

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

MONKEY ROCK GROUP, INC.,
JOHN A. DENT AND MATTHEW DENT,

CASE NO: CACE-14-002567 (08)

Plaintiffs,

v.

TBG HOLDINGS CORP.,
CONTINENTAL RAIL CORPORATION,
WAYNE AUGUST, LAURENCE COE,
JOHN H. MARINO, JR., JOHN H.
MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,

Defendants.

PLAINTIFFS' MOTION TO COMPEL

Plaintiffs, Monkey Rock Group, Inc., derivatively through John A. Dent and Matthew Dent, and John A. Dent and Matthew Dent individually, by and through their undersigned attorneys, hereby move this Court pursuant to Fla.R.Civ.P. 1.350(b) and 1.380(a)(2) to compel Defendants' Answers to Supplemental Requests for Production and to compel the depositions of Defendants, Ambassador Ned Siegel, John H. Marino, Sr. and John H. Marino, Jr. In support thereof, Plaintiffs state as follows:

1. This case involves Defendants allegedly taking a financial opportunity in a thinly traded "penny stock" corporation for themselves and away from Plaintiffs in violation of their contractual and fiduciary obligations owed to Plaintiffs and the other shareholders of Monkey Rock Group, LLC.

2. To date, two defendants (Neil Swartz and Timothy Hart) who are apparently primarily culpable for the alleged breaches have been deposed and the remaining defendants who

are jointly and severally liable for the significant damages have not been deposed and do not appear to be participating in the litigation at all.¹ See relevant portions of Deposition of Neil Swartz at 35:21 attached hereto as Exhibit “A” and incorporated herein (“I haven't talked to [Ambassador Ned Siegel] about this in probably years”).

3. Plaintiffs originally served Requests for Production on Defendants, TBG Holdings Corp, Continental Rail Corporation, Wayne August, Laurence Coe, John H. Marino Jr., John H. Marino Sr., Timothy S. Hart, Ned L. Siegel, and Neil Swartz (“Defendants”) on or about November 24, 2014. (A true and correct copy of the original production discovery requests are attached hereto as Exhibit “B” and incorporated herein.)

4. Defendants did not object to any requests yet did not produce any emails or other communications between the defendants in response to the request. (A true and correct copy of the original production discovery responses are attached hereto as Exhibit “C” and incorporated herein.)

5. Defendant, Neil Swartz, testified on February 17, 2015 as follows:

“Q: I issued a list of documents that is requesting really in discovery. Did you participate in responding to that?

A Francis [Fyton] was the point guy, so whatever he asked me I did to the best of my ability.

Q Do you know why the e-mails between the three of you [Swartz, Hart, and Fyton] were not produced?

A From me, you mean?

Q From you, and there is nothing going back and forth between you guys?

A **No, No reason whatsoever. I just didn't go on my e-mail to do it.** Because I figured the e-mails that went back and forth between us would come out of their 25 emails and they knew how to print it out. But, **if you want it I could produce it.**” (emphasis added)

¹ After almost a year of litigation, Defendants have issued no written discovery, have not filed a motion to dismiss, did not file any affirmative defenses, did not object to any discovery requests, and have taken one deposition. After completion of depositions of Swartz and Hart this matter proceeded to mediation with Samuel Heller that ended in impasse.

6. On or about February 17, 2015, Plaintiff issued a supplemental production request specifically requesting the emails at issue. (A true and correct copy of the supplemental production discovery requests are attached hereto as Exhibit “D” and incorporated herein.)

7. Defendant filed a response to the supplemental production request on March 24, 2015 (again, oddly, not objecting to anything) yet, despite repeated requests has not produced any documents. (A true and correct copy of the supplemental production discovery requests are attached hereto as Exhibit “E” and incorporated herein.)

8. In his February 17, 2015 deposition, when questioned regarding SEC violations, Neil Swartz admitted to repeatedly and knowingly issuing false press releases in violation of SEC Rule 10b-5 (Swartz 18-29) and further testified that the SEC reviewed the return of any investments relating to the false press releases (Swartz 38:6).

9. Immediately following the deposition, Plaintiff specifically requested the following documents: “Any and all communications from any Defendant or his/its counsel to the U.S. Securities and Exchange Commission from May 2013 to present referring or relating to any press releases issued by TBG or any Defendant in this matter” and Defendant speciously responded that no such documents existed. (*See Exhibit D*)

10. Defendants responded that they did not possess any communication with the SEC regarding the violations despite testifying that SEC was apparently made aware of Defendants efforts to remedy the violation and that Defendants received “a little wrist slapped by attorney” as a result of the violation. (Swartz 14:2)

11. To date, two months after issuing the requests and countless emails attempting to secure the documents, Defendant has produced no documents at all in response to the supplemental request.

12. On January 6, 2015, Plaintiff noticed the depositions of all Defendants to proceed in Broward County. (A true and correct copy of the original notice of deposition are attached hereto as Exhibit “F” and incorporated herein.)

13. Plaintiffs counsel conferred and Defendants Counsel, Mr. David Hoines (“Hoines”), advised that the John H. Marino Jr. and John H. Marino Sr. (“the Marinos”) resided in Virginia and were unable to be deposed in Florida. The parties subsequently agreed to proceed with only three depositions prior to a mediation.

14. On March 14, 2015, Plaintiff noticed the depositions of the Marinos to proceed in the county in which they reside (Northern Virginia) when Plaintiff’s counsel was scheduled to be in the area. (Exhibit G).

15. After receiving notice of the depositions in Virginia, Hoines advised Plaintiffs’ counsel that the Marinos reside in south Florida.

16. Plaintiffs’ counsel has made repeated attempts to secure the depositions of the remaining board member defendants including the Marinos and Ambassador Ned Seigel in South Florida along with production of the outstanding documents including correspondence with these board members but no dates have been offered and not documents have been produced. (A true and correct copy of email correspondence between counsel are attached hereto as Exhibit “H” and incorporated herein.)

17. Despite repeated requests, to this date, Defendants have failed to produce documents responsive to the Supplemental Production Request and have failed to confirm deposition dates.

WHEREFORE, for the reasons above stated, Plaintiffs, Monkey Rock Group, Inc., derivatively through John A. Dent and Matthew Dent, and John A. Dent and Matthew Dent

individually, respectfully request that this Court enter an order compelling Defendants, NED SIEGEL, JOHN H. MARINO, SR. and JOHN H. MARINO JR. to appear for their depositions on June 15 and 16, 2015 and for Defendants to produce answers to Plaintiffs' Supplemental Production Requests including an affidavit certifying completeness within 7 days.

Respectfully submitted,

JOHN DENT AND MATTHEW DENT,
Plaintiffs

By: Alexander N. Loftus
One of Their Attorneys

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Dated: April 24, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing REQUEST FOR PRODUCTION OF DOCUMENTS has been furnished by electronic service to David Hoines, Esq., Hoines, Hess, & Rose, 3081 E. Commercial Blvd., Suite 200, Fort Lauderdale, Florida 33308 and via email to David@hoineslaw.com on April 24, 2015.

Alexander N. Loftus

EXHIBIT A

IN THE CIRCUIT COURT OF THE 17TH
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JOHN A. DENT AND MATTHEW DENT,

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MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,

Defendants.

DEPOSITION OF NEIL SWARTZ

TAKEN ON BEHALF OF THE PLAINTIFF
FEBRUARY 17, 2015
11:03 A.M. to 1:14 P.M.

HOINES, HESS & ROSE
3081 E. COMMERCIAL BLVD, SUITE 200
FORT LAUDERDALE, FLORIDA 33308

REPORTED BY:
JILL JENKINS, COURT REPORTER
NOTARY PUBLIC, STATE OF FLORIDA



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1 APPEARANCES OF COUNSEL
 2 ON BEHALF OF THE PLAINTIFF:
 3 ALEXANDER LOFTUS, ESQUIRE
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 9
 10 ON BEHALF OF THE DEFENDANT:
 11
 12 DAVID A. HOINES, ESQUIRE
 13 HOINES HESS & ROSE
 14 3081 E. COMMERCIAL BLVD, SUITE 200
 15 FORT LAUDERDALE, FLORIDA 33308
 16 (954)772-2444
 17 dahfl@aol.com
 18 ALSO PRESENT:
 19 Timothy S. Hart
 20 Francis Fytton
 21 John Dent
 22
 23
 24
 25

4

1 DEPOSITION OF NEIL SWARTZ
 2 FEBRUARY 17, 2015
 3 Thereupon:
 4 NEIL SWARTZ,
 5 was called as a witness, and after having been first
 6 duly sworn, testified as follows:
 7 DIRECT EXAMINATION
 8 BY MR. LOFTUS:
 9 Q Can you state and spell your last name?
 10 A Neil Swartz, S-W-A-R-T-Z.
 11 Q Let the record reflect this deposition of Neil
 12 Swartz, taken pursuant to all applicable state and local
 13 rules. Mr. Swartz, have you ever done a deposition
 14 before?
 15 A Not sure, I can't remember.
 16 Q Okay. Have you ever testified in court
 17 before?
 18 A No.
 19 Q You ever, leave it at that. So, the ground
 20 rules are when I'm talking you are not talking, when you
 21 are talking I am not talking. If at any point you want
 22 to take a break you had to wait until you answer the
 23 question that's pending. After you've answered the
 24 question you can take a break and talk to whoever you
 25 want to. State all your answers in clear yes's or no's.

