Inc. or any division thereof. See Exhibit “G”.

INDEX NO. 14 CV 01640 (LDW) (ARL)  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BSI MORTGAGE IV LLC,

PLAINTIFF,

- AGAINST -

VEKRUN KAUSHIK s/h/a VEKRAM KAUSHIK, MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. AS NOMINEE FOR CITIBANK, N.A., CITIBANK,  
N.A. AND JOHN DOE "1 through 12", said persons or parties having or claimed to have a  
right, title or interest in the Mortgaged premises herein, their respective names are presently  
unknown to the Plaintiff,

DEFENDANTS.

---

**SUBPOENA *DUCES TECUM* SERVED UPON HARVARD  
BUSINESS SERVICES, INC.**

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Sheehan & Associates, P.C.  
*Attorneys for Defendant*  
10 Middle Neck Road  
Suite 200  
Great Neck, NY 11021  
Tel: (347) 635-4160  
Fax: (516) 234-7800  
spencer@spencersheehan.com

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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of  
New York State, certifies that, upon information, and belief, formed after an inquiry reasonable  
under the circumstances, the contentions contained in the annexed documents are not frivolous.

Dated: Nassau, New York  
February 20, 2015



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SPENCER SHEEHAN, ESQ.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X 14 CV 01640 (LDW) (ARL)  
BSI MORTGAGE IV, LLC,

Plaintiff,

- against -

**CERTIFICATE OF SERVICE**

VEKRUN KAUSHIK s/h/a VEKRAM KAUSHIK  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. AS NOMINEE FOR CITIBANK,  
N.A., CITIBANK, N.A. AND JOHN DOE "1 through  
12", said persons or parties having or claimed to have a  
right, title or interest in the Mortgaged premises herein,  
their respective names are presently unknown to the  
Plaintiff,

Defendants.

-----X

TO: Clerk of the Court

I hereby certify that on the 20<sup>th</sup> day of February, 2015, I have caused service of the  
foregoing **NOTICE OF SERVICE OF SUBPOENA COMMANDING PRODUCTION OF  
DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR TANGIBLE  
THINGS (DUCES TECUM) UPON HARVARD BUSINESS SERVICES, INC.**, by mailing  
same with the United States Postal Service, via First-Class Mail, upon counsel of record for  
plaintiff BSI Mortgage IV, LLC, as follows:

Alan Weinreb, Esq.  
The Margolin & Weinreb  
Law Group, LLP  
165 Eileen Way, Ste. 101  
Syosset, NY 11791



\_\_\_\_\_  
Spencer Sheehan, Esq.  
SHEEHAN & ASSOCIATES, P.C.  
*Attorneys for Defendant Vekrum Kaushik*  
10 Middle Neck Road  
Suite 200  
Great Neck, NY 11021  
Tel: (347) 635-4160

# EXHIBITS

- A. Webpage with heading “LET’S GET STARTED” of the LLC formation website of Harvard Business Services, Inc. or any division thereof.
- B. Webpage with heading “SELECT YOUR PACKAGE: WE NOW OFFER 4 VALUE-PACKED OPTIONS!” of the LLC formation website of Harvard Business Services, Inc. or any division thereof.
- C. Webpage with heading “COMMUNICATIONS CONTACT” of the LLC formation website of Harvard Business Services, Inc. or any division thereof.
- D. Webpage with heading “WHO ARE THE COMPANY MEMBERS/OWNERS” of the LLC formation website of Harvard Business Services, Inc. or any division thereof.
- E. Webpage with heading “EIN – FEDERAL TAX IDENTIFICATION NUMBER” of the LLC formation website of Harvard Business Services, Inc. or any division thereof.
- F. Webpage with heading “PAYMENT INFORMATION” of the LLC formation website of Harvard Business Services, Inc. or any division thereof.
- G. Introductory Email sent by Harvard Business Services, Inc. after the person who initiated the formation places their order.

