

**JAMS ARBITRATION
Reference No. 1425006537**

IN THE MATTER OF

**FORTRESS VRF 1 LLC and FORTRESS
VALUE RECOVERY FUND 1 LLC,
Claimants**

v.

**JEEPERS, INC.,
Respondent**

and

**FINANCIAL TRUST COMPANY, INC. and
JEEPERS, INC.,
Counter-Claimants and Third-Party Claimants**

v.

**D.B. ZWIRN SPECIAL OPPORTUNITIES
FUND, L.P. k/n/a/ FORTRESS VALUE
RECOVERY FUND 1 LLC,
Counter-Respondent**

and

**D.B. ZWIRN PARTNERS, LLC,
D.B. ZWIRN & Co., L.P.,
DBZ GP, LLC,
ZWIRN HOLDINGS, LLC, and
DANIEL ZWIRN,
Third –Party Respondents**

REPORT OF PRELIMINARY HEARING AND SCHEDULING ORDER NO. 2

A preliminary conference was conducted on February 8, 2011; the following order is made respecting the conduct of this arbitration.

1. The dates contained in Scheduling Order No.1 regarding discovery are amended to provide that all discovery, including document production and the conduct of all depositions, shall be concluded by June 1, 2011.

2. Counsel for the parties have agreed that depositions will occur in the following order:

Jeffrey E. Epstein (principal of Jeepers, Inc.)	-first deposed-
Daniel B. Zwirn (individually and principal of D.B. Zwirn Special Opportunities Fund, L.P. and related Zwirn entities)	-second deposed-
Glenn Dubin Harry Beller David Lee (non-party witnesses)	-third deposed-

3. The dates contained in Scheduling order No. 1 regarding Exchange of information (para 10); Prehearing briefs and Motions in Limine (para11 (b)); and notice of use of Court Reporter (para 11(d)) shall be modified as follows:

The identity of all fact witnesses and experts expected to testify at the Hearing, including a general description of the subject matter of each expert's expected testimony, shall be disclosed by May 13, 2011.

The identity of all rebuttal expert witnesses, including a general description of the subject matter of each expert's expected testimony, shall be disclosed by May 31, 2011.

Copies of reports of experts, if they are intended to be offered in evidence, shall be exchanged by June 15, 2011.

All documentary evidence intended to be offered at the Hearing, and excepting only documents to be offered solely for impeachment, shall be exchanged by July 11, 2011.

Pre-hearing briefs and Motions in Limine and notice of use of a court reporter shall be filed not later than July 11, 2011.

4. The dates contained in Scheduling Order No. 1 regarding hearing dates (para 11 (a)) are modified to provide that the Hearing shall commence on July 22, 2011 and continue so long as necessary through and including July 25, 26, 27, 28, and 29, 2011.

DATED: February 28, 2011

S/ _____
Hon. Anthony J. Carpinello (Ret.)
Arbitrator