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8 Attorneys for Defendant Tobias Vincent
9 Maguire aka Tobias Maguire
10 aka Tobey Maguire

11 **UNITED STATES BANKRUPTCY COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA-LOS ANGELES DIVISION**

13 In re
14 RUDERMAN CAPITAL PARTNERS, LLC,
15 Debtor.
16 EIN No. xxx-0994

17 Case No. 2:09-bk-19539-ER
18 Chapter 7

19 **RULE 7026(a)(1) INITIAL DISCLOSURES**
20 **BY DEFENDANT TOBIAS VINCENT**
21 **MAGUIRE**

22 *Complaint filed March 31, 2011*

23 HOWARD M. EHRENBERG, CHAPTER 7
24 TRUSTEE,

25 Plaintiff,

26 v.

27 TOBIAS VINCENT MAGUIRE aka TOBIAS
28 MAGUIRE aka TOBEY MAGUIRE, an
individual,

Defendant.

Defendant Tobias Vincent Maguire ("Maguire"), by and through his attorneys of record, submits the following Rule 26(a)(1) Initial Disclosures.

I. GENERAL STATEMENT.

Pursuant to Federal Rules of Civil Procedure, Rule 26(a)(1), this Initial Disclosure is based upon information reasonably available to Maguire as of the date hereof. Maguire has not

1 completed his investigation and analysis of the case and has not yet determined the full nature and
2 scope of the possible arguments, contentions, positions and assertions that may support Maguire's
3 contentions, positions and defenses herein. Accordingly, the information contained herein is
4 thereby so limited and Maguire reserves his right to supplement this Initial Disclosure as
5 appropriate and use such supplemental information to support his respective claims, contentions,
6 arguments, positions, assertions and defenses in this case.

7
8 **II. DISCLOSURE PURSUANT TO RULE 7026(a)(1)-INDIVIDUALS.**

9 The following is a list of individuals likely to have discoverable information that Maguire may
10 use to support his claims, positions, contentions, arguments, assertions and defenses as presently
11 set forth in Maguire's Answer to the Complaint, with testimony relevant to the factual matters
12 alleged therein, excluding witnesses to be called solely for impeachment:

- 13 1. Tobias Vincent Maguire

14 [REDACTED]
15 [REDACTED]
16 Mr. Maguire will testify to issues raised in the Complaint.

- 17 2. Howard M. Ehrenberg, Chapter 7 Trustee

18 Mr. Ehrenberg possesses information as to the finances of Ruderman Capital
19 Partners, transfers of funds of Ruderman Capital Partners to Bradley L. Ruderman, bank accounts
20 and records of Bradley L. Ruderman and other alleged facts set forth in the Complaint.

- 21 3. Bradley L. Ruderman

22 (address unknown)

23 Mr. Ruderman has knowledge of the finances of both him and Ruderman Capital
24 Partners, Inc., conduct of the poker games, manner in which payments for winnings and losings
25 at the poker games was handled.

26 4. Defendant Tobias Vincent Maguire reserves the right to supplement the Initial
27 Disclosures as the identities and knowledge of other persons are disclosed during discovery. Such
28 persons may include other participants in the poker games and/or other services, if any, provided

1 at the poker games.

2
3 **III. DISCLOSURE PURSUANT TO RULE 7026(a)(1)(A)(ii)-DOCUMENTS.**

4 Maguire anticipates that the following documents, document categories and/or tangible
5 things may be used in support of his claims, positions, contentions, arguments, assertions and
6 defenses herein, except for impeachment.

7 1. Check no. 60081 dated June 2, 2007 in the sum of \$105,000 drawn on Maguire's
8 Poker Account at City National Bank.

9 2. Check no. 60090 dated August 6, 2007 in the sum of \$28,500 drawn on Maguire's
10 Poker Account at City National Bank.

11 3. Check no. 1016 dated January 8, 2009 in the sum of \$35,000 drawn on Maguire's
12 Poker Account (2) at City National Bank.

13 Copies of said checks are attached as Exhibit A.

14 Finally, Maguire may use the following categories of documents: All documents, evidence
15 and tangible things produced by any part in this case during the initial disclosures and discovery;
16 and all pleadings and discovery in this matter, and all records on file with the Court.

17
18 **IV. DISCLOSURE OF DAMAGES PURSUANT TO RULE 7026(a)(1)(A)(iii).**

19 Maguire does not presently seek damages but contends that he is entitled to offset against
20 Plaintiff's claim for damages.

21
22 **V. DISCLOSURE INSURANCE AGREEMENT PURSUANT TO RULE 7026(a)(1)(A)(iii).**

23 None.

24 Date: July 1, 2011

ROSOFF, SCHIFFRES & BARTA

25
26 By _____

Robert M. Barta

Attorneys for Defendant Tobias Vincent
Maguire aka Tobias Maguire aka Tobey Maguire



TMZ

EXHIBIT A

CITY NATIONAL BANK

The way up.™



Date Posted: 1/9/2009

Item Number: 1016

Amount: \$35,000.00

DO NOT CASH THIS CHECK UNLESS YOU CAN SEE THE TRUE WATERMARK. HOLD UP TO LIGHT TO SEE "SAFE" AND "VERIFY FIRST." THIS DOCUMENT HAS A NANOCOPY SECURITY BACKGROUND.