3

1 INDEX OF EXAMINATION
 2 WITNESS: Neil Swartz
 3 Page
 4 DIRECT EXAMINATION
 5 By Alexander Loftus, Esquire 4
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5

1 No um-hums or un-huns. Most all of these rules are to
 2 make it easier for her.
 3 A Yes.
 4 Q Okay. You ever read a transcript before of a
 5 deposition?
 6 A No.
 7 Q You ever seen one online?
 8 A No.
 9 Q You heard in the news about when deposition
 10 transcripts become public?
 11 A Yeah.
 12 Q Okay. What documents did you review to
 13 prepare for today's deposition?
 14 A I read all the documents, I mean all along the
 15 way.
 16 Q Did you review only the documents that were
 17 produced, that you'd already given to your lawyer?
 18 A Yes.
 19 Q Okay. Did you review anything that wasn't
 20 given to your lawyer?
 21 A No.
 22 Q Okay. Did you participate in answering the
 23 complaint in this case?
 24 A Yes.
 25 Q Okay. Did you review the mediation submission

<p style="text-align: right;">6</p> <p>1 my office wrote?</p> <p>2 A Yes.</p> <p>3 Q Okay. Did you prepare any submission to the</p> <p>4 mediator in this case?</p> <p>5 A No.</p> <p>6 Q Okay. In preparation for your deposition, did</p> <p>7 you speak with anyone?</p> <p>8 A I talked with my attorney, Tim and Francis.</p> <p>9 Q Okay. No one else?</p> <p>10 A Nobody else.</p> <p>11 Q Okay.</p> <p>12 A I mentioned to my wife that I was going too,</p> <p>13 so.</p> <p>14 Q My wife knows all about this. All right. So,</p> <p>15 what's your current job?</p> <p>16 A President of TBG Holdings.</p> <p>17 Q What are your job duties as president?</p> <p>18 A Make sure the company runs, companies we deal</p> <p>19 with that were getting communicated properly, interface</p> <p>20 with the CFO, Tim Hart, you know, make sure the</p> <p>21 shareholders are brought up to date on what's going on</p> <p>22 with each of our entities.</p> <p>23 Q Do you own some or all of TBG?</p> <p>24 A I own some of TBG.</p> <p>25 Q Okay. Is that a publicly traded company?</p>	<p style="text-align: right;">8</p> <p>1 2002.</p> <p>2 Q All the way up to 2012?</p> <p>3 A Yeah.</p> <p>4 Q Do you have any --</p> <p>5 A It's still going, so.</p> <p>6 Q Okay.</p> <p>7 A You know, where I hold, so it's still there.</p> <p>8 TBG stands for The Birch Group for that's how we came up</p> <p>9 with initials.</p> <p>10 Q I get it.</p> <p>11 A So, when Tim and I had it.</p> <p>12 Q Yeah, okay.</p> <p>13 A But, it was a new entity.</p> <p>14 Q Do you have any licenses or certifications?</p> <p>15 A I had, I mean, I was a CPA. But, I let that</p> <p>16 lapse many years ago. Also, I had a real estate</p> <p>17 license, but I didn't keep up with the continuing</p> <p>18 education.</p> <p>19 Q Do you have any kind of like a series 7 or</p> <p>20 series?</p> <p>21 A No.</p> <p>22 Q So, no financial certifications?</p> <p>23 A No.</p> <p>24 Q Okay.</p> <p>25 A I once took the series 7, but never utilized</p>
<p style="text-align: right;">7</p> <p>1 A No, it is not.</p> <p>2 Q Is it Florida corporation?</p> <p>3 A Florida corporation, yes.</p> <p>4 Q And you own some portion of the stock?</p> <p>5 A Um-hum.</p> <p>6 Q You have controlling share of the stock?</p> <p>7 A Between Tim and myself, yes.</p> <p>8 Q Okay. How long have you owned TBG?</p> <p>9 A I think it started in 2012 beginning of the</p> <p>10 year, that's just recollection. I don't know for sure.</p> <p>11 Q Yeah, that's not that important, just to give</p> <p>12 me idea. Before TBG where did you work?</p> <p>13 A I worked, I had a company called Birch</p> <p>14 Holdings and helped companies go public, raise money</p> <p>15 etc.</p> <p>16 Q Now with TBG you are primarily taking</p> <p>17 companies public via reverse mergers?</p> <p>18 A Yes.</p> <p>19 Q Instead of IPOs?</p> <p>20 A Yes.</p> <p>21 Q Was Birch mostly IPOs or you did reverse</p> <p>22 mergers?</p> <p>23 A No, reverse also.</p> <p>24 Q Okay. When were you at Birch?</p> <p>25 A I started Birch in, I'm going to say 2001,</p>	<p style="text-align: right;">9</p> <p>1 it. I was going to get involved with a brokerage firm,</p> <p>2 but this is 15 years ago. Took the series 7, passed it</p> <p>3 but never utilized it.</p> <p>4 Q Okay. How about formal education?</p> <p>5 A I have a bachelor's degree from Northeastern</p> <p>6 University in accounting.</p> <p>7 Q How long have you been in South Florida?</p> <p>8 A I moved here I think in '99.</p> <p>9 Q From where?</p> <p>10 A Pennsylvania, Philadelphia area.</p> <p>11 Q Did you raise your children here?</p> <p>12 A When I moved, when we moved here I had one</p> <p>13 son, he was 11, 10 or 11; one was 4 or 5 and then had</p> <p>14 another child in 2000 who was born in Florida. So, two</p> <p>15 of them were born in Pennsylvania, Delaware area.</p> <p>16 Q And do you currently live in Broward County?</p> <p>17 A Yes.</p> <p>18 Q I am not trying to be too personal.</p> <p>19 A It's okay.</p> <p>20 Q But, if it's a jury trial it becomes a</p> <p>21 popularity contests.</p> <p>22 A I agree.</p> <p>23 Q If you have roots you are more likable.</p> <p>24 A Absolutely. Yeah. That's fine.</p> <p>25 Q Okay. So, let's talk about day-to-day</p>

<p style="text-align: right;">10</p> <p>1 business of TBG. Is part of the business finding 2 suitable corporations to partner with? 3 A Yeah, I would say yes. 4 Q Okay. And then, generally you are seeking out 5 corporations with no assets or no active business? 6 A No. 7 Q Okay. What kind of corporations are you 8 usually seeking out? 9 A We seek out two types of corporations. 10 Q Yeah. 11 A One is operating companies that have a seed of 12 potential, so, you know, they might have just developed 13 software, using that as an example. But, they need some 14 money to get to the next level. So, that's one side of 15 it. So, that's the operating company. The other side 16 of it we look for public companies that are trading and 17 might have some problems that we can go in there and 18 utilize our staff of accounts and business development 19 guys to clean up and then, position them to merge with 20 an operating company. 21 Q Okay. Can we call those, I'll ask you more 22 questions about these two different companies. We'll 23 I'll call those holding companies? Shell is kind of a 24 specific term. 25 A The public vehicle.</p>	<p style="text-align: right;">12</p> <p>1 answer in terms of investigation. In some cases, if the 2 client hires TBG under our typical consultant agreement 3 we don't do that much research. Because we think we can 4 clean things up and work with the owners to alleviate 5 any of the issues that come about. 6 Q Makes sense. 7 A Okay. If we have an operating company that's 8 already been identified that wants to go public and we 9 are going to use that public entity, then we would do a 10 lot of investigation into that public entity before we 11 put it into there. 12 Q Okay. 13 A Okay. 14 Q And that investigation is something you would 15 always do and you would never start a new company 16 without fully investigating? 17 A No, No, if it's a TBG contract sometimes we 18 will take the owners word for what he tells us. And 19 basically get our fee and go about trying to clean it 20 up. Okay. Again, if we are just going to be more of 21 the middleman putting the deal together taking XYZ an 22 operating company that has operations, has some revenues 23 or has something like that and putting it into a public 24 company. Then, we will do our investigation into that 25 public company. So, it depends how that public entity</p>
<p style="text-align: right;">11</p> <p>1 Q Yeah, what you want to call that? 2 A Well it depends, it depends on the company. 3 Okay, you know, sometimes we will go, we will get 4 control over an existing business. They might have a 5 business in there already, but they are not full 6 potential. So, we might go in there, clean up their 7 existing business and put something else to enhance it. 8 Those are operating businesses and the labs. Then, 9 there were other businesses that are basically public 10 shells that have nothing and they have some issues. 11 Q When seeking to acquire a company that's going 12 to be the holder, you call that, when seeking to acquire 13 holder? 14 A You mean the public vehicle? 15 Q The public vehicle. Public vehicle, that's 16 our term. 17 A Yeah. 18 Q Public vehicle. Right. You won't as TBD, TBG 19 take ownership of a public vehicle without fully 20 investigating its finances etc.? 21 A No. 22 Q Okay. And what do you do to investigate the 23 finances of the public vehicle? 24 A Well it depends on the, it depends on how we 25 are doing it. In some cases, let's go back to that</p>	<p style="text-align: right;">13</p> <p>1 came about. 2 Q Okay. And do you have, do outside people 3 invest in TBG? 4 A Yes. 5 Q Okay. 6 A Okay. Yes. 7 Q Okay. And those investors invest in TBG based 8 on your expertise primarily? 9 A Yeah. 10 Q Okay. And those investors trust you to make 11 careful financial decisions with their investment? 12 A Yes. 13 Q As a practice, you won't make a public 14 announcement that might affect the stock price unless 15 you know that information is true, correct? 16 A I will say we have made mistakes in terms of 17 prematurely putting press releases out, that we didn't 18 go through the proper channels. 19 Q Are there instances where you have made 20 mistakes in timing of a press release other than in 21 relation to Mr. Dent's case? 22 A I would like to say no, but I can't answer 23 that because I don't recollect. 24 Q So none that you recall as you sit here today? 25 A None of them.</p>

14

1 **Q Okay.**
 2 A But, I have been, I'll tell you, a little
 3 wrist slapped by attorney for putting out releases
 4 before they have reviewed it and made sure that it was
 5 proper. We did have that habit of doing that.
 6 **Q Okay.**
 7 A Especially at the beginning of TBG.
 8 **Q Okay. Okay. As far as, do you know Adam**
 9 **Tracy? He is an attorney.**
 10 A Um-hum.
 11 **Q Okay. We have common Linked In friend, he**
 12 **used --**
 13 A Oh.
 14 **Q He's a securities lawyer.**
 15 A I know a lawyer.
 16 **Q He would of given you good advice. How about**
 17 **--**
 18 A Well our attorneys have given us good advice
 19 unfortunately sometimes premature optimism.
 20 **Q Have you, Charles Perman was advising you on**
 21 **these matters?**
 22 A Yes.
 23 **Q Is anyone else advising you on securities**
 24 **matters in between 2012 and present?**
 25 A For this case or for any case?

