

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
07 CVS 16486

MARTHA B. CAPPS, by and through her)
Guardian ad Litem, BRUCE L. CAPPS,)
Plaintiff)

v.)

HAROLD EARL BLONDEAU, R.J.)
BLONDEAU, NEAL WILLIAM KNIGHT,)
ANNE LOUISE KNIGHT, HELEN)
SOUTHWICK KNIGHT, MORGAN)
KEEGAN & COMPANY, INC., MARVIN L.)
BAKER FAMILY FOUNDATION, INC., and)
REGIONS BANK, d/b/a REGIONS)
MORGAN KEEGAN TRUST FSB,)
Defendants)

ORDER

THIS MATTER comes before the court upon Plaintiff's Motion for Non-Spoilation Order as against Wachovia Bank, N.A. ("Wachovia") (the "Motion"), in which Plaintiff seeks an order from the court preserving discoverable information and preventing spoliation of evidence during the pendency of appeals by Defendants Morgan Keegan & Company, Inc. and Harold Earl Blondeau ("Blondeau") of this court's order denying those Defendants' motion to compel arbitration.

Specifically, Plaintiff asks the court to order that Wachovia suspend any destruction of records relating to any bank account(s) of Defendant Blondeau and Judy Blondeau with Wachovia during the pendency of Blondeau's appeal. The specific records sought to be preserved are reflected in the Attachment to Subpoena (the "Records") incorporated as part of Exhibit A to that subpoena dated October 14, 2008,

and previously served upon Wachovia by Plaintiff, the contents of which are incorporated herein by reference.

THE COURT, having considered the Motion in the procedural context of this proceeding and further having considered the potential materiality of the banking information and records at issue, and no response to the Motion having been filed by Wachovia, CONCLUDES that the Motion should be GRANTED.

THEREFORE, it is ORDERED that until further order of this court, Wachovia shall suspend its normal, routine destruction or purging of records, and shall keep and maintain the following Records sought by Plaintiff's October 14, 2008 subpoena:

1. For all accounts owned by Blondeau and/or Judy Blondeau, copies of any and all signature cards for each such account.
2. Full and complete account statements for each account owned by Blondeau and/or Judy Blondeau from August 1, 2001, through August 31, 2006.
3. Front and back of copies of checks and/or deposit slips for the following transactions believed to have occurred with regard to accounts owned by Blondeau and/or Judy Blondeau: (a) \$75,000 deposit on or about August 26, 2002; (b) \$20,000 deposit on or about July 28, 2003; (c) \$23,000 deposit on or about November 14, 2003; (d) \$50,000 deposit on or about March 8, 2004 and (e) \$15,000 deposit on or about January 5, 2005.
4. Front and back copies of any checks (including cashier's checks) made payable to Wachovia, and any checks from Martha B. Capps, deposited into any account owned by Blondeau and/or Judy Blondeau from August 1, 2001, through August 31, 2006.

5. All transaction details for any deposit wired to any account owned by Blondeau and/or Judy Blondeau from August 1, 2001, through August 31, 2006, including but not limited to: (a) the amount and date of the deposit, (b) routing and account numbers for each wire deposit and (c) the financial institution or source of funds for each wire deposit.

6. Copies of any written procedures of Wachovia regarding endorsement or deposit of checks made payable to Wachovia by an account holder in effect from August 1, 2001, through August 31, 2006.

7. Plaintiff shall cause this Order to be served upon Wachovia pursuant to the provisions of Rule 4, North Carolina Rules of Civil Procedure.

This the 13th day of August, 2010.

/s/ John R. Jolly, Jr.
John R. Jolly, Jr.
Special Superior Court Judge for
Complex Business Cases