

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-53104

GREEKTOWN HOLDINGS, L.L.C., et al.¹

Chapter 11
Jointly Administered
Hon. Walter Shapero

Debtors.

**DEBTORS' FIRST SET OF DISCOVERY REQUESTS TO
MFC GLOBAL INVESTMENT MANAGEMENT U.S., LLC
IN CONNECTION WITH PLAN CONFIRMATION**

The above-captioned debtors (collectively, the "Debtors") serve the following interrogatories and requests for production (the "Discovery Requests") pursuant to Fed.R.Civ.P. 33 and 34 and Fed.R.Bankr.P. 7033 and 7034 upon MFC Global Investment Management U.S., LLC ("MFC"). Please provide written answers (under oath as to interrogatories) to these Discovery Requests on or before September 17, 2009, produce all of the requested documents and tangible things on or before September 21, 2009 at the office of Schafer and Weiner, PLLC, 40950 Woodward Avenue, Suite 100, Bloomfield Hills, Michigan 48304, and thereafter timely supplement your answers and your production so as to meet the requirements of Fed.R.Civ.P. 26(e).

INSTRUCTIONS AND DEFINITIONS OF TERMS

Please review this section carefully as soon as you receive these Discovery Requests.

As used in these Discovery Requests, the following terms shall have the following meanings:

¹ The Debtors in these jointly-administered cases include Greektown Holdings, L.L.C.; Greektown Casino, L.L.C.; Kewadin Greektown Casino, L.L.C.; Monroe Partners, L.L.C.; Greektown Holdings II, Inc.; Contract Builders Corporation; Realty Equity Company Inc.; and Trappers GC Partner, LLC.



1. The word “person” includes individuals and every other kind of legal entity, including without limitation a corporation, partnership, limited liability company, governmental unit or agency, association, trust, or the like.

2. When a Discovery Request seeks one or more dates and/or times, or when information responsive to a Discovery Request includes information about when events occurred, do not fail to provide such information on the basis that the exact dates or times are unknown. Instead, provide the most specific information available to you about the time frame (for example, “late August 2004,” “approximately April 29th or 30th,” “late afternoon on June 12th,” etc.).

3. When asked to give information about the nature or content of statements, conversations, or communications, do not fail to provide such information on the basis that the exact wording is not known. Instead, provide the most specific information available to you, paraphrasing and/or summarizing when needed, and please be sure to use quotation marks when you intend to quote exact words or phrases included in a statement, conversation, or communication.

4. If you believe that any of the Discovery Requests are vague or ambiguous, do not simply object on that basis and fail to provide complete information or documents. **Instead, please contact the undersigned counsel immediately,** and a clarification or rephrasing of the Discovery Request will be promptly provided so that you will be able to give a complete and timely answer.

5. If you believe that any of the information or documents sought in any of the Discovery Requests is entitled to protection against disclosure (as a trade secret or the like), do not simply object on that basis and fail to provide such information or documents. **Instead,**

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contact the undersigned counsel immediately to explain your concerns and to discuss the possibility of entering into a stipulated protective order to alleviate those concerns.

6. To “Identify” or set forth the “Identity” of a person means:

(a) in the case of a natural person, to state the person’s name and current (or last known, so indicating) address, telephone number, employer, and title or position;

(b) in the case of an entity other than a natural person, to state the entity’s name, nature (corporation, partnership, limited liability company, trust, etc.) and current (or last known, so indicating) address, telephone number, and primary line of business or activity.

7. “Documents” means “documents” as defined under F.R.C.P. 34(a).

8. To “Identify” a document means to describe the type of document (i.e. letter, memorandum, check, invoice, etc.), give the date of the document, identify the author(s) or maker(s) of the document, describe the substance of the document’s contents, identify each recipient of the document, and state the present whereabouts of the document.

9. “Relate to”, “relating to” or “related to” means constituting, referring, discussing, analyzing, comprising, embodying, recording, evidencing, concerning or containing any information which pertains to the subject matter addressed in the request.

10. In responding to these Discovery Requests, furnish all documents in your possession, custody or control and all documents which are subject to your reasonable inquiry. This includes (but is not limited to) documents in the possession of your attorneys, accountants, agents, or other persons directly or indirectly employed by you or connected with you or your attorneys.

11. Produce all documents in full and unexpurgated form, organized and labeled to correspond with the categories in the Discovery Request pursuant to F.R.C.P. 34(b), applicable in this matter through F.R.B.P. 7034.

12. CLAIM OF PRIVILEGE OR OTHER PROTECTION: with respect to any document or information you withhold by claiming that it is privileged or subject to protection as trial preparation materials, or for any other reason, state the privilege or other ground for non-production and describe the nature and subject matter of the documents, communications, or things not produced or disclosed (including the type of document or communication, the date it was made, the author or maker, and all recipients) and produce a privilege log setting forth the foregoing information in a manner that will enable other parties to assess the applicability of the claimed privilege or protection. If a portion of any otherwise discoverable document contains information subject to a claim of privilege or protection, delete or redact those portions of the document subject to the claim of privilege or protection, affix an indication of the location and size of the portion deleted or redacted, and produce the document along with the information described in this paragraph.