15

1 **Q In general.**
 2 A Give me the dates again?
 3 **Q 2012 and present.**
 4 A Yeah, we have, we had a couple of attorneys.
 5 **Q Who?**
 6 A One is Greg Jacqueline, firm's Akerman,
 7 something like that. We can get you that.
 8 **Q That's enough. Anybody else?**
 9 A During that time.
 10 **Q And did --**
 11 A You know, let me answer this way, I don't
 12 know, I don't remember but I probably have talked to
 13 other attorneys.
 14 **Q Totally fair answer. Okay. Were you at any**
 15 **time advised on the 2000 change, 2008 changes to SEC**
 16 **Rule 144?**
 17 A Most likely.
 18 **Q That's the one where generally the SEC doesn't**
 19 **like reverse mergers so the SEC started rule in 2008,**
 20 **they changed it regarding shells, that what I am talking**
 21 **about.**
 22 A Yes, I am familiar with it and it was the best
 23 thing that happened to our business.
 24 **Q Okay. And approximately when do you recall**
 25 **first learning of the 2008 change?**

16

1 A I can't. Probably because I've done other
 2 deals, probably been explained to me but in terms of
 3 specifically your, I can't. I can't recollect.
 4 **Q Okay. How many, what we call, public**
 5 **entities, does TBG currently have a controlling interest**
 6 **in?**
 7 A I have I would say 2.
 8 **Q Okay.**
 9 A That besides MKRO.
 10 **Q There is 4 on the website that I can, may be**
 11 **they aren't public entities.**
 12 A Yeah, they might not be.
 13 **Q So, there is Continental Rail, there is the**
 14 **other --**
 15 A Train Travel.
 16 **Q Train Travel. There is some kind of Mortgage**
 17 **something?**
 18 A There is three, I'm sorry.
 19 **Q Okay.**
 20 A There is three.
 21 **Q There is one more?**
 22 A It could be private company Turnkey.
 23 **Q That's it.**
 24 A That's not public yet.
 25 **Q Okay. That's private.**

17

1 A Yeah.
 2 **Q Okay. And how many as of June 2013?**
 3 A 2013.
 4 **Q It's when everything is coming to head this**
 5 **one.**
 6 A We had under control, I would say none at that
 7 time because we weren't in control of Monkey Rock at
 8 that time and we weren't control of IGSM, I mean we
 9 didn't have full control with it. I could be wrong with
 10 the dates.
 11 **Q Okay. Let's talk about Monkey Rock.**
 12 A Okay.
 13 **Q So as of, I think everything is finalized as**
 14 **of June 25th. Is it fair date to pick? You get the**
 15 **series of agreements, I'm trying to figure out the last**
 16 **possible, so we don't, something we can agree on. That**
 17 **what I am hoping for. That's the date of the conversion**
 18 **agreement, June 25th.**
 19 A Conversation agreement didn't take place in my
 20 memory to December because John was still present until
 21 December of 2013. He didn't resign or give us the
 22 shares until December.
 23 **Q Okay.**
 24 A We weren't in control of it then.
 25 **Q How about as of the date that you became the,**

18

1 **you were the CEO of Monkey Rock or you are?**
 2 A Well officially I became in December, when he
 3 signed the resolution to do it.
 4 **Q Okay.**
 5 A That's why those press releases were
 6 premature, not to jump ahead but.
 7 **Q So --**
 8 A We didn't really have authority because John
 9 never signed over.
 10 **Q Yeah.**
 11 A Control to the company or anything like that.
 12 **Q Let's jump ahead. So, you are familiar with**
 13 **SEC rule 10b, there is few problems here. So, 15 U.S.C.**
 14 **Section 78r provides for penalties for misleading**
 15 **statements such as knowing issuing false press releases.**
 16 **Are you familiar with that?**
 17 A I know of it.
 18 **Q Have you been advised as to that?**
 19 A Probably.
 20 **Q And the potential exposure to you personally**
 21 **for issuing these --**
 22 A Yeah.
 23 **Q -- for that?**
 24 A Yeah.
 25 **Q And are you also familiar with 15 U.S.C. 78t**

19

1 **whereby you may have joint and several liability for**
 2 **anyone to aiding and abetting in putting out a press**
 3 **release?**
 4 A Yes.
 5 **Q Okay. And that applied?**
 6 A Right.
 7 **Q Okay. And are you familiar with 15 U.S.C. 78**
 8 **U-6, that's the where tries for whistleblower claims.**
 9 **Where anyone who has this information can sue on behalf**
 10 **of the federal government and pursue a claim for**
 11 **violations of these SEC rules?**
 12 A I think that's great.
 13 **Q Okay. And that the federal government takes**
 14 **the penalty but then the relater can receive up to 10%**
 15 **of whatever the penalty is?**
 16 A Umm.
 17 **Q And also, do you understand that anytime**
 18 **today, even though this isn't a criminal proceeding you**
 19 **have the right to take the 5th. And you can plead the**
 20 **5th at any point during today's deposition. And I don't**
 21 **know, I didn't plead anything relating to the SEC stuff,**
 22 **your attorney probably didn't explain it to you but you**
 23 **have the right today to plead the 5th to anything.**
 24 **Okay. So, at what point did TBG acquire Monkey Rock?**
 25 A We became in control, I mean John and I were

20

1 talking almost daily, I Matt. Matt Dent, John's son
 2 almost daily on what was going on with the company. John
 3 and Matt were putting a lot of pressure because they
 4 needed money, you know, to try to get something done.
 5 And I think that's, that's why it was probably
 6 prematurely announced before John did the stuff he was
 7 supposed to do in terms of resigning and that.
 8 **Q So as of February 27th, 2013 had TBG acquired**
 9 **Monkey Rock?**
 10 A No, it was a company that we were doing work
 11 for.
 12 **Q Okay. And as of February 27, 2013 did you**
 13 **intend to reposition the company to compete in the fast**
 14 **and growing profitable short line or regional railroad**
 15 **industry?**
 16 A We were already, we already started
 17 Continental as the sole proprietorship and we were
 18 hoping that we were going to be able to put it into
 19 Monkey Rock.
 20 **Q As of February 27th, 2013, had John Dent**
 21 **resigned from the company?**
 22 A No.
 23 **Q AS of February 27th, 2013 did you know whether**
 24 **or not John Dent will resign from the company?**
 25 A Wait, wait. I'm getting confused on the

21

1 dates. You had 2012 and 2013 mixed up.
 2 **Q Okay.**
 3 A So, I can't answer that in terms of the
 4 specific.
 5 **Q So, you first started dealing with the Dents**
 6 **in the fall of 2012?**
 7 A Okay.
 8 **Q Agreed. And then over the course of that**
 9 **winter you negotiated back and forth. And then, in the**
 10 **spring of 2013 at that point there is several press**
 11 **releases?**
 12 A Right.
 13 **Q Relating to the ownership?**
 14 A I get it, okay.
 15 **Q Okay.**
 16 A Now I am --
 17 **Q And then as we get out into June, June is**
 18 **where everything gone blows up.**
 19 A I got you.
 20 **Q And then, you and I will disagree with one.**
 21 A But that's '13.
 22 **Q Yeah.**
 23 A Okay.
 24 **Q All in the '13. So, as of February 27th,**
 25 **2013, had John Dent resigned as CEO?**

34

1 to do it.

2 **Q But, as of the date that you took control of**

3 **Monkey Rock it was within your power to effectuate a**

4 **reverse split if you wanted to?**

5 A But, we wouldn't have done until we had a

6 target acquisition. So, we had nothing in mind as of

7 that date, then we took control.

8 **Q Any reverse split would not reduce John Dent's**

9 **ownership just as by itself?**

10 A Right.

11 **Q Yeah.**

12 A And the prefer he had, wouldn't be reduced.

13 **Q Okay.**

14 A It was the preferred he had was post reverse,

15 whatever we did, 2,000 to 1, 50 to 1, it didn't matter.

16 **Q Exactly.**

17 A He own the same.

18 **Q We agree on that.**

19 A Okay.

20 **Q Who are the Marinos?**

21 A The Marinos were, their investors in TBG.

22 **Q Okay. Do they have a back on a rail?**

23 A Yes.

24 **Q Okay. What do you know about their back on**

25 **rail?**

35

1 A That there, they were involved with two

2 successful companies.

3 **Q Okay. Have you spoken with either Marino in**

4 **the last six months?**

5 A I talk to them daily.

6 **Q Okay. You have spoken with him in the last**

7 **two days?**

8 A Yeah.

9 **Q And what did you say to them? What they said**

10 **to you, yesterday?**

11 A Yesterday, I said to my conversation with John

12 was on potential acquisition that we were trying to get,

13 but the guy turned us down.

14 **Q Okay. And are they both investors in TBG?**

15 A Yes.

16 **Q Okay. Have you spoken with them in the last**

17 **week regarding this case?**

18 A Junior might have brought it up to me because

19 Tim might have told him that we are going to a

20 deposition, but that was it.

21 **Q How about Ned Siegel?**

22 A No, I haven't talked, I mean I talk to him

23 probably weekly but I haven't talked to him about this

24 in probably years.

25 **Q Is he aware that he is a defendant here?**

36

1 A Yes.

2 **Q Okay. Wayne August?**

3 A Wayne left the company, I don't remember when

4 he left the company, but I think probably a year ago.

