

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

In Re:

Panthera Enterprises, LLC,

Case No. 19-00787

Debtor in Possession.

Chapter 11

**JOINT WITNESS AND EXHIBIT LIST**

Pursuant to the Court's order of June 19, 2020 (dkt 175), and in anticipation of the hearing scheduled for July 17, 2020 on the United States Trustee's motion to dismiss (dkt 112) and the joint motion by Panthera Training, LLC and West Virginia Economic Development Authority to convert the Debtor's Chapter 11 case (dkt 132), the parties submit the following list of witnesses (with estimated examination time) and exhibits each party expects to submit at the Hearing:

**WITNESSES:**

**Panthera Training, LLC:**

Bob Starer- approximately ½ hour on direct

James Punelli- adverse witness approximately ½ hour on direct

Panthera Training, LLC may wish to cross-examine other parties' witnesses, but expects the time to be minimal.

**West Virginia Economic Development Authority ("EDA"):**

J. Steven Webb- less than ½ hour on direct

James Punelli - adverse witness, less than ½ hour on direct if necessary

The EDA may wish to cross-examine other parties' witnesses, but expects the time to be minimal.

**United States Trustee:**

The UST does not anticipate calling any direct witnesses but would possibly seek to cross-examine any other parties' witnesses. The UST expects such cross-examination time to be minimal. The exhibits the UST plans to submit are documents already in the case record and/or will be stipulated.

**Panthera Enterprises, LLC (the Debtor):**

James Punelli – approximately ½ hour on direct

Ray Jones – approximately ½ hour on direct

Debtor may cross-examine other parties' witnesses – approximately ½ hour each

**EXHIBITS:**

**Panthera Training, LLC:**

- PT-1 June 1, 2018 Commercial Lease Agreement by and between Panthera Enterprises, LLC and Panthera Training, LLC
- PT-2 Agreement of assignment, dated June 1, 2018, by and between Panthera Enterprises, LLC, Panthera Training Center, LLC, and Panthera Training, LLC
- PT-3 Subcontract, executed December 12, 2018 and effective June 1, 2018, by and between Panthera Enterprises LLC, Panthera Worldwide LLC, Panthera Training Center LLC and Panthera Training, LLC
- PT-4 Debtor Panthera Enterprises, LLC's Responses to Movants' Discovery Requests, served June 5, 2020
- PT-5 Forbearance Agreement made as of July 6, 2018, by and among West Virginia Economic Development Authority, Panthera Enterprises, LLC, Global Matrix Corporation, Pons Milvius LLC, James V. Punelli, Raymond C. Jones, and Panthera Training, LLC.
- PT-6 Subordination, Non-Disturbance and Attornment Agreement, dated November 1, 2018, by and between West Virginia Economic Development Authority and Panthera Training, LLC

- PT-7 Invoice dated September 9, 2019, from Panthera Training LLC, billing Panthera Training Center, LLC, \$44,464.80 (dkt 132-1, Ex. A-1)
- PT-8 Emails dated January 28, 2020 between James Punelli and Bob Starer, re: "Billings" (dkt 132-1, Ex. A-2)
- PT-9 Invoice dated November 12, 2019, from Panthera Training LLC, billing Panthera Training Center, LLC, \$30,200.00 (dkt 132-1, Ex. A-3)
- PT-10 Emails dated December 31, 2019 between James Punelli and Bob Starer, re: "A Reminder" (dkt 132-1, Ex. A-4)
- PT-11 Invoice dated January 16, 2020, from Panthera Training LLC, billing Panthera Training Center, LLC, \$30,200.00 (dkt 132-1, Ex. A-5)
- PT-12 Email exchange dated February 14 and 19, 2020, between James Punelli and Bob Starer (dkt 132-1, Ex. A-6)
- PT-13 Debtor's Operating Report for the month of September 2019 (dkt 37)
- PT-14 Debtor's Operating Report for the month of October 2019 (dkt 63)
- PT-15 Debtor's Operating Report for the month of November 2019 (dkt 80)
- PT-16 Debtor's Operating Report for the month of December 2019 (dkt 93)
- PT-17 Debtor's Operating Report for the month of January 2020 (dkt 98)
- PT-18 Debtor's Operating Report for the month of February 2020 (dkt 110)
- PT-19 Debtor's Operating Report for the month of March 2020 (dkt 118)
- PT-20 Debtor's Operating Report for the month of April 2020 (dkt 168)
- PT-21 Debtor's Operating Report for the month of May 2020 (dkt 169)
- PT-22 Atlantic Union Bank's records for account number ending in 8544, in the name of Panthera Training Center LLC, submitted with Panthera Training, LLC's Supplemental Evidence in Support of Joint Motion to Convert this Case to a Chapter 7 proceeding for Cause Pursuant to 11 U.S.C. § 1112(b)(1) (dkt 162)
- PT-23 Letter of June 5, 2020 from William Vaughan, Atlantic Union Bank, to Douglas E. Kahle, regarding \$8,100 transaction between Panthera Training Center LLC and Panthera Worldwide LLC. (dkt 162, p. 31)

PT-24 Redacted Profit and Loss Statements of Panthera Training, LLC, for the periods October 2019 through March 2020.

