

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

**IN RE: CUMBERLAND  
INVESTMENT CORPORATION**

**CA. NO. 89-11051**

**SECOND REQUEST FOR ADMISSIONS TO JASON MONZACK**

You are requested to admit the truth of each statement of fact hereinafter stated. You are instructed that:

1. This Request is made under Rule 36 of the Rules of Civil Procedure. Each matter of which admission is requested shall be deemed admitted unless your signed, written, verified response is filed and served upon the undersigned within thirty (30) days after delivery.
2. If you do not admit or deny each statement, you must detail the reasons why you cannot truthfully admit or deny each.
3. If you do not admit or deny each statement and Petitioner proves the truth, you may be required to pay reasonable fees and expenses, pursuant to Rule 37 (c) of the Rules of Civil Procedure.
4. If a statement is true in part but not true in full, then answer separately as to each part.
5. If your answers would be different if answered in another capacity, answer separately in each capacity. Failure to do so constitutes an admission in any other capacity.

**PETITIONER'S REQUEST FOR ADMISSIONS**

1. On or about June 10, 1994, Jason D. Monzack received a letter from Harold F. Chorney, which contained a "list of possible items missing or sold but no accounting."
2. On December 28, 1994, Jason D. Monzack met with Traian Nacu, Phillip Dunleavey and Harold F. Chorney at the offices of Kishenbaum and Kirshenbaum at 888 Reservoir Ave in Cranston, R.I.
3. At this meeting on December 28, 1994, Jason D. Monzack admitted to Mr. Dunleavey, Nacu and Chorney that some \$300,000 in assets of the estate of Cumberland Investment Corporation were indeed missing.
4. Jason D. Monzack currently has or previously had videotapes under his custody and control of inventories, taken by FDIC, of assets of the estate of Cumberland Investment Corporation, including but not limited to inventory taken by Donald Etnier and Barbara Quinn subsequent to the failure of Eastland Bank.
5. Jason D. Monzack currently has or previously had copies of the vault sign in and out cards, concerning the assets of Cumberland Investment Corporation, from the vaults at Eastland Bank in Cranston and Eastland Bank in Woonsocket, Rhode Island.
6. Jason D. Monzack, currently has custody and control, or

previously had custody and control or has knowledge of the location of the "yellow inventory notebooks" of Cumberland Investment Corporation.

7. Jason D. Monzack has or had a list of individuals, belonging to a group of 'so called redemption coin clients', who have not received their coins back from Mr. Brodsky or any other party.

8. All assets of the estate of Cumberland Investment Corporation, seized on August 17 and August 23, 1990 by the Chapter 11 Trustee, with exception of some 380 silver dollars and 3 (three) \$10,000 bills, that did not sell in the Spink America Auction sale of December 7, 1999, subsequently abandoned by court order dated March 14, 2001, have been sold with court permission.

9. Mr. Monzack filed a proof of claim in a class action lawsuit, involving the assets of the estate of Cumberland Investment Corporation, sold by Christies and Sothebys.

10. Some of the proceeds from the sale of assets in 1991 were placed into a fund, for the benefit of the "unsecured creditors".

11. The proceeds from the sale of assets in 1991 were placed into a fund for the use of the secured creditor or for distribution in accordance with an 11 USC §364 (c)(1) Agreement, authorized by the Bankruptcy Court on December 12, 1992.

12. Jason D. Monzack has a list of expenses for which the monies, paid in accordance with the 11 USC §364 (c)(1) Agreement, were made to Fleet Bank or others.

13. Jason D. Monzack is aware of which funds were paid to Fleet by FDIC in re: Fleet's prior claim in the CIC case.

14. Jason D. Monzack has reported missing assets of the estate of Cumberland Investment Corporation to the office of the U.S. Trustee or other Agencies or parties.

15. Jason D. Monzack has a copy of a joint inventory, taken by himself and Frank Cadigan, FDIC as referred to on page 68 of the February 15, 1996 hearing in Bankruptcy Court before Judge Votolato.

16. Jason D. Monzack has a statement of all assets which came into his possession as Chapter 7 Trustee.

17. The \$500 and \$1000 bills seized on August 17, 1990, from Cumberland Investment Corporation estate have been sold.

18. The pre Columbian art work from the Cumberland Investment Corporation estate, seized on August 17, 1990, has been sold.

19. Boxes of gemstones, seized from 325 Main Street, Woonsocket, R.I., on August 23, 1990, have been sold.

20. Bags of 90 percent U.S. silver coinage, seized from 141 Main

Street, on August 17, 1990, have been sold.

21. Trustee Monzack claims certain documents referred to in paragraphs 1-20 above are exempt from disclosure to the public in accordance with 11 U.S.C. Section 107.

22. Trustee Monzack claims certain documents referred to in Paragraphs 1-20 above are exempt from disclosure for reasons other than in accordance with 11 U.S.S. Section 107.

Respectfully submitted,

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Harold F. Chorney  
16 Spring Drive  
Johnston, R.I. 02919  
401 934-0536

**CERTIFICATION**

I hereby certify that on this \_\_\_\_\_ day of April, 2004, I sent a copy of the above by first class mail to the following:

Jason D. Monzack  
Kirshenbaum & Kirshenbaum  
888 Reservoir Avenue  
Cranston, R.I. 02910

Leonard DePasquale, AUST  
10 Dorrance Street  
Providence, R.I. 02903

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HAROLD F. CHORNEY