13. At such time as you become aware of information responsive to these Discovery Requests which is not included in your initial response, or become aware that your responses or any part of them are incomplete or incorrect, you are requested pursuant to F.R.C.P. 26(e), applicable in this matter pursuant to F.R.B.P. 7026, to seasonably make such supplementary responses and supplementary document production as will fully disclose all such information and documents.

14. “And” means and/or.

15. “Or” means and/or.

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16. “You” or “your” means the party named in the title of this document to whom these Discovery Requests are directed.

17. “Debtors” shall refer to Greektown Holdings, L.L.C.; Greektown Casino, L.L.C.; Kewadin Greektown Casino, L.L.C.; Monroe Partners, L.L.C.; Greektown Holdings II, Inc.; Contract Builders Corporation; Realty Equity Company Inc.; and Trappers GC Partner, LLC.

18. “Plan” means the Second Amended Joint Plans of Reorganization filed by the Debtors on or about August 26, 2009.

20.. “Evidentiary Hearing” shall refer to the confirmation hearing currently scheduled to commence on November 3, 2009 for the Plan and Disclosure Statement.

Interrogatory No. 1

Identify each person whom you will or may call as a witness for any purpose at the Evidentiary Hearing, and provide a summary of each such person’s anticipated testimony.

RESPONSE:

Interrogatory No. 2

Identify all documents, data compilations, and other tangible things which you will or may offer as an exhibit or may use for rebuttal or impeachment at the Evidentiary Hearing.

RESPONSE:

Interrogatory No. 3

Identify all persons whom you will or may call as an expert witness at the Evidentiary Hearing, and for each such person please provide the following:

- a. A description of the person's education, training, and experience qualifying that person as an expert witness;
- b. A summary of the expert's opinions and the basis therefor;
- c. All facts, data, documents, electronically stored information, and other tangible things which the expert referenced or relied upon in forming his or her opinions;
- d. Identify all publications authored by the expert in the past ten (10) years;
- e. Identify all cases in which the person provided expert testimony in the past four (4) years; and
- f. The compensation paid or payable for the person's study and testimony.

RESPONSE:

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Interrogatory No. 4

Set forth all of the facts and information on which you base your contention (if any) that the Plan was filed in bad faith, including but not limited to any such facts and information (if any) relating to the alleged Bonds Avoidance Claims referenced in the *Motion of the Official Committee of Unsecured Creditors and Deutsche Bank Trust Company Americas for an Order Authorizing the Committee and Deutsche Bank to Initiate and Prosecute Avoidance Claims on Behalf of the Debtors' Estates*, Docket No. 1407.

RESPONSE:

Request for Production No. 1

Please produce any and all documents and things referenced in Interrogatory No 2 above.

Response:

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Request for Production No. 2

Please produce any and all documents and things containing the information described in, or comprising the items referenced in, subparts a. through f. of Interrogatory No 3 above, including without limitation all reports and findings of experts and potential experts, all data, documents, electronically stored information, and other tangible things which each expert/potential expert referenced or relied upon in forming his or her opinions, all publications authored by each expert/potential expert in the past ten (10) years, and each expert/potential expert's resume or curriculum vitae.

Response:

Request for Production No. 3

Please produce any and all documents comprising, consisting of, or related to, any and all liquidation analyses performed by or for you with respect to any or all assets of any or all of the Debtors.

Response:

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Request for Production No. 4

Please produce any and all documents comprising, consisting of, or related to, any and all valuations or appraisals performed by or for you with respect to any or all assets of any or all of the Debtors (including but not limited to the Debtors' business enterprise, any claims you believe any of the Debtors may have, and any or all other assets).

Response:

Request for Production No. 5

Please produce any and all financial projections and forecasts for any or all of the Debtors prepared, or covering, any period of time from date of filing of Debtors bankruptcy petitions forward.

Response:

Request for Production No. 6

Please produce any and all communications between you or any of your representatives and X-Roads Solutions (and/or any of its employees, principals, agents or representatives, including but not limited to Jeffrey Truitt) or any other person who will or may testify at the Evidentiary Hearing concerning any or all of the following:

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(a) the value (whether going concern value, liquidation value, or otherwise) of any or all assets of any or all of the Debtors (including but not limited to the Debtors' business enterprise).

(b) any or all of the valuations prepared by Moelis & Company filed with or in support of any iteration of the Debtors' Plan or Disclosure Statement.

(c) any financial projection(s) or forecast(s) for any or all of the Debtors prepared, or covering, any period of time from date of filing of Debtors bankruptcy petitions forward.

Response:

SCHAFFER AND WEINER, PLLC

By: /s/ Michael R. Wernette
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Dated: September 8, 2009

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