**West Virginia Economic Development Authority:**

EDA-1 Evidence of Commercial Property Insurance and Certificate of Liability Insurance, for Panthera Enterprises LLC, term of 10/31/2018 - 10/31/2019 (dkt 132-1, Ex. C)

EDA-2 Evidence of Property Insurance, for Panthera Enterprises LLC, term of 4/17/2020 - 4/17/2021 (dkt 122, Ex. 1)

EDA-3 Commercial Property insurance policy purchased by Debtor, term of 4/17/2020 - 4/17/2021

EDA-4 Debtor Panthera Enterprises, LLC's Responses to Movants' Discovery Requests, served June 5, 2020

EDA-5 Debtor's Schedule A/B (dkt 23)

EDA-6 Washington Post article of April 15, 2017, Business Insider article, and Wall Street Journal article of April 18, 2020 regarding FEMA contract (dkt 159, Ex. A)

EDA-7 Wall Street Journal article of May 12, 2020 and The Hill article of May 12, 2020, regarding cancellation of FEMA contract (dkt 159, Ex. B)

EDA will also rely on Debtor's Operating Reports that are introduced as Panthera Training's Exhibits PT-13 through PT-21 (dkt 37, 63, 80, 93, 98, 110, 118, 168, 169)

**United States Trustee:**

UST-1 Debtor's Bankruptcy Schedules and Statement of Financial Affairs (Docket # 23)

The UST will also rely on the following previously designated documents:

PT-13 through PT-21 Debtor's Operating Reports for the months of September 2019 through May 2020 (Docket #s 37, 63, 80, 93, 98, 110, 118, 168, 169)

PT-22 Atlantic Union Bank's records for account number ending in 8544, in the name of Panthera Training Center LLC, submitted with Panthera Training, LLC's Supplemental Evidence in Support of Joint Motion to Convert this Case to a Chapter 7 proceeding for Cause Pursuant to 11 U.S.C. § 1112(b)(1) (Docket # 162)

EDA-1 Evidence of Commercial Property Insurance and Certificate of Liability Insurance, for Panthera Enterprises LLC, term of 10/31/2018 - 10/31/2019 (Docket # 132-1,Ex.C)

EDA- 2 Evidence of Property Insurance, for Panthera Enterprises LLC, term of 4/17/2020 - 4/17/2021 (Exhibit 1 to Docket # 122)

**Panthera Enterprises, LLC (the Debtor):**

Debtor-1 Panthera Training, LLC's Responses to Debtor's Discovery Requests, served June 5, 2020.

Debtor-2 WVEDA's Responses to Debtor's Discovery Requests, served June 5, 2020.

Debtor-3 Hardy County Tax Redemption Certificates.

Debtor-4 Email correspondence between Panthera Training, LLC and Raymond Jones from April, 2019 to June, 2019, with attachments, regarding RFI prepared for DEA Disaster Readiness Course contract.

Debtor-5 Correspondence from United States Department of Justice dated June 20, 2019 regarding request for novation.

Debtor-6 Email exchange dated December 6, 2019 between Bob Starer and James Punelli.

Debtor-7 Email exchange dated May 12, 2020 between Bob Starer and James Punelli.

Debtor-8 Email exchange dated March 4, 2020 between Bob Starer and James Punelli.

Debtor-9 Email exchange dated February 24, 2020 between Bob Starer and James Punelli.

Debtor-10 Email exchange dated April 29, 2020 between James Punelli and Edward Panther.

Debtor -11 Certificate of Liability Insurance for Panthera Training, LLC, terms of 6/25/19-6/25/2020 and 10/17/2019-10/17/2020.

Debtor may also introduce documents to be obtained from Panthera Training under a protective order to be submitted to the Court.

Debtor may also rely upon any and all Exhibits identified by other parties.

Dated: July 6, 2020

For the United States Trustee

/s/ Gary O. Kinder

Gary O. Kinder, WV Bar No. 7732  
Attorney, Office of U.S. Trustee  
United States Courthouse, Room 2025  
300 Virginia Street, East  
Charleston, WV 25301  
(304) 347-3400  
[gary.o.kinder@usdoj.gov](mailto:gary.o.kinder@usdoj.gov)

For Panthera Training, LLC

/s/ Douglas E. Kahle

Douglas E. Kahle  
Basnight Kinser, Leftwich & Nuckolls  
308 Cedar Lakes Drive, 2<sup>nd</sup> Floor  
Chesapeake, VA 23322  
757-547-9191  
[dkahle@basnightkinser.com](mailto:dkahle@basnightkinser.com)

For the WVEDA:

/s/ Debra Lee Allen

Debra Lee Allen  
Spilman, Thomas, & Battle, PLLC  
48 Donley St. Suite 800  
P.O. Box 615  
Morgantown, WV 26507-0615  
304-291-7920 | 304-216-5835  
[dallen@spilmanlaw.com](mailto:dallen@spilmanlaw.com)

For the Debtor:

/s/ Mark A. Lindsay

Mark A. Lindsay  
Bernstein-Burkley, P.C.  
7070 Grant Street  
Suite 2200  
Pittsburgh, PA 15219  
412-456-8101  
[mlindsay@bernsteinlaw.com](mailto:mlindsay@bernsteinlaw.com)