

**Bangladesh Bank v Rizal Commercial Banking Corp.**

2026 NY Slip Op 30465(U)

February 4, 2026

Supreme Court, New York County

Docket Number: Index No. 652051/2020

Judge: Andrea Masley

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: COMMERCIAL DIVISION PART 48

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BANGLADESH BANK,  
  
Plaintiff,

INDEX NO. 652051/2020

- v -

MOTION DATE \_\_\_\_\_

RIZAL COMMERCIAL BANKING CORPORATION, MAIA  
SANTOS DEGUITO, ANGELA RUTH TORRES,  
LORENZO V. TAN, RAUL VICTOR B. TAN, PHILREM  
SERVICE CORP., SALUD BAUTISTA, MICHAEL  
BAUTISTA, KAM SIN WONG, and JOHN DOES,

MOTION SEQ. NO. 036 041 042  
044

**DECISION + ORDER ON  
MOTION**

Defendants.

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HON. ANDREA MASLEY:

The following e-filed documents, listed by NYSCEF document number (Motion 036) 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 724, 747, 748, 749, 750, 751, 752, 753, 764, 776, 779, 781, 957, 958, 959, 960, 961, 962

were read on this motion to/for DISCOVERY

The following e-filed documents, listed by NYSCEF document number (Motion 041) 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 900, 912, 914, 916, 949, 950, 951, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1021, 1023, 1034, 1056

were read on this motion to/for DISCOVERY

The following e-filed documents, listed by NYSCEF document number (Motion 042) 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 895, 911, 915, 917, 946, 947, 948, 1017, 1018, 1019, 1020, 1030, 1031, 1033, 1046, 1050, 1055, 1057

were read on this motion to/for DISCOVERY

The following e-filed documents, listed by NYSCEF document number (Motion 044) 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 896, 913, 942, 1022, 1024, 1058

were read on this motion to/for ORDER OF PROTECTION

This is an action to recover \$81 million allegedly stolen in January 2015 from plaintiff Bangladesh Bank (BB)'s account at the New York Federal Reserve Bank. (See NYSCEF 236, Decision for an understanding of the allegations.)

**Governor Ahsan H. Mansur**

In motion 036, defendant Rizal Commercial Banking Corporation (RCBC) moves pursuant to CPLR 3124, compelling BB to produce Governor Ahsan H. Mansur for a deposition in New York prior to the January 31, 2026, discovery deadline. Mansur began his position as Governor of BB in August 2024, nearly a decade after the heist. (NYSCEF 752, Mansur aff ¶ 3.) RCBC wishes to depose Mansur about the current committee investigating the February 2016 heist and the Farashuddin Committee Report which BB allegedly holds on a computer at BB. (NYSCEF 724, RCBC's MOL.) Senior Executives are not immune from deposition by virtue of their positions; they can be deposed when they "uniquely possess[] relevant information that renders [their] deposition necessary." (*Rosenhaus Estate, LLC v S.A.C. Cap. Mgmt., Inc.*, 100 AD3d 512, 512 [1st Dep't 2012].)

BB insists that a protective order is appropriate where a high-level executive, such as Mansur, has no relevant, unique knowledge to offer. (See *Barnwell v Emigrant Sav. Bank*, 81 AD3d 518, 518 [1st Dept 2011] [protective order to preclude CEO's deposition where "plaintiff fails to show that [his] testimony would be unique"].) Mansur states he was not a member of the Anti-Corruption Committee. (NYSCEF 752, Mansur aff ¶4.) He did not participate in the investigation. (*Id.*) BB insists that Mansur's emails, produced pursuant to court order, support the conclusion that he has no relevant information. (NYSCEF 618, May 26, 2025 Order, at 3.)

