

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

In re:	§	Chapter 11
	§	
HII TECHNOLOGIES, INC., <i>et al.</i>¹	§	15-60070 (DRJ)
Debtors	§	(Jointly Administered)

NOTICE OF EXAMINATION UNDER RULE 2004 AND SUBPOENA DUCES TECUM

**To: Carlos Buchanan, c/o Seth Nichamoff, Nichamoff & King PC, 2444 Times Blvd.
Houston TX, 77005**

NOTICE IS HEREBY GIVEN that HII Technologies, Inc. (“HII”) and its subsidiaries, as debtors and debtors-in-possession in these chapter 11 cases (collectively, the “Debtors”), intend to conduct an examination of Carlos Buchanan (and any entities owned or controlled by Carlos Buchanan) under FRBP 2004 on February 9, 2016 beginning at 9A.M. The examination will take place at the offices of **McKool Smith, PC, 600 Travis, Suite 7000, Houston, Texas 77002**, and continue from day to day until completed. The examination may be videotaped. The examination will cover the following matters:

- (i) the acts, conduct, or property of the Debtors;
- (ii) the liabilities and financial condition of the Debtors;
- (iii) matters that may affect the administration of the Debtors’ Estates;
- (iv) the Debtors’ right to a discharge;
- (v) the affairs, relationships and/or property of the Debtors and any companies or persons affiliated with the Debtors and/or any predecessors-in-interest or affiliated companies or individuals;
- (vi) operation of the Debtors’ businesses and desirability of its continuance;
- (vii) the source of any money or property acquired or to be acquired by the Debtors for purpose of consummating a plan and the consideration given or offered therefore; and

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: (i) Apache Energy Services, LLC (4404); (ii) Aqua Handling of Texas, LLC (4480); (iii) HII Technologies, Inc. (3686); (iv) Sage Power Solutions, Inc. fka KMHVC, Inc. (1210); and (v) Hamilton Investment Group, Inc. (0150).

(viii) any other matter relevant to the case or to the formulation of a plan.

The examination is occurring pursuant to written agreement.

DATED: February 4, 2016

Respectfully submitted,

McKool Smith, P.C.

By: /s/ Benjamin W. Hugon
Hugh M. Ray, III
State Bar No. 24004246
Christopher D. Johnson
State Bar No. 24012913
Benjamin W. Hugon
State Bar No. 24078702
600 Travis, Suite 7000
Houston, Texas 77002
Tel: 713-485-7300
Fax: 713-485-7344

Counsel for the Debtors-in-Possession

CERTIFICATE OF SERVICE

The undersigned certifies that on February 4, 2016, a true and correct copy of the foregoing Notice of Rule 2004 Examination and Subpoena Duces Tecum, was sent via the ECF system to the parties on the ECF service list, including the United States Trustee, and the same is being delivered to the Noticing Agent for service upon the parties on the Master Service List.

The undersigned further certifies that on February 4, 2016, a true and correct copy of the foregoing Notice of Rule 2004 Examination and Subpoena Duces Tecum has been served via facsimile, first class mail and/or electronic mail, upon the following:

Seth Nichamoff (Carlos Buchanan's attorney)
Nichamoff & King PC
2444 Times Blvd.
Houston TX, 77005

/s/ Benjamin W. Hugon
BENJAMIN W. HUGON

DOCUMENT PRODUCTION REQUESTS

DEFINITIONS AND TERMS

The following terms shall have the meanings set forth below:

1. “You,” or “your,” shall refer to Carlos Buchanan and any entity owned or controlled by Carlos Buchanan, including but not limited to their agents, employees, representatives, predecessors, successors, and all other persons acting on their behalf.

2. “Document” or “writing” means any form of data compilation whether produced, reproduced, or stored on paper, cards, tapes, disks, belts, charts, films, computer storage devices, or any other medium and shall include, but not be limited to, any letter, note memorandum, article, book, published material, report, study, statement, speech, notebook, application, calendar, working paper, manual, brochure, analysis, telegram, transcript, summary, diary, agreement, contract, log, appointment book, graph, drawing, chart, financial statement, bank statement, bank check, deposit slip, receipt, invoice, bookkeeping entry, photograph, photostat, microfilm, x-ray film, sound recording, motion picture, videotape, or any other type of mechanical, electronic or magnetic impulse recording, and shall also include, but not be limited to, any draft or copy (with or without notes of changes thereon) of a writing or document in your possession, custody or control. This definition specifically includes e-mail communications.

4. “Person” means and includes natural persons, governmental entities and agencies, proprietorships, partnerships, corporations, and all other forms or organizations or associations.

5. “Asset” or “Assets” as used herein shall mean and include all real property, personalty, and intangibles such as land and improvements thereon, buildings, mineral interests, mineral royalty rights, working interests, farmout interests, any currency or contract therefor (such as a check or bond or account, including any custodial account, SEP IRA, retirement account, trust account, UGTMA account, Section 529 plan, whole life policy, annuity or other right), royalty rights for a patent, trademark, or copyright, any certificate or share evidencing an ownership interest in any entity (even “bearer shares” not in your current possession, but which you have a right to possess or control), but “assets” does not include causes of action, rights to indemnity, or rights of contribution.