# EXHIBIT A



DelawareInc.com

FORMING DELAWARE COMPANIES FOR MORE THAN 30 YEARS  
A division of Harvard Business Services, Inc.™

EN ESPAÑOL »

1-800-345-CORP  
2 6 7 7

LIVE CHAT - CLICK TO TALK

Home | How to Incorporate | Form a Company Now! | Our Services | Compare Prices | Learning Center | Make A Payment | Videos

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Friday, February 20, 2015

Form Your Delaware Company

COMPANIES SERVED SINCE 1981 **125,638**

### Form Your Delaware Company in a Matter of Minutes

Ready to form your Delaware LLC or corporation? It's easy with Harvard Business Services, Inc. Simply fill out the form below. If you need help starting your Delaware LLC or corporation, or have formation questions, our expert team is available via phone, [email](#), or [live chat](#).



**Questions?**

Devin [CLICK HERE FOR HELP](#)

#### INCLUDED IN ALL PACKAGES

- ✓ Name Check & Clearance
- ✓ All Delaware Filing Fees
- ✓ Preparation of Articles
- ✓ Same Day Electronic Filing
- ✓ Registered Agent Fee - 12 Months
- ✓ Lowest Agent Fee Only \$50/Year
- ✓ Certificate of Formation (LLC)
- ✓ Certificate of Incorporation (INC)
- ✓ Certificate of Limited Partnership
- ✓ Email with Approved Documents
- ✓ FREE Lifetime Customer Support
- ✓ All Delaware Compliance Notices
- ✓ FREE Shipping & Handling

#### MY PROMISE TO YOU

If you form your Delaware Company through Harvard Business Services you will experience the fastest and friendliest way to start your business that you can imagine. We're specialists in just this ONE thing, and we take pride in our desire and ability to do it BETTER than anyone out there. Excellence means getting it done quickly, getting it done correctly, and making you feel important, because you are!

*Richard*

Richard H. (Rick) Bell, II  
Chairman & CEO



Like our service? If you are one of our many satisfied customers, please [give us a BBB review](#).

COMPANY TYPE | SELECT PACKAGE | ENTER DETAILS | REVIEW INFO | PLACE ORDER

#### LET'S GET STARTED

Full Name:

Email Address:

Verify Email:

Phone Number:    Phone Extension

☒ U.S. phone number ☐ International phone number

Country of Residence:

- Company Type:
- ☒ Delaware Limited Liability Company (LLC)
  - ☐ Delaware General Corporation (C-Corp or S-Corp)
  - ☐ Delaware Close Corporation (C-Corp or S-Corp)
  - ☐ Delaware Public Benefit Corporation
  - ☐ Delaware Non-Profit Corporation
  - ☐ Delaware Series Limited Liability Company (Series LLC)
  - ☐ Delaware Limited Partnership (LP)

Please enter the EXACT company name, including upper and lower case letters, spaces, and punctuation. Limited liability companies must include one of the following: LLC, L.L.C. or the words "Limited Liability Company." If you do not provide one of the endings listed we will automatically add the letters LLC to the end of your company name.

Company Name:

If your company name is not available we will contact you right away.

How did you hear about us?

SAVE AND CONTINUE



#### Secure and Confidential

Your data is encrypted, kept confidential and never sold to third parties.

#### Testimonials

"After serving on the bench for the last 16 years I sincerely believe that Harvard Business Services, Inc. is the most professional, knowledgeable, and customer focused formations company in the State of Delaware. The proven reliability, accuracy and Harvard's 30 years of experience are invaluable when starting and maintaining a company."

Hon. Joseph B. Melson  
Delaware State Court  
Retired

#### Helpful Videos

##### Step-By-Step Guide to Forming a Delaware Corporation Online

It's fast and easy to form a Delaware corporation online with our order form. Watch the short video below, and then get started!



##### Step-By-Step Guide to Forming a Delaware LLC Online

Form your Delaware LLC online in minutes with our easy-to-use order form. Watch the short video below for details and then incorporate your company!



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## EXHIBIT B



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## Questions?

Andrew CLICK HERE FOR HELP

COMPANY TYPE | SELECT PACKAGE | ENTER DETAILS | REVIEW INFO | PLACE ORDER

ALL DELAWARE LLC, CORPORATION AND LIMITED PARTNERSHIP GREEN FORMATION PACKAGES ARE \$30 OFF FOR THE MONTH OF FEBRUARY.  
ENTER "GREEN" TO APPLY YOUR DISCOUNT!

