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IN THE THIRD DISTRICT COURT, SALT LAKE COUNTY

STATE OF UTAH

A. DAVID BARNES, M.D., P.C.,

Plaintiff,

vs.

FFCF INVESTORS, LLC, et al.

Defendants.

FFCF INVESTORS, LLC,

Plaintiff,

vs.

RICHARD SMITH, et al.

Defendants.

NOTICE OF DEPOSITION

Case No. 080922273

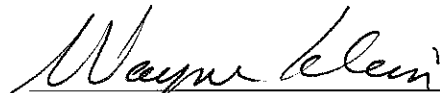
Judge: Denise P. Lindberg

PLEASE TAKE NOTICE that the Receiver, Wayne Klein, will take the deposition of defendant Richard Smith beginning Wednesday, November 4, 2009, at 9:00 a.m. The deposition will be taken at the offices of the law firm Parsons Behle & Latimer, 201 South Main, Suite

1500, Salt Lake City, Utah, 84111. As ordered by the Court on October 1, 2009, the deposition may continue for up to three days, at the discretion of the Receiver. Accordingly, the deposition is scheduled to continue through Friday, November 6, 2009.

The deposition shall be conducted pursuant to the Utah Rules of Civil Procedure, before a certified court reporter.

DATED this 6th day of October, 2009.



R. WAYNE KLEIN #3819
Receiver for FFCF Investors, Ascendus
Capital Management, and Smith Holdings

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2009, copies of the foregoing Notice of

Deposition of Richard Smith were mailed to:

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Receiver