POKER ACCOUNT (2)
C/O PHILPOTT BILLS STOLL & WEEKS, LLP
ENCINO, CA. 91436

Date: Jan 08 09
142 1004
Check No.: 1016
16-1606/1220

CITY NATIONAL BANK
HEAD OFFICE
BEVERLY HILLS, CA 90210

ECM

Thirty five thousand dollars and no cents

Pay to the order of: Brad Zuderman

35,000.00

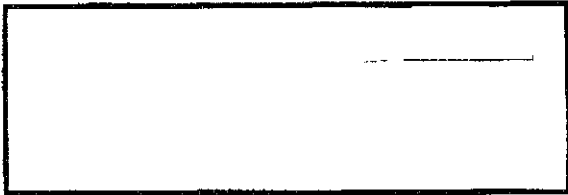
[Signature]

01/09/2009

NOTE: THE ABOVE LINES ARE COMPOSED OF MICRO TYPE CONTAINING THE WORDS "SAFE". CHECK WITH MICROSCOPE. DO NOT WRITE ON SIGN BELOW THIS LINE.

WARNING: DO NOT CASH THIS CHECK WITHOUT NOTING SECURITY FEATURES ON FRONT AND BACK. ENDORSE HERE: *[Signature]*

The check image copy you requested is shown above. Your account will be debited for any fees that may apply. Please refer to your fee schedule and your next account statement for details. Thank you for banking with City National Bank.



8792007

60993

28300700

DO NOT CASH THIS CHECK UNLESS YOU CAN SEE THE TRUTH WATERMARK. HOLD UP TO LIGHT TO SEE "SAFE" AND "VERIFY FIRST". THIS DOCUMENT HAS A NANOCOPY SECURITY BACKGROUND.

POKER ACCOUNT
c/o Lottini Ward Inc. Business Management
Encino, CA 91436

Date: 8-6-07
142 is 16-1606/1220
Check No. 60090

CITY NATIONAL BANK
HEAD OFFICE
BEVERLY HILLS, CA 90210 E41

Twenty-eight thousand five hundred dollars

Pay to the order of BRADLEY SUPERMAN \$28,500

[Signature]

0570072007

005

DO NOT WRITE OR SIGN BELOW THIS LINE

NOTE THE ABOVE LINES ARE COMPOSED OF MICRO TYPE CONTAINING THE WORDS "SAFE" CHECK WITH MICROTYPE

WARNING DO NOT CASH THIS CHECK WITHOUT NOTICE SECURITY FEATURES ON FRONT AND BACK.

[Signature]



677492

6081

105,000.00

DO NOT CASH THIS CHECK UNLESS YOU CAN SEE THE TRUE WATERMARK HOLD UP TO LIGHT TO SEE "SAFE" AND "VERIFY FIRST"
 VISIT THIS DOCUMENT HAS A NANOCOPY SECURITY BACKGROUND.

POKER ACCOUNT
 c/o Loring Corp. Inc. Business Management
 Encino, CA 91436

Date: June 02, 07 Check No. 60081
 162 18 Te-1606/1220

CITY NATIONAL BANK
 HEAD OFFICE
 BEVERLY HILLS, CA 90210 643

One hundred five thousand and no/100

Pay to the order of: Brad Ruderman 105,000.00

[Signature]

06/05/2007

DO NOT CASH THIS CHECK WITHOUT VERIFYING SECURITY FEATURES ON FRONT AND BACK

ENDORSEMENTS CREDITED TO THE ACCOUNT OF THE WITHIN NAMED PAYEE
 ABSENCE OF ENDORSEMENT GUARANTEED
 CITY NATIONAL BANK

NOTE THE ABOVE LINES ARE COLOURED OR LACED THE CONTAINING THE VERMOS SAFE CHECK WITH IMAGINATION

DO NOT WRITE OR SIGN BELOW THIS LINE

CERTIFICATE OF SERVICE

I am a citizen of the United States and I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11755 Wilshire Boulevard, Suite 1450, Los Angeles, California 90025.

A true and correct copy of the foregoing document described as **RULE 7026(a)(1) INITIAL DISCLOSURES BY DEFENDANT TOBIAS VINCENT MAGUIRE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

I. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing documents will be served by the Court via NEF and hyperlink to the document. On _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page.

II. **SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served): On Jul. 1, 2011, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

BY U.S. MAIL

Honorable Ernest M. Robles
United States Bankruptcy Court
Los Angeles Division - Roybal Federal Bldg.
255 E. Temple Street, Suite 1560
Los Angeles, CA 90012-3332

Service information continued on attached page.

III. **SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

Service information continued on attached page.

I declare penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on Jul. 1, 2011, at Los Angeles, California.

/s/ Amanda L. McGill

Amanda L. McGill

BY U.S. MAIL

United States Trustee (Los Angeles)
725 S. Figueroa Street, 26th Flr.
Los Angeles, CA 90071

Trustee

Howard M. Ehrenberg
Sulmeyer Kupetz
333 S. Hope Street, 35th Flr.
Los Angeles, CA 90071

Plaintiff Counsel

Steven T. Gubner
Corey R. Weber
Ezra Brutzkus Gubner LLP
21650 Oxnard Street, Suite 500
Woodland Hills, CA 91367

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