SELECT YOUR PACKAGE: WE NOW OFFER 4 VALUE-PACKED OPTIONS!

### GREEN

Package Price: ~~\$279~~ \$249

The most economical and environmentally friendly way to form an LLC.

DELIVERY

3 - 5 Business Days (via Email)

#### INCLUDES

- All Delaware Fees
- Agent Fee
- Name Check & Clearance
- Preparation of Articles
- Same-day Electronic Filing
- Certificate of Formation
- Digital Copy of Documents
- Digital Corporate Seal
- One Complete Year (12 Full Months) of Delaware Registered Agent Service
- Lowest Delaware Agent Fee Guaranteed \$50/Year
- Lifetime Customer Support
- FREE Compliance Coaching

Package Price: ~~\$279~~ \$249

SELECT GREEN

### BASIC

Package Price: \$329

Everything you need to get started plus a CD-ROM full of all the essentials.

DELIVERY

3 - 5 Business Days

#### INCLUDES

- Everything you see listed in the **Green Package**, plus...
- Hard Copy of Documents
- All Shipping Fees
- 
- **LLC CD-ROM with:**
  - Operating Agreements for:
    - Single Member
    - Member Managed
    - Manager Managed
    - Multi Class
    - Series LLC
  - IRS Forms & Links
  - Bank Resolution Form

Package Price: \$329

SELECT BASIC

### STANDARD

Package Price: \$429

The Basic package plus a Deluxe LLC Kit and Corporate Seal.

DELIVERY

3 - 5 Business Days

#### INCLUDES

- Everything you see listed in the **Green and Basic Packages**, plus...
- 
- **Deluxe LLC Kit with:**
  - Gold Embossed Binder
  - Company Guidebook
  - Operating Agreement
  - Meeting Minute Book
  - Organizational Resolutions
  - 10 Membership Certificates
  - Membership Ledger
- 
- **Corporate Seal**  
Fold-up style embosser with lead-cast lettering and vinyl carrying case.

Package Price: \$429

SELECT STANDARD

### PREMIUM

Package Price: \$549

Place your order by 1 p.m. EST and receive everything the very next business day!

DELIVERY

1 Business Day

#### INCLUDES

- Everything you see listed in the **Green, Basic and Standard Packages**, plus...
- 
- **Expedited Approval**  
Company formation and approval will be expedited with the State of Delaware. We will email approved documents the Same Business Day so long as the order is placed before 1pm EST. Originals will be sent by courier.
- 
- **Next Day Delivery**  
Guaranteed next business day delivery if you place your order before 1pm EST.

Package Price: \$549

SELECT PREMIUM

If you have a discount code, please enter here.

Discount Code:

SAVE AND CONTINUE



#### Secure and Confidential

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# EXHIBIT C



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Friday, February 20, 2015

Form Your Delaware Company

COMPANIES SERVED SINCE 1981 **125,640**



## Questions?

Frannie [CLICK HERE FOR HELP](#)

### YOUR CART

Green Package	\$279.00
State Filing Fee (\$90)	INCLUDED
Registered Agent Fee (\$50)	INCLUDED
No Shipping & Handling Fees	
Special Discount	-\$30.00
<b>Total Cost</b>	<b>\$249.00</b>

### MY PROMISE TO YOU

If you form your Delaware Company through Harvard Business Services you will experience the fastest and friendliest way to start your business that you can imagine. We're specialists in just this ONE thing, and we take pride in our desire and ability to do it BETTER than anyone out there. Excellence means getting it done quickly, getting it done correctly, and making you feel important, because you are!

Richard H. (Rick) Bell, II  
Chairman & CEO



ACCREDITED  
BUSINESS

A+  
RATING

[COMPANY TYPE](#) [SELECT PACKAGE](#) [ENTER DETAILS](#) [REVIEW INFO](#) [PLACE ORDER](#)

### COMMUNICATIONS CONTACT

As required by Delaware law, every company must have an actual person as its communications contact. Please enter your name, or someone you designate to communicate with Harvard Business Services, Inc. on behalf of the company. The communications contact is responsible for maintaining a current and accurate list of the members of the LLC and their address information. This information is not for the public record but may be requested by the Delaware Secretary of State under certain conditions.