5 **Q He's a rail road guy too, right?**

6 A He worked with the Marinos, yes.

7 **Q Okay. And do the August and the Marinos, did**

8 **they have a good reputation in the rail road business?**

9 A I'll leave that up to you to decided.

10 **Q Okay. In deciding whether or not to do**

11 **business with them, did you choose them because they had**

12 **a good reputation in the rail road business?**

13 A I would say they had knowledge. I don't know

14 what their reputation in the rail road business was but

15 their knowledge was there. But, you know, the

16 reputation wise since we have not closed the deal in

17 over a year and a half in Continental, the reputation

18 didn't really matter. I would have thought we would

19 have an operating rail road company by now. It was

20 total subjective, but they are familiar with the rail

21 road industry.

22 **Q Okay. Why did you choose to get in the rail?**

23 A Well when Tim and I hooked up the Marinos were

24 one of his clients, accounting clients. And they just

25 came off a successful deal and we thought if we set up a

37

1 company we could get into rail road operations fairly

2 quickly with their knowledge and hopefully the

3 reputation.

4 **Q All right. Let's mark this. Mark this as**

5 **Exhibit G. So, you would recommend other people invest**

6 **in rail?**

7 A Yes.

8 **Q Why?**

9 A Because I thought we had a good team in place.

10 **Q And beside your team just generally it's a**

11 **good business?**

12 A If you said to me right now it was good

13 business decision by TBG to go into this, I probably

14 would say we have to wait and see. But I would not say,

15 I've put more money into it than I have taken out of it,

16 out it that way.

17 **Q Yeah, fair enough. As of spring of 2013 you**

18 **believed rails were good investment, this was going to**

19 **be a profitable endeavor. Fair statement?**

20 A I don't go into any deal, if I don't think

21 that's the case.

22 **Q Okay. And then what I have marked Exhibit G,**

23 **did you create this document?**

24 A Yes.

25 **Q Okay.**

38

1 A And it was, it was put out in error and
 2 anybody who wrote a check in, we got a rescission on
 3 their money. Offered them that we've given back their
 4 money or they could continue with Continental in a
 5 different entity. Again, it was premature mistake but
 6 every investor we have rescission that SEC reviewed.
 7 **Q Okay. And when did you first interact with**
 8 **John Dent?**
 9 A It was in Hollywood, probably 2012 sometime.
 10 **Q Okay. How did you come to --**
 11 A Through a guy Richard Mallion, who was
 12 representing John Dent at the time.
 13 **Q And did he meet you at your office eventually?**
 14 A At the time I was working out of Hollywood, so
 15 yeah.
 16 **Q Okay. Tell me about that first meeting?**
 17 A It was kind of a, you know, Richard Mallion
 18 was trying to get me to buy stock. He was trying to get
 19 me to buy stock in the company.
 20 **Q In Monkey Rock?**
 21 A Yeah.
 22 **Q Okay. What were they going to do with that**
 23 **then?**
 24 A This is I mean it's very, it's very vague but
 25 I think it was going to be like a windmill company or, I

39

1 don't really remember specifically to tell you the
 2 truth.
 3 **Q It was an idea?**
 4 A Yeah. I think it was little more because John
 5 said that he had an investment in England with a guy. I
 6 don't remember but at the time I wasn't, we were going
 7 to try to do it, but then we didn't.
 8 **Q Okay. In the Fall of 2012, did you start**
 9 **looking into Monkey Rock's assets and liabilities?**
 10 A I don't remember the date that we started to.
 11 When the signed the TBG agreement, you know, we were,
 12 that's when we were starting to dig in.
 13 **Q Okay. And I've marked as Exhibit C, I**
 14 **apologize for not having these in order, that's what**
 15 **happens when you do it 2,000 miles away. Have you seen**
 16 **that document before?**
 17 A Yeah, I probably have.
 18 **Q Okay. What is it?**
 19 A 10-Q.
 20 **Q Okay. What's a 10-Q?**
 21 A It's a SEC filing.
 22 **Q Okay. Do you have any reason to believe the**
 23 **contents of this 10-Q are incorrect as of the date it is**
 24 **created?**
 25 A I have no idea. I can't answer that, I

40

1 couldn't say yes or no.
 2 **Q Is this a document you would have relied on**
 3 **when assessing whether or not Monkey Rock was a good**
 4 **public entity to do business with?**
 5 A I couldn't remember.
 6 **Q Okay. And then, if you look at Exhibit E,**
 7 **what's that?**
 8 A Yeah, 8-K. 8-K.
 9 **Q And when is that document current as of?**
 10 A I don't know what you mean by that.
 11 **Q Can you tell based on reviewing this document?**
 12 A August 8, 2012.
 13 **Q Okay. And did you have access to this**
 14 **document prior to?**
 15 A Yes.
 16 **Q Thank you. I should finish it, prior to**
 17 **singing an agreement with Mr. Dent?**
 18 A Yes.
 19 **Q Okay. That's a transcript thing. Okay. We**
 20 **are on to Exhibit F. What is that document?**
 21 A I don't know, financials. Doesn't have a
 22 cover. This is an opinion.
 23 **Q Yeah.**
 24 A It's an audit report.
 25 **Q Okay. Did you have access to Monkey Rock**

41

1 **audit reports before entering into any agreements with**
 2 **Mr. Dent?**
 3 A Yes.
 4 **Q Okay. Mr. Dent provide those to you or did**
 5 **you get those on your own, if you recall?**
 6 A I don't recall.
 7 **Q Okay. So, you had access to all this**
 8 **information at least. I will hand you what I had marked**
 9 **as Exhibit I. Have you seen that before?**
 10 A I don't recall.
 11 **Q Any piece of it? I can't remember if you guys**
 12 **made it or if our guys made it, I don't know.**
 13 A I can't remember.
 14 **Q Okay.**
 15 A I can't remember.
 16 **Q It is titled Monkey Rock liabilities as of**
 17 **12/31/12. Do you recall if prior to?**
 18 A No.
 19 **Q No recollection? Okay. Do you recall**
 20 **requesting that Mr. Dent produce any information**
 21 **regarding his, the finances of Monkey Rock and him**
 22 **refusing to tender those documents?**
 23 A I can't answer that.
 24 **Q Do you have any recollection of being told**
 25 **anything that turned out to be incorrect regarding**

78

1 **Q John taught me yesterday.**
 2 A Yeah. And then we were going to go out and
 3 buy rail cars and last year, you know, we had things
 4 lined up. We were also going to be able to acquire rail
 5 roads by doing a sales leaseback program with them.
 6 That was the goal. It has now morphed into just more
 7 that we are going to be in a management agreement with
 8 them. And the management agreement is, you know, we
 9 make points that could be 150 million, you make a couple
 10 of points, it could be good. But it's lost a lot of
 11 lust if you know what I am saying. In addition we just,
 12 we, Tim and I, behind the closed doors right now and
 13 this is what we don't think it's going to happen. You
 14 know what I mean, because it hasn't happened as of yet.
 15 That's the reason we went into other private equity
 16 firms that I mentioned before over the last couple of
 17 months, to see if we can get at least one rail road
 18 financed.
 19 **Q As you know in our complaint we discussed at**
 20 **length when served claim for damage is based on when the**
 21 **stock was trading at \$5 a share. What caused that**
 22 **spike?**
 23 A I have no idea.
 24 **Q Okay.**
 25 A I am going to say it again, you can believe or

79

1 not, is that we don't pay attention to the stock price.
 2 The stock price is immaterial to us. These were thinly
 3 traded companies that any buy could move, any buyer
 4 could move the stock price up, any seller can move the
 5 stock down with a small buy. What we care about is that
 6 we have the operations and we have the corporate, the
 7 way the corporation is formulated in a way that we have
 8 the best chance to succeed. But, the stock price is
 9 immaterial.
 10 **Q Regardless of it being reflective of actual**
 11 **value, when we see that the stock is \$5 per share or**
 12 **\$0.70 per share that means that someone either purchased**
 13 **or sold a unit of the stock for that price?**
 14 A I presume so.
 15 **Q Okay.**
 16 A But, I think the big question is what's the
 17 company worth if we put a for sale sign on it, 27
 18 million? 27 million 10%, 270 million dollars, the
 19 company with no assets. I don't think so.
 20 **Q Move to strike as non-responsive. That's all**
 21 **talked about on Thursday. Okay. Did you at any time in**
 22 **the last three years communicate via e-mail with Tim**
 23 **Hart regarding Monkey Rock?**
 24 A probably CCed him on some things. I mean I
 25 don't remember. I don't recall. I don't know.

80

1 **Q In the last three years you had communicated**
 2 **via e-mail with Mr. Fiton?**
 3 A He probably sent me e-mails, yeah.
 4 **Q Regarding Monkey Rock?**
 5 A Yeah.
 6 **Q Okay.**
 7 A I would presume so.
 8 **Q And at any time in the last three years did**
 9 **you communicate via e-mail with either of the Marinos**
 10 **regarding Monkey Rock?**
 11 A I don't recall.
 12 **Q Okay. Did you communicate with either Mr.**
 13 **Hart or Mr. Fiton via text message regarding Monkey Rock**
 14 **at any point in the last three years?**
 15 A May be with Francis I could have said what the
 16 hell is going on. Tim and I are more face to face, I
 17 don't recall any e-mail specifically going to him but it
 18 could have I mean if I was away or something.
 19 **Q At any time in the last three years did you**
 20 **communicate with anyone via e-mail regarding IGSM?**
 21 A I presume so, I don't, I don't recall. I mean
 22 I don't remember.
 23 **Q Okay. Did you communicate via e-mail with Ned**
 24 **Siegel regarding his role in Continental?**
 25 A I think, it was more face to face with Ned.

81

1 **Q Okay. Did you communicate with via e-mail**
 2 **with anyone regarding any work done by TBG for Monkey**
 3 **Rock or the Dents outside of parties in this case?**
 4 A All I can say is probably. I mean I don't
 5 recall specifically.
 6 **Q Did you communicate via e-mail with stock**
 7 **transfer agent?**
 8 A Me, no.
 9 **Q Okay. Who did?**
 10 A Francis.
 11 **Q Okay. Using company e-mail or you guys just**
 12 **have your own?**
 13 A When TBG was first started I was using a
 14 different e-mail system and it went away. But once we
 15 set up with R/3 and so forth we used the same e-mail
 16 system.
 17 **Q What's that?**
 18 A I can't, I don't know specifically. I mean I
 19 use --
 20 **Q Can you access it remotely through the**
 21 **Internet?**
 22 A I can't.
 23 **Q When you and your computer is disconnected**
 24 **from the Internet can you look at old the e-mails?**
 25 A Yeah.