6. “Possession” means and includes documents actually within your possession, custody or control, including the possession, custody or control of any employee, consultant, aide or other representative (including, without limitation, attorneys and accountants) and any other person acting or purporting to act on your behalf.

7. “Relating to” or “evidencing” means refers to, relates to, concerns, reflects, contains, embodies, or in any manner pertains to the subject matter of the case.

8. The word “and” includes “or” and vice versa.

9. If any documents responsive to this subpoena are withheld on the basis of any privilege, please furnish a list containing the following information:

- a. the privilege asserted, and
- b. identification of the document by providing the date of the document, the author of the document, the recipients of the document and all persons who have reviewed same, and the general subject matter of the document.

10. You are required to produce all documents in response to this notice and Subpoena as they are kept in the usual course of business, or organized and labeled to correspond with the categories in this request. Accordingly, whenever a document or group of documents is

taken out of a file folder, file drawer, file box. or notebook, before the same is produced, please also produce a copy of the label on the file folder, file drawer, file box or notebook from which the document of group of documents was removed.

11. In the event that any document requested has been lost or destroyed, please identify such document by author, addressee, date, subject matter, number of pages, attachments or appendices, all persons to whom distributed, shown or explained, all persons who had custody of each document, date of loss or destruction, please also identify the person responsible for the loss or destruction.

12. “Signatory Authority” means that, by your order, signature, or invocation of right, you may force an action to be taken that would otherwise not be taken.

13. “Correspondence” means any communication of an author’s thoughts via letter, facsimile, email, or otherwise sent for the purpose of communicating the thought to the recipient.

14. “Consideration” means the right, interest, profit or benefit given or forbearance, detriment, loss, or responsibility undertaken in exchange for the transfer of an Asset or right.

15. “Financial Institution” means any person that holds, invests, or lends Assets as part of its business.

16. “Family member” means your relative or your spouse’s relative within three degrees of consanguinity or affinity.

DOCUMENTS TO BE PRODUCED

1. All your balance sheets, income statements, ledgers, journals, trial balances, and/or any other financial or business records for the past 2 years, along with supporting documentation.
2. All your account receivable business records within the past 2 years.
3. All Correspondence between you and Occidental Permian Ltd. or Oxy USA WTP L.P.
4. All Correspondence between you and the Debtors.
5. All Correspondence between you and Brent Mullinix, Caleb Baucom, or Billy Cox from January 1, 2015 to the present.
6. Any documents relating to your relationship with Occidental Permian Ltd. or Oxy USA WTP L.P.
7. Any documents relating to your relationship with the Debtors.
8. Notwithstanding any of the foregoing, the preceding document production requests are limited as set forth in the email attached as **Exhibit A**.

Ben Hugon

From: Ben Hugon
Sent: Tuesday, February 02, 2016 1:55 PM
To: 'Seth A. Nichamoff'
Cc: Hugh M. Ray, III; Christopher D. Johnson
Subject: RE: Rule 2004 Examination

Seth:

Agreed. We would like to begin the Rule 2004 examination at 9AM on February 9th. We would propose to have the exam at McKool Smith's offices in Houston but if you'd prefer your offices let us know. Otherwise I will arrange for a videographer, etc. to be at our Houston offices at 9AM on February 9th.

Benjamin W. Hugon | Associate | McKool Smith
600 Travis Street, Suite 7000, Houston, TX 77002
Telephone: (713) 485-7312

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From: Seth A. Nichamoff [<mailto:seth@nichamofflaw.com>]
Sent: Tuesday, February 02, 2016 1:26 PM
To: Ben Hugon
Cc: Hugh M. Ray, III; Christopher D. Johnson
Subject: RE: Rule 2004 Examination

Hi Ben,

We confirm that we will produce responsive documents on or before 2/8 and appear for deposition on 2/9. This agreement is contingent upon the limitation of the document production to documents directly related to Debtor and Gulf & Western, the entity directly dealing with Debtor and the subject business activities. As discussed, Mr. Buchanan and other companies that he is an officer of did not engage in the subject business activities, although there may exist responsive correspondence by Mr. Buchanan himself, which will be produced.

In any event, we are working on the document production now within the referenced parameters and will immediately advise of any delays in obtaining documents, which is not anticipated.

Seth

From: Ben Hugon [<mailto:bhugon@McKoolSmith.com>]
Sent: Tuesday, February 2, 2016 12:36 PM
To: seth@nichamofflaw.com
Cc: Hugh M. Ray, III <hmr@McKoolSmith.com>; Christopher D. Johnson <cjohnson@McKoolSmith.com>
Subject: Rule 2004 Examination

Seth:

Were you going to send over the email setting forth the documents Mr. Buchanan will agree to produce for February 8th, in advance of the Rule 2004 examination set for the 9th?

Kind regards,

Benjamin W. Hugon | Associate | McKool Smith
600 Travis Street, Suite 7000, Houston, TX 77002
Telephone: (713) 485-7312

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