☒ Is Communications Contact a member as well?

Full Name:

Email Address:

Phone Number:  Ext.

☒ U.S. phone number ☐ International phone number

Alt. Phone:

Street Address:   
(NO P.O. Box)

City / State / Zip:

Country:

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Form Your Delaware Company

COMPANIES SERVED SINCE 1981 **125,641**



## Questions?

Paul [CLICK HERE FOR HELP](#)

### YOUR CART

Green Package	\$279.00
State Filing Fee (\$90)	INCLUDED
Registered Agent Fee (\$50)	INCLUDED
No Shipping & Handling Fees	
Special Discount	-\$30.00
<b>Total Cost</b>	<b>\$249.00</b>

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Richard H. (Rick) Bell, II  
Chairman & CEO



ACCREDITED  
BUSINESS

A+  
RATING

COMPANY TYPE SELECT PACKAGE ENTER DETAILS REVIEW INFO PLACE ORDER



### WHO ARE THE COMPANY MEMBERS/OWNERS

If you have more than one member, please provide the name(s) of any additional member(s). The member information will not appear on the certificate of formation for the public record.

\*After entering additional member(s) name(s), Please click "ADD" before continuing to the next page. You may add up to a total of five members.

Member 1: Spencer Sheehan

Delete

Edit

Add Member:

Add

CONTINUE TO NEXT PAGE



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COMPANIES SERVED SINCE 1981 **125,646**



## Questions?

**Brett** CLICK HERE FOR HELP

### YOUR CART

Green Package	\$279.00
State Filing Fee (\$90)	INCLUDED
Registered Agent Fee (\$50)	INCLUDED
No Shipping & Handling Fees	
Special Discount	-\$30.00
<b>Total Cost</b>	<b>\$249.00</b>

### MY PROMISE TO YOU

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Richard H. (Rick) Bell, II  
Chairman & CEO



ACCREDITED  
BUSINESS

A+  
RATING

COMPANY TYPE SELECT PACKAGE ENTER DETAILS REVIEW INFO PLACE ORDER

### EIN - FEDERAL TAX IDENTIFICATION NUMBER

Every entity must obtain a federal tax identification number before it can open up a U.S. bank account, hire U.S. employees, or pay U.S. taxes. Think of the EIN as the social security number for your company.

Would you like us to obtain your federal tax identification number for your new company?

- ☐ Federal Tax ID in **3-4 days**.....**\$65**
- ☐ Express Federal Tax ID in **1-2 days**.....**\$95**
- \*Express Service is **NOT** available if you don't have a valid U.S. SSN (Social Security Number)*
- ☐ No Thanks

*\*\* New regulations with the IRS may delay these timeframes if they require additional information with the application. The IRS can take up to two weeks to issue the tax id number if the application is not initially accepted. We will send your application to the IRS and notify you if the timeframe is longer than the above.*

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# EXHIBIT F



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COMPANIES SERVED SINCE 1981 **125,648**



## Questions?

Mike [CLICK HERE FOR HELP](#)

### YOUR CART

Green Package	\$279.00
State Filing Fee (\$90)	INCLUDED
Registered Agent Fee (\$50)	INCLUDED
No Shipping & Handling Fees	
3% Special Discount	-\$30.00
<b>Total Cost</b>	<b>\$249.00</b>

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Richard H. (Dick) Bell II  
Chairman & CEO



ACCREDITED  
BUSINESS

A+  
RATING

SELECT PACKAGE | ENTER DETAILS | PLACE ORDER

### PAYMENT INFORMATION

Payment Method: ☒ VISA ☐ MasterCard ☐ American Express ☐ Discover ☐ PayPal

Cardholder's Name:

Card Number:

Expiration Date:   CVV:

Visa MasterCard Discover - CVV 3 digit code is located on the back of your card  
American Express - CVV 4 digit code is located on the front of your card



Billing Address:

City / State / Zip:

Country:

Shipping Address: ☒ Use the address above

☒ Enter a different address

Full Name:

Shipping Address:

City / State / Zip:

Country:

Please provide a shipping contact telephone number that must match the same country as the shipping address

Contact Phone:

Blog Subscription: ☒ I agree to the terms below

By submitting your information and/or purchasing our services you agree to receive weekly updates from Harvard Business Services on incorporating news and important industry information. You can opt out at any time.