82

1 **Q Okay.**
 2 A When it is disconnected?
 3 **Q Yeah.**
 4 A I think you have to ask Tim that question. I
 5 don't, I would presume so.
 6 **Q Okay.**
 7 A Assuming I know the codes and so forth.
 8 **Q Okay. Did you participate in your production**
 9 **response in this case?**
 10 A Production response, I don't know what you
 11 mean by that.
 12 **Q I issued a list of documents that is**
 13 **requesting really in discovery. Did you participate in**
 14 **responding to that?**
 15 A Francis was the point guy, so whatever he
 16 asked me I did to the best of my ability.
 17 **Q Do you know why the e-mails between the three**
 18 **of you were not produced?**
 19 A From me, you mean?
 20 **Q From you, and there is nothing going back and**
 21 **forth between you guys?**
 22 A No, No reason whatsoever. I just didn't go on
 23 my e-mail to do it. Because I figured the e-mails that
 24 went back and forth between us would come out of their
 25 emails and they knew how to print it out. But, if you

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1 want it I could produce it.
 2 **Q Oh, yeah, we will work on that.**
 3 A I mean --
 4 **Q Yeah.**
 5 (Thereupon, a short discussion was held off
 6 record.)
 7 (Deposition resumed.)
 8 **Q (By Mr. Loftus) Do you have directors and**
 9 **officers insurance coverage?**
 10 A No.
 11 **Q Okay. Do you know whether Siegel does?**
 12 A Siegel was never a board member.
 13 **Q If we go at the press releases we are arguing**
 14 **that he is?**
 15 A No, he wasn't.
 16 **Q Okay. Do you know whether Mr. Siegel who was**
 17 **--**
 18 A I have no idea.
 19 **Q Not a board member has insurance?**
 20 A No idea.
 21 **Q How about any other defendants?**
 22 A No idea. I don't think so.
 23 **Q Have all of them, no, we know that. I'm sorry**
 24 **to do this to you again. All right. Showing you**
 25 **Exhibit K, what's that?**

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1 A Yeah. Again, another one of our mistakes.
 2 **Q Okay. Was Mr. Siegel aware of this prior to**
 3 **it being released?**
 4 A He was aware that he was going to join the
 5 Board of Continental. He was not aware of MKRO.
 6 **Q Was he aware that this press release was being**
 7 **sent out?**
 8 A I do not think so. But I don't remember.
 9 **Q Okay.**
 10 A We were, as I said before, on these press
 11 releases we were premature in sending them out.
 12 **Q Yeah, I didn't mean to beat you up on that.**
 13 **How about Marino, was he consulted before issuing any**
 14 **press releases with his name on them in relation to**
 15 **Monkey Rock?**
 16 A Whatever the process was, I don't think we
 17 consulted with the right people when we released them.
 18 **Q What I'm trying to get it as whether Marino,**
 19 **whether you know --**
 20 A They didn't know specifically what was going
 21 in any release, any of these guys.
 22 **Q Thanks. All right. Exhibit J, did you write**
 23 **that?**
 24 A I don't recall. No, I don't think so.
 25 **Q It was one of the two of you?**

85

1 A No, I don't think this was, no, I don't think
 2 it was me because I am a terrible writer.
 3 **Q Okay. The current ownership of Continental,**
 4 **do you know approximately how it breaks down?**
 5 A Well, what happens in a lot of our deals is,
 6 we will take TBG shareholders will get a piece. Then
 7 there will be a preferred piece. The preferred is there
 8 as a safety net for our investors, for anybody who --
 9 **Q Yeah.**
 10 A In case we had a put something else in there,
 11 we didn't want more dilution and so forth. So, right
 12 now I think there is a preferred that probably converts
 13 into 60% of the company that's owned by myself, Tim and
 14 Jr. Well, I guess you can ask him. And then a good
 15 percentage by TBG itself which is owned by Tim and
 16 myself and the shareholders of TBG that is. And then, a
 17 percentage to the existing IGSM which is very small, and
 18 then Francis.
 19 **Q Okay. Does anybody besides you in this room**
 20 **own more than 10%?**
 21 A Yeah.
 22 **Q Who does?**
 23 A John Marino, Jr. I think his father is close,
 24 I don't know what the exact percentage is.
 25 **Q Okay.**

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1 A But, the capital structure will change once a
 2 real asset, operating asset is put into the company.
 3 **Q Yeah. That's it. Thanks.**
 4 MR. HOINES: We will read.
 5 (Deposition concluded at 1:14 p.m.)
 6 (Reading and signing of the deposition by the
 7 witness has been reserved.)
 8
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1 CERTIFICATE OF REPORTER
 2 STATE OF FLORIDA
 3 COUNTY OF BROWARD
 4
 5 I, JILL JENKINS, Court Reporter and Notary Public
 6 for the State of Florida, do hereby certify that I was
 7 authorized to and did digitally report and transcribe
 8 the foregoing proceedings, and that the transcript is a
 9 true and complete record of my digital notes.
 10 I further certify that I am not a relative,
 11 employee, attorney or counsel of any of the parties, nor
 12 am I a relative or employee any of the parties' attorney
 13 or counsel connected with the action, nor am I
 14 financially interested in the action.
 15 Witness my hand and official seal this 17th day of
 16 February, 2015.
 17
 18
 19
 20
 21
 22 _____
 23 JILL JENKINS, COURT REPORTER
 24 NOTARY PUBLIC, STATE OF FLORIDA
 25 Commission No.: EE 172292
 Commission Exp: 2/22/2016

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1 DATE: March 6, 2015
 2 TO: Neil Swartz
 C/O David A. Hoines
 3 3081 E. Commercial Blvd. Suite 200
 Fort Lauderdale, FL 33308
 4
 5 IN RE: Monkey Rock Group Inc., John A. Dent and
 Matthew Dent v. TBG Holdings Corp, et al.
 6 CASE NO: CACE 14-002567 (08)
 7
 8 Dear Mr. Swartz,
 9
 10 Please take notice that on February 17, 2015, you
 gave your deposition in the above-referenced matter. At
 that time, you did not waive signature. It is now
 11 necessary that you sign your deposition. You may do so
 by contacting your own attorney or the attorney who took
 your deposition and make an appointment to do so at
 their office. You may also contact our office at the
 12 below number, Monday - Friday, 9:00 AM - 5:00 PM, for
 further information and assistance.
 13 If you do not read and sign your deposition within
 thirty (30) days, the original, which has already been
 14 forwarded to the ordering attorney, may be filed with
 the Clerk of the Court.
 15 If you wish to waive your signature, sign your name
 in the blank at the bottom of this letter and promptly
 16 return it to us.
 17 Very truly yours,
 18 _____
 Jill Jenkins
 19 Universal Court Reporting
 (954)712-2600
 20
 21 I do hereby waive my signature.
 22 _____
 23 Neil Swartz
 24 cc: via transcript: Alexander Loftus, Esquire
 25

89

1 CERTIFICATE OF OATH
 2 STATE OF FLORIDA
 3 COUNTY OF BROWARD
 4
 5 I, JILL JENKINS, the undersigned authority, certify
 6 that NEIL SWARTZ personally appeared before me and was
 7 duly sworn.
 8 Witness my hand and official seal this 17th day of
 9 February, 2015.
 10
 11
 12
 13
 14
 15 _____
 16 JILL JENKINS, COURT REPORTER
 17 NOTARY PUBLIC, STATE OF FLORIDA
 18 Commission No.: EE 172292
 19 Commission Exp: 2/22/2016
 20
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 25

EXHIBIT B

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST
FOR PRODUCTION OF DOCUMENTS AND THINGS
ON DEFENDANT CONTINENTAL RAIL CORPORATION**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant CONTINENTAL RAIL CORPORATION, the person with the most knowledge regarding the claims in the Amended Complaint, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes;

summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs; photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant CONTINENTAL RAIL CORPORATION, and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such

responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data–information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs' Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. ("IGSM").

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

16. Any and all documents that in any way relate to your denial of the allegations in Paragraph 30 of the Amended Complaint.

17. Any and all documents that in any way relate to your denial of the allegations in Paragraph 44 of the Amended Complaint.

18. Any and all documents that in any way relate to your denial of the allegations in Paragraph 47 of the Amended Complaint.

19. Any and all documents that in any way relate to your denial of the allegations in Paragraph 53 of the Amended Complaint.

20. Any and all documents that in any way relate to your denial of the allegations in Paragraph 56 of the Amended Complaint.

21. Any and all documents that in any way relate to your denial of the allegations in Paragraph 57 of the Amended Complaint.

22. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 59 through 60 of the Amended Complaint.

23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

24. Any and all documents that in any way relate to your denial of the allegations in Paragraph 69 of the Amended Complaint.

25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

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By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: DAVID@HOINESLAW.com

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT JOHN H. MARINO, JR.**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant JOHN H. MARINO, JR., and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant JOHN H. MARINO, JR., and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data—information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. (“IGSM”).

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

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23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

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25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

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Attorneys for Plaintiffs

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**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

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DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT JOHN H. MARINO, SR.**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant JOHN H. MARINO, SR., and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant JOHN H. MARINO, SR., and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data—information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

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2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. (“IGSM”).

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

16. Any and all documents that in any way relate to your denial of the allegations in Paragraph 30 of the Amended Complaint.

17. Any and all documents that in any way relate to your denial of the allegations in Paragraph 44 of the Amended Complaint.

18. Any and all documents that in any way relate to your denial of the allegations in Paragraph 47 of the Amended Complaint.

19. Any and all documents that in any way relate to your denial of the allegations in Paragraph 53 of the Amended Complaint.