Terms & Conditions: ☒ I agree to the terms below

I authorize Harvard Business Services, Inc. to file my business entity and charge my credit card the amount displayed on this page. All of the information I have provided on this application is true and correct. I have read and understand the terms and conditions as stated on the HBS website. I understand that a service fee of 5% will be charged for any refunded order.

<b>Cost Breakdown:</b>	Domestic Green Package	\$279.00
	State Filing Fee (\$90)	INCLUDED
	Registered Agent Fee (\$50)	INCLUDED
	3% Special Discount	-\$30.00
	<b>Total Cost</b>	<b>\$249.00</b>

PLACE ORDER



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# EXHIBIT G



Spencer Sheehan &lt;spencer@spencersheehan.com&gt;

**RE: Status of Your Company**

1 message

sales@delawareinc.com &lt;sales@delawareinc.com&gt;

Fri, Feb 20, 2015 at 1:40 PM

To: spencer@spencersheehan.com

**Congratulations From Harvard Business Services, Inc.**

To: Mr. Sheehan

RE: Carapace Realty VI, LLC (Order Number 221509)

Congratulations on forming your new company! We wish you the greatest success and are always here to assist you with any questions you may have.

Please carefully review the spelling and punctuation of your company name as it appears in the subject line of this confirmation email; notify a Customer Service Representative immediately if you need to make any changes. Once your order has been processed we cannot make any changes to your company name unless a subsequent amendment is filed with the Delaware Secretary of State.

Harvard Business Services is connected directly online with the Delaware Division of Corporations and we will typically have your company formed with the state of Delaware within one business day or less. Once the formation is approved, documentation will be delivered to you within three to five business days.

If you have any comments about our service, or have any questions about the process, please feel free to contact our customer service department who will address your needs immediately. Simply call 800-345-2677 or e-mail us at [info@delawareinc.com](mailto:info@delawareinc.com)

Thank You,  
Harvard Management

**Customer Service**

Toll Free (800) 345-2677

Direct: (302) 645-7400

**Privacy & Security**

We do not rent, lease, sell, or in any other way share your information. Personal information is encrypted by Secure Sockets Layer (SSL) software so that it cannot be read as the information travels over the Internet.

**Business Services**

- Incorporate Online Now
- Form LLC Online Now
- International Filings

<div>Fax: (302) 645-1280</div> <div>.....</div> <div>Email Customer Service</div> <div>.....</div> <div>Call Us via Skype: DelawareInc</div> <div>.....</div> <div><b>Mailing &amp; Office Address:</b> Harvard Business Services, Inc. 16192 Coastal Highway Lewes, Delaware 19958 USA</div>	<div>Your data is not only secure and hacker-proof on our servers but backed up daily and sent off-site to ensure the maximum protection of your personal information.</div>	<div><ul style="list-style-type: none"><li>• Change Registered Agent</li></ul></div> <div>.....</div> <div><ul style="list-style-type: none"><li>• Mail Forwarding Solutions</li></ul></div> <div>.....</div> <div><ul style="list-style-type: none"><li>• Certificate of Good Standing</li></ul></div> <div>.....</div> <div><ul style="list-style-type: none"><li>• Tax ID (EIN)</li></ul></div> <div>.....</div> <div><ul style="list-style-type: none"><li>• Apostille Service</li></ul></div> <div>.....</div> <div><ul style="list-style-type: none"><li>• Name Change</li></ul></div> <div>.....</div> <div><ul style="list-style-type: none"><li>• Stock Amendment</li></ul></div> <div>.....</div>
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