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23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

24. Any and all documents that in any way relate to your denial of the allegations in Paragraph 69 of the Amended Complaint.

25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

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By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT LAURENCE COE**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant LAURENCE COE, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant LAURENCE COE, and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

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H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. (“IGSM”).

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

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26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

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David A Hoines, Esq.
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By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT NED L. SIEGEL**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant NED L. SIEGEL, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant NED L. SIEGEL, and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

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4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

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8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

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10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

16. Any and all documents that in any way relate to your denial of the allegations in Paragraph 30 of the Amended Complaint.

17. Any and all documents that in any way relate to your denial of the allegations in Paragraph 44 of the Amended Complaint.

18. Any and all documents that in any way relate to your denial of the allegations in Paragraph 47 of the Amended Complaint.

19. Any and all documents that in any way relate to your denial of the allegations in Paragraph 53 of the Amended Complaint.

20. Any and all documents that in any way relate to your denial of the allegations in Paragraph 56 of the Amended Complaint.

21. Any and all documents that in any way relate to your denial of the allegations in Paragraph 57 of the Amended Complaint.

22. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 59 through 60 of the Amended Complaint.

23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

24. Any and all documents that in any way relate to your denial of the allegations in Paragraph 69 of the Amended Complaint.

25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: DAVID@HOINESLAW.com

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT NEIL SWARTZ**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant NEIL SWARTZ, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant NEIL SWARTZ, and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data—information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. (“IGSM”).

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

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26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: DAVID@HOINESLAW.com

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT TBG HOLDINGS CORP.**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant TBG HOLDINGS CORP., the person with the most knowledge regarding the claims in the Amended Complaint, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings;

agenda of meetings; notices; records; bid records; personal memoranda; photographs; photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant TBG HOLDINGS CORP., and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such

responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data—information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs' Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. ("IGSM").

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

16. Any and all documents that in any way relate to your denial of the allegations in Paragraph 30 of the Amended Complaint.

17. Any and all documents that in any way relate to your denial of the allegations in Paragraph 44 of the Amended Complaint.

18. Any and all documents that in any way relate to your denial of the allegations in Paragraph 47 of the Amended Complaint.

19. Any and all documents that in any way relate to your denial of the allegations in Paragraph 53 of the Amended Complaint.

20. Any and all documents that in any way relate to your denial of the allegations in Paragraph 56 of the Amended Complaint.

21. Any and all documents that in any way relate to your denial of the allegations in Paragraph 57 of the Amended Complaint.

22. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 59 through 60 of the Amended Complaint.

23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

24. Any and all documents that in any way relate to your denial of the allegations in Paragraph 69 of the Amended Complaint.

25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: DAVID@HOINESLAW.com

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT TIMOTHY S. HART**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant TIMOTHY S. HART, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant TIMOTHY S. HART, and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data—information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. (“IGSM”).

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

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20. Any and all documents that in any way relate to your denial of the allegations in Paragraph 56 of the Amended Complaint.

21. Any and all documents that in any way relate to your denial of the allegations in Paragraph 57 of the Amended Complaint.

22. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 59 through 60 of the Amended Complaint.

23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

24. Any and all documents that in any way relate to your denial of the allegations in Paragraph 69 of the Amended Complaint.

25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: DAVID@HOINESLAW.com

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

**PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS AND THINGS ON DEFENDANT WAYNE AUGUST**

Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, serve the following requests for production of documents to Defendant WAYNE AUGUST, and demand that the documents responsive be produced in accordance with the applicable Florida Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

A. As used herein, the definition for the term "Document" means without limitation, the following items, whether printed, recorded, digital, or reproduced by any other mechanical means or process, or written or produced by hand: emails; text messages; agreements; contracts; communications; correspondence; letters; telegrams; tape recordings; memoranda; notes; summaries or other recordings of telephone conversations, personal conversations, or meetings; agenda of meetings; notices; records; bid records; personal memoranda; photographs;

photographic slides; motion picture films; charts; graphs; diagrams; reports; statement of witnesses; findings of investigations; files; reports of experts; reports of consultants; papers; books; records; summaries; diaries; calendars; log books and every other writing or other graphic means by which human intelligence is in any way transmitted or reported.

B. If you object to furnishing any document on the basis of attorney/client privilege or any other basis, please identify the document by the date it bears, or if none, under the date it was written; by the name and address of each person who wrote it, or participated in the writing of it; by the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed; by the name and address of each person that received a copy of the document; by description of the document, as for instance, a letter; by its present location or custodian; and by the present location and custodian of each; or if unknown, its last known location or custodian.

C. As used herein, the terms “you,” “your” or “defendant shall mean Defendant WAYNE AUGUST, and includes any and all of his agents.

D. As used herein, the term “this Action” shall mean the above-styled civil action.

E. As used herein, the term “Complaint” shall mean the Complaint filed in this Action.

F. If your response to any of the following requests is that there are no responsive documents in your "possession, custody or control" or any derivation of said response, please identify the individual or entity by name, employer, job title, business and residential address, and business and residential telephone number, who is in possession, custody or control of such responsive documents, as well as a description of the responsive documents that you believe such individual or entity to be in possession, custody or control of.

G. As used herein, the term “Metadata” means electronically stored data—information about other data, like when and who generated the data, whether and how the data was copied or transmitted, and when and what was changed.

H. The period of time encompassed by these requests is from January 1, 2008 to the present, unless otherwise indicated.

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Any and all documents referring or relating to the December 1 Agreement referred to in Paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

2. Any and all communications between any Defendant and J. Dent or M. Dent referring or relating to the December 1 Agreement referred to in paragraphs 21 through 28 of Plaintiffs’ Amended Complaint.

3. Any and all documents referring or relating to the December 12 Agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

4. Any and all communications with J. Dent or M. Dent regarding the December 12 agreement referred to in Paragraphs 29 through 39 of Plaintiffs’ Amended Complaint.

5. Any and all documents referring or relating to the ownership structure of Monkey Rock including but not limited to a capitalization table.

6. Any and all documents referring or relating to the ownership structure of Continental Rail Corp. including but not limited to a capitalization table.

7. Any and all documents referring or relating to the current value of Continental Rail Corp. stock.

8. Any and all documents referring or relating to the reverse stock split referred to in Paragraphs 43 through 47 of Plaintiffs’ Amended Complaint.

9. Any and all documents referring or relating to the transfer of any assets from Monkey Rock to IGSM Group, Inc. (“IGSM”).

10. Any and all documents referring or relating to the transfer of any ownership interest from Monkey Rock to IGSM.

11. Any and all documents referring or relating to any payment from Defendants to Plaintiffs.

12. Any and all computer backup media containing information and/or files requested herein.

13. Any and all documents that in any way relate to your denial of the allegations in Paragraph 11 of the Amended Complaint.

14. Any and all documents that in any way relate to your denial of the allegations in Paragraph 14 of the Amended Complaint.

15. Any and all documents that in any way relate to your denial of the allegations in Paragraph 15 of the Amended Complaint.

16. Any and all documents that in any way relate to your denial of the allegations in Paragraph 30 of the Amended Complaint.

17. Any and all documents that in any way relate to your denial of the allegations in Paragraph 44 of the Amended Complaint.

18. Any and all documents that in any way relate to your denial of the allegations in Paragraph 47 of the Amended Complaint.

19. Any and all documents that in any way relate to your denial of the allegations in Paragraph 53 of the Amended Complaint.

20. Any and all documents that in any way relate to your denial of the allegations in Paragraph 56 of the Amended Complaint.

21. Any and all documents that in any way relate to your denial of the allegations in Paragraph 57 of the Amended Complaint.

22. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 59 through 60 of the Amended Complaint.

23. Any and all documents that in any way relate to your denial of the allegations in Paragraph 63 through 64 of the Amended Complaint.

24. Any and all documents that in any way relate to your denial of the allegations in Paragraph 69 of the Amended Complaint.

25. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 71 through 74 of the Amended Complaint.

26. Any and all documents that in any way relate to your denial of the allegations in Paragraph 81 of the Amended Complaint.

27. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 86 through 88 of the Amended Complaint.

28. Any and all documents that in any way relate to your denial of the allegations in Paragraphs 91 through 99 of the Amended Complaint.

29. Any and all documents that refer or reflect the administrative services TBG provided to Monkey Rock.

30. Any and all documents that refer or reflect TBG indicating its intent to implement a reverse stock split.

31. Any and all emails exchanged between J. Dent and TBG and its officers as referred to in Paragraph 49 of the Amended Complaint.

32. All statements or memos relating to witnesses or potential witnesses or persons contacted in connection with this case.

33. Copies of any statement given by any witness or potential witness for Defendant in this matter.

34. All documents which Defendant intends to introduce into evidence at trial of this case or may be used to refresh the recollections or impeach witnesses at trial.

35. All documents which Defendant intends to use in any deposition in this matter refresh the recollections or impeach witnesses at depositions.

36. All documents reviewed by Defendants in preparation for their depositions in this matter.

37. Produce the resume or curriculum vitae of any expert witness or potential expert witness retained or contemplated by Defendants in connection with this matter.

38. An Affidavit of Completeness.

Dated: December 10, 2014

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.

213 E. Sheridan Street, Suite 3

Dania Beach, Florida 33004

Telephone: (954) 929-1899

Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline

Eric N. Assouline (FBN 106143)

ena@assoulineberlowe.com

Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on December 10, 2014:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: DAVID@HOINESLAW.com

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

EXHIBIT C

IN THE CIRCUIT COURT IN OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

MONKEY ROCK GROUP, INC.,
derivatively through JOHN A. DENT
and MATTHEW DENT, and JOHN A. DENT
and MATTHEW DENT, both Individually,

CASE NO.: CACE14002567

Plaintiffs,

TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ.

Defendants

_____ /

RESPONSE TO REQUEST TO PRODUCE

COMES NOW Defendants, by and through the undersigned counsel, and hereby responds to the Plaintiffs' Request for Production filed on December 10, 2014 and indicates that the documents requested, to the extent they are not privileged or otherwise not the proper subject of discovery, and are in the possession of Defendants or the attorney are available for inspection and copying in the offices of Defendants' counsel upon reasonable notice. Alternatively, Defendant will copy same and provide such to Plaintiffs at the per copy cost of \$.35 per page.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic service through the Florida Courts E-Filing Portal pursuant

to Rule 2.516 Florida Rules of Judicial Administration and AOSC 13-49 this 6th
day of January, 2015 to: Eric N. Assouline, Esq. (ena@assoulineberlowe.com) and
(gmp@assoulineberlowe.com).

HOINES, HESS & ROSE
3081 E. Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308-4359
954-772-2444 (telephone)
954-772-1860 (facsimile)
DAVID@HOINESLAW.COM



DAVID A. HOINES
Florida Bar No.: 195867

EXHIBIT D

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

MONKEY ROCK GROUP, INC.,
JOHN A. DENT AND MATTHEW DENT,

CASE NO: CACE-14-002567 (08)

Plaintiffs,

v.

TBG HOLDINGS CORP.,
CONTINENTAL RAIL CORPORATION,
WAYNE AUGUST, LAURENCE COE,
JOHN H. MARINO, JR., JOHN H.
MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,

Defendants.

PLAINTIFFS' SUPPLEMENTAL REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiffs, Monkey Rock Group, Inc. derivatively through John A. Dent and Matthew Dent, and John Dent and Matthew Dent individually, by and through his undersigned attorneys and pursuant to Fla. R. Civ. P. 1.350, requests that Defendants TBG Holdings Corp., Continental Rail Corporation, Wayne August, Laurence Coe, John H. Marino, Jr., John H. Marino, Sr., Timothy S. Hart, Ned L. Siegel, and Neil Swartz, produce for inspection and copying the following documents within thirty (30) days hereof at the office of Assouline & Berlow, 3250 Mary St. # 100, Miami, Florida 33133, or at such other location as the parties may agree.

INSTRUCTIONS AND DEFINITIONS

1. The documents requested for production include those in the possession, custody, or control of defendants and their agents, representatives, and attorneys;

2. The term “document(s)” refers to all writings of any kind, including the originals and all non-identical copies, whether different from the original by reason of any notation made on the copies or otherwise, including, without limitation, correspondence, memoranda, personal notes, diaries, statistics, letters, materials, invoices, orders, directives, interviews, telegrams, electronic/computer data, e-mail, minutes, reports, studies, statements, transcripts, summaries, pamphlets, books, interoffice and intra-office communications; notations of any sort of conversations, telephone calls, meetings, or other communications; bulletins, printed matter, teletype, telefax, worksheets, and all drafts, alterations, modifications, changes, and amendments of any of the foregoing; graphic or aural recordings or representations of any kind, including, without limitation, tapes, cassettes, cartridges, discs, chips and records;

3. The phrase “all documents that relate to” shall also mean all documents that refer to, reflect or describe the subject matter of the request;

4. Copies, if authenticated, of the original documents may be supplied in response;

5. Each request should be responded to separately; however, a document that is the response to more than one request may, if the relevant portion is so marked or indexed, be produced and referred to in a later response;

6. Each request refers to all documents that are known by defendant to exist or that can be located or discovered by reasonably diligent efforts by defendant; and

7. With respect to any document for which defendant claims any privilege, defendants are requested to identify each document and clearly state each privilege claimed for the document, identify each person known to defendant who has personal knowledge of the subject matter or contents of the document and state its author(s).

8. Defendants are under a continuing duty to seasonably supplement the production with documents obtained after the preparation and filing of a response to each request.

DOCUMENTS REQUESTED

1. Any and all communications or documents from any Defendant or their counsel to the U.S. Securities and Exchange Commission sent from May 2013 to present.

2. Any and all communications from the Miami Regional Field Office of the U.S. Securities and Exchange Commission to any Defendant or their counsel from May 2013 to present.

3. Any and all communications from the U.S. Securities and Exchange Commission to any Defendant or their counsel from May 2013 to present referring or relating to press releases issued by TBG or any Defendant in this matter.

4. Any and all communications from any Defendant or his/its counsel to the U.S. Securities and Exchange Commission from May 2013 to present referring or relating to any press releases issued by TBG or any Defendant in this matter.

5. Any and all communications from any Defendant to Ned Siegel stating that a press release containing false statements of material fact was issued by a defendant in this matter.

6. Any and all communications or documents from any Defendant to any Defendant or third party referring or relating to John Dent.

7. Any and all communications or documents from any Defendant to any Defendant referring or relating to Matthew Dent.

8. Any and all communications or documents from any Defendant to any Defendant referring or relating to Monkey Rock.

9. Any and all communications or documents from Francis Fytton, Tim Hart, or Neil Swartz to Ned Siegal referring or relating to Monkey Rock.
10. Any and all communications or documents from Francis Fytton, Tim Hart, or Neil Swartz to Ned Siegal referring or relating to Continental Rail.
11. Any and all communications or documents from Francis Fytton, Tim Hart, or Neil Swartz to John H. Marino, Sr. referring or relating to Monkey Rock.
12. Any and all communications or documents from Francis Fytton, Tim Hart, or Neil Swartz to John H. Marino, Sr. referring or relating to Continental Rail.
13. Any and all communications or documents from Francis Fytton, Tim Hart, or Neil Swartz to John H. Marino, Jr. referring or relating to Monkey Rock.
14. Any and all communications or documents from Francis Fytton, Tim Hart, or Neil Swartz to John H. Marino, Jr. referring or relating to Continental Rail.
15. Any and all documents that refer or relate to John Dent demanding 20% of Monkey Rock or any other TBG controlled entity.
16. Any and all documents that refer or relate to any agreements, accords, or plans between TBG and Taylor DeJong.
17. Any and all documents that refer or relate to Taylor DeJong.
18. Any and all communications from Francis Fytton, Tim Hart, or Neil Swartz to any employee of Taylor DeJong from June 1, 2012 to present.
19. Any and all communications from any employee of Taylor DeJong to Francis Fytton, Tim Hart, or Neil Swartz from June 1, 2012 to present.
20. An Affidavit of Completeness certifying the produce response is complete.

Respectfully submitted,

JOHN DENT AND MATTHEW DENT,
Plaintiffs

By: Alexander N. Loftus
One of Their Attorneys

VOELKER LITIGATION GROUP
311 W. Superior Street, Suite 500
Chicago, Illinois 60654
T: (312) 870-5430
F: (312) 870-5431

ASSOULINE & BERLOW
3250 Mary St, #100
Miami, Florida 33133
T: (305) 567-5576
F: (305) 567-9343

Dated: February 17, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing REQUEST FOR PRODUCTION OF DOCUMENTS has been furnished by E-Mail and U.S. Mail to David Hoines, Esq., Hoines, Hess, & Rose, 3081 E. Commercial Blvd., Suite 200, Fort Lauderdale, Florida 33308 and via email to David@hoineslaw.com on this 17th day of February, 2015.

Alexander N. Loftus

CERTIFICATION OF COMPLETENESS

I hereby certify that I have reviewed the document production request and that I have made or caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on my personal knowledge. I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them.

EXHIBIT E

IN THE CIRCUIT COURT IN OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

MONKEY ROCK GROUP, INC.,
derivatively through JOHN A. DENT
and MATTHEW DENT, and JOHN A. DENT
and MATTHEW DENT, both Individually,

CASE NO.: CACE14002567

Plaintiffs,

TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ.

Defendants

_____ /

RESPONSE TO REQUEST TO PRODUCE

COMES NOW Defendants, by and through the undersigned counsel, and hereby responds to the Plaintiffs' Request for Production and states that Defendants will provide copies of the following documents, for inspection in the offices of Defendants' counsel to the extent they are in possession of Defendant:

1. Item numbers 1, 3, 6, 7, 8, 12, 14, 16, 17, 18, 19.
2. No documents regarding the following: 2, 4, 5, 9, 11, 13.
3. Item numbers 10 and 15 are being researched.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by electronic service through the Florida Courts E-Filing Portal pursuant

to Rule 2.516 Florida Rules of Judicial Administration and AOSC 13-49 this 24
day of March, 2015 to: Eric N. Assouline, Esq. (ena@assoulineberlowe.com) and
(gmp@assoulineberlowe.com).

HOINES, HESS & ROSE
3081 E. Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308-4359
954-772-2444 (telephone)
954-772-1860 (facsimile)
DAVID@HOINESLAW.COM



DAVID A. HOINES
Florida Bar No.: 195867

EXHIBIT F

**IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

**MONKEY ROCK GROUP, INC., JOHN A.
DENT, AND MATTHEW DENT,**

CASE NO.: CACE-14-002567 08

Plaintiffs,

v.

**TBG HOLDINGS CORP., CONTINENTAL
RAIL CORPORATION, WAYNE AUGUST,
LAURENCE COE, JOHN H. MARINO, JR.,
JOHN H. MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,**

Defendants.

_____ /

PLAINTIFFS' NOTICE OF TAKING DEPOSITIONS

TAKE NOTICE that Plaintiffs, MONKEY ROCK GROUP, INC., JOHN A. DENT, and MATTHEW DENT (collectively "Plaintiffs"), pursuant to Fla. R. Civ. P. 1.310, will take the deposition, by oral examination, for the purpose of discovery and for use as evidence in said cause, or both, of:

<u>Name of Deponent</u>	<u>Date and Time of Deposition</u>	<u>Place of Deposition</u>
Wayne August	Monday, February 2, 2014 at 1 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004
John H. Marino, Jr.	Monday, February 2, 2014 at 4 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004
John H. Marino, Sr.	Tuesday, February 3, 2014 at 1 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004
Laurence Coe	Tuesday, February 3, 2014 at 4 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004
Timothy S. Hart	Wednesday, February 4, 2014 at 1 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004

ASSOULINE & BERLOWE, P.A.

213 East Sheridan Street, Suite 3, Dania Beach, FL 33004 • Telephone: 954-929-1899 • Facsimile: 954-922-6662

Ned L. Siegel	Wednesday, February 4, 2014 at 4 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004
Neil Swartz	Thursday, February 5, 2014 at 1 p.m.	Assouline & Berlowe, P.A. 213 E. Sheridan Street, Ste. 3 Dania Beach, FL 33004

Said depositions will be taken before a Notary Public or any officer authorized to administer oaths by the laws of the State of Florida, and a person who is neither a relative nor employee of such attorney or counsel, and who is not financially interested in this action.

Said oral examinations will continue from hour to hour and from day to day until complete.

Dated: January 6, 2015

Respectfully submitted,

ASSOULINE & BERLOWE, P.A.
213 E. Sheridan Street, Suite 3
Dania Beach, Florida 33004
Telephone: (954) 929-1899
Facsimile: (954) 922-6662

By: /s/. Eric N. Assouline
Eric N. Assouline (FBN 106143)
ena@assoulineberlowe.com
Secondary: ah@assoulineberlowe.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by electronic service upon Defendants' counsel, on January 6, 2015:

David A Hoines, Esq.
Hoines, Hess & Rose
3081 E. Commercial Boulevard
Suite 200
Fort Lauderdale, Florida 33308-4359
(954) 772-2444 (telephone)
(954) 772-1860 (facsimile)
E-service: david@Hoineslaw.com; toni@hoineslaw.com.

By: s/Eric N. Assouline
Eric N. Assouline, Esq.

EXHIBIT G

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

MONKEY ROCK GROUP, INC.,
JOHN A. DENT AND MATTHEW DENT,

CASE NO: CACE-14-002567 (08)

Plaintiffs,

v.

TBG HOLDINGS CORP.,
CONTINENTAL RAIL CORPORATION,
WAYNE AUGUST, LAURENCE COE,
JOHN H. MARINO, JR., JOHN H.
MARINO, SR., TIMOTHY S. HART,
NED L. SIEGEL, and NEIL SWARTZ,

Defendants.

NOTICE OF DEPOSITIONS

TO: David Hoines, Esq.,
Hoines, Hess, & Rose
3081 E. Commercial Blvd., Suite 200,
Fort Lauderdale, Florida 33308

John H. Marino, Jr., April 10, 2015 10:00 a.m.

John H. Marino, Sr., April 10, 2015 1:00 p.m.

PLEASE TAKE NOTICE that pursuant to Fla. R. Civ. P 1.30, the undersigned hereby shall conduct the depositions of the above listed deponents at the date and times stated above and continuing thereafter until complete at 706 Duke Street, Suite 100, Alexandria, Virginia 22314, by stenographic means before a duly qualified notary public/court reporter.

By this notice, the deponent is requested to be present at said time and place.

Respectfully submitted,

JOHN DENT AND MATTHEW DENT,
Plaintiffs

By: Alexander N. Loftus

One of Their Attorneys

Alexander N. Loftus, Esq.
VOELKER LITIGATION GROUP
311 W. Superior Street, Suite 500
Chicago, Illinois 60654
T: (312) 870-5430
F: (312) 870-5431

Dated: March 14, 2015

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NOTICE OF DEPOSITIONS has been furnished by E-Mail and U.S. Mail to David Hoines, Esq., Hoines, Hess, & Rose, 3081 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL and via email to David@hoineslaw.com on this 14 day of March, 2014.

Alexander N. Loftus

EXHIBIT H

From: Alexander Loftus alex@voelkerlitigationgroup.com
Subject: Re: Dent-Supplemental Discovery
Date: March 20, 2015 at 12:53 PM
To: david@hoinelaw.com
Cc: Toni toni@hoinelaw.com



When can I expect a response to the supplemental production request? Do you still have the contact info for the copy service I used last time?

How is it coming on confirming dates for Marinos and Siegel?

Thanks,

Alex

Alexander N. Loftus
Voelker Litigation Group
311 W. Superior Street, Suite 500
Chicago, Illinois 60654
T.312.870.5430
F.312.870.5431
C.312.772.5396
alex@voelkerlitigationgroup.com

On Feb 17, 2015, at 4:53 PM, Alexander Loftus <alex@voelkerlitigationgroup.com> wrote:

Mr. Hoines,

Attached please find a supplemental production request. If we are unable to settle on Thursday I would like to not miss a beat. The production request is largely duplicative of what was requested before but gets after the emails that were missing. Also attached are requests to admit to several individual defendants not deposed. I attached signature pages for each. I'm not sure if Florida law requires a notary on these but if it does I will waive the notary requirement.

See you Thursday,

Alex

<Dent- Production Request-2-15-15 AL .pdf><Dent-RTA Marino Jr.-1-17-15.pdf><Dent-RTA Marino Sr.-1-17-15.pdf><Dent-RTA Siegel-1-17-15.pdf>

Alexander N. Loftus
Voelker Litigation Group
311 W. Superior Street, Suite 500
Chicago, Illinois 60654
T.312.870.5430
F.312.870.5431
C.312.772.5396
alex@voelkerlitigationgroup.com

From: Alexander Loftus alex@voelkerlitigationgroup.com
Subject: Fwd: Siegel/Marino Dep
Date: April 19, 2015 at 4:35 PM
To: Alexander Loftus alex@voelkerlitigationgroup.com



Sent from my iPhone

Begin forwarded message:

From: Alexander Loftus <alex@voelkerlitigationgroup.com>
Date: March 28, 2015 at 7:58:48 PM CDT
To: "<david@hoineslaw.com>" <david@hoineslaw.com>
Subject: Re: Siegel/Marino Dep

Mr. Hoines,

I am very surprised that these individuals with significant wealth when faced with personal liability on the fraudulent transfer claim at least would not put up a more vigorous defense.

No dispositive motions, no affirmative defenses, no counterclaims, no discovery issued, no objections to written discovery. This does not fit Siegel and Marino regardless of the merits of the claim.

When I noticed Marino's dep in Florida you tell me he is in Virginia then when I seek to depose him in Virginia you say everyone is in Florida.

Siegel and Marino have valid claims against Swartz if they were never on the board of MKRO. Siegel and Marino would want to steer clear of the SEC investigation and distances themselves from it.

All that being said, I had assumed Siegel and Marino were not participating in the defense.

I'm glad you have them all together in Florida now. We will see what discovery fleshes out. See you in May and hopefully see the rest of the docs shortly.

Alex

Sent from my iPhone

On Mar 28, 2015, at 2:16 PM, David Hoines <david@hoineslaw.com> wrote:

Of course we will produce--I represent them--what is wrong with you?

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

From: Alexander Loftus [mailto:alex@voelkerlitigationgroup.com]

Sent: Saturday, March 28, 2015 2:55 PM

To: david@hoineslaw.com

Subject: Re: Siegel/Marino Dep

Are you refusing to produce them for depositions? Do you represent them? Can I contact the three of them directly?

-Alex

Alexander N. Loftus
Voelker Litigation Group
311 W. Superior Street, Suite 500
Chicago, Illinois 60654
T.312.870.5430
F.312.870.5431
C.312.772.5396
alex@voelkerlitigationgroup.com

On Mar 28, 2015, at 1:43 PM, David Hoines <david@hoineslaw.com> wrote:

They have nothing to do with this, as you already know

they have nothing to do with this, as you already know

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

From: Alexander Loftus [<mailto:alex@voelkerlitigationgroup.com>]

Sent: Saturday, March 28, 2015 2:15 PM

To: <david@hoineslaw.com>

Subject: Re: Siegel/Marino Dep

I relayed that to Matt.

I'm most interested in deposing Marino and Seigel and receiving documents requested.

I am very surprised, in light of what has come out in discovery, that either Marino or Swartz would agree to having the same counsel as Swartz and Hart and that they did not bring a dispositive motion rather than be roped into this and serve as a backstop to pay damages.

Alex

Sent from my iPhone

On Mar 28, 2015, at 1:01 PM, David Hoines <david@hoineslaw.com> wrote:

Relax no one is going anywhere-- I need to take the depo of Matt Dent also--tell me when available and we can schedule--sometime in mid May probably work, but my schedule up in the air now

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

From: Alexander Loftus [<mailto:alex@voelkerlitigationgroup.com>]

Sent: Friday, March 27, 2015 6:04 PM

To: david@hoineslaw.com

Cc: Toni

Subject: Re: Siegel/Marino Dep

My local counsel advised of Florida's rules on changes to transcripts I'd like to re-depose Swartz and Hart when I depose Marinos and Seigel in the next month or so.

-Alex

Alexander N. Loftus
Voelker Litigation Group
311 W. Superior Street, Suite 500
Chicago, Illinois 60654
T.312.870.5430
F.312.870.5431
C.312.772.5396
alex@voelkerlitigationgroup.com

On Mar 27, 2015, at 4:56 PM, Alexander Loftus <alex@voelkerlitigationgroup.com> wrote:

Mr. Hoines,

What's the hold up on this? I don't want to waste time or money on local counsel for a motion to set a deposition date and get documents that are not even objected to.

-Alex

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On Mar 24, 2015, at 1:56 PM, Alexander Loftus <alex@voelkerlitigationgroup.com> wrote:

How about the first week of May?

-Alex

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On Mar 24, 2015, at 1:52 PM, David Hoines <david@hoineslaw.com> wrote:

Alex--April is no good for me--trials and out of country David

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

From: Alexander Loftus [<mailto:alex@voelkerlitigationgroup.com>]

Sent: Tuesday, March 24, 2015 1:56 PM

To: <david@hoineslaw.com>

Subject: Siegel/Marino Dep

Mr. Hoines,

Please advise when Mr. Seigel is available to be deposed. I can come down April 14-17 or April 23-29.

I have not heard from you either way on Marinos. If they are in Florida we can arrange for the same days.

I have laid off on taking discovery from Taylor DeJung while awaiting your responses to supplemental production. We could maybe double dip on Taylor DeJung deps and Marino deps in the DC area this spring?

-Alex

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