RCBC's motion is granted. RCBC has established a factual basis for its belief that Mansur is involved in a current investigation. (NYSCEF 958, Abdur Rab<sup>1</sup> tr. 245:3–246:9.) “Governor Mansur and his office staff have been in touch with the newly formed Review Committee, which communication is on a formal basis because the respected Governor is a member of that committee.” (NYSCEF 960, BB's Interrogatory Responses at 7.) RCBC also offers a factual basis for its belief that BB has the Farashuddin Committee Report. (See NYSCEF 959, Khan tr. at 24:8–21, 25:20–26:9, 140:25–141:21, 152:6–154:25, 170:2–22, 185:11–187:15, 189:22–191:16, 194:10–195:8, 197:20–198:2.)<sup>2</sup>

BB shall inform RCBC's counsel if Mansur has scheduled a trip outside of Bangladesh within the next 60 days where a deposition is safe and permissible. The parties shall accommodate Mansur's work schedule and attempt to find a mutually agreeable place for a deposition near Bangladesh where taking such a deposition is safe and permissible. If no such place can be agreed upon, then parties shall consider Kang's<sup>3</sup> offer to take the deposition at his office in Los Angeles, California. This deposition shall be taken within 30 days of this order.

### **Helen Yuchengco-Dee**

In motion 044, RCBC moves pursuant to CPLR 3103, for a protective order vacating BB's December 8, 2025 Notice of Deposition (NYSCEF 855) served upon

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<sup>1</sup> Rab works for BB in the supervisory and Policy Department which formulates policy non supervising commercial banks in Bangladesh. (NYSCEF 958, Rab tr 45:3-46:9.)

<sup>2</sup> Khan is BB's records custodian. (NYSCEF 959 Khan tr 23:7-10.) RCBC is directed to file the Khan tr in its entirety.

<sup>3</sup> Franklin Kang is BB's new attorney since December 1, 2025, when his firm stepped into the case as lead counsel. (See NYSCEF Case Detail.)

Helen Yuchengco-Dee, or, in the alternative, limiting the scope of the deposition to only her personal knowledge, directing that the deposition, if conducted, proceed only for a total time of three hours or, at a minimum, well under seven hours, allowing the deposition to be virtual. (NYSCEF 859, OSC.) At 81 years of age, Yuchengco-Dee would be entitled to such accommodation, but RCBC's motion is granted and thus such accommodation is not necessary.

Yuchengco-Dee allegedly owns RCBC. (NYSCEF 867, Gill Buenaventura Letter to Bangko Sentral ng Pilipinas (BSP) on 07/14/2016 cc'ing Yuchengco-Dee as RCBC Chairperson.) She was the chairwoman at the time of the heist and continues to be the chairwoman. Upon Lorenzo Tan's departure, Yuchengco-Dee assumed his role as CEO on March 23, 2016 to July 1, 2016. (NYSCEF 417, March 23, 2016 SEC Form 17-c.) Indeed, this court has already found Yuchengco-Dee to have relevant knowledge and thus designated her as a custodian for the purposes of document production. (NYSCEF 511, December 21, 2024 Decision at 2.) BB has demonstrated that RCBC's document production confirmed her relevance. (See e.g. NYSCEF 860, Abbott aff ¶28; NYSCEF 884, Relativity Searches.)

However, BB fails to explain why its tardy notice of deposition of Yuchengco-Dee, ten weeks after the deadline for service of such notices, should be permitted<sup>4</sup>. (NYSCEF 618, May 26, 2025 Compliance Conference Order, setting September 29, 2025 as last day to notice depositions.)<sup>5</sup> Such documents were to be produced to BB

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<sup>4</sup> BB's objection to RCBC's notices served on December 1, 2025 does not justify BB's December 8, 2025 Notice of Yuchengco-Dee. If BB had an objection, it should have raised it.

<sup>5</sup> The absence of the deadline for serving deposition notices from the September 22, 2025 discovery schedule (NYSCEF 668) makes sense since the deadline was about to

by January 24, 2025 and thus such documents would have been in BB's possession for eight months before the deadline to serve notices of deposition. (NYSCEF 511, December 21, 2024 Decision and Order Mot. Seq. 022 to add Yuchengoco-Dee to the list of custodians and search her documents at 3/4 [document production deadline January 24, 2025.]) BB denies that it served this deposition notice in retaliation for RCBC's continuing efforts to take Mansuer's deposition. Rather, BB asserts that it decided to call Yuchengoco-Dee's because of RCBC's unwillingness or inability to produce two in-house attorneys Elvin Cruz and Laurinda Rogero, but it fails to state when this denial occurred. (NYSCEF 860, Abbott ¶27 [RCBC replied that the attorneys are not within their control].) RCBC is relying on the attorneys' opinion as a defense to BB's fraud claim and assertion of willful blindness. (*Id.*) If BB has a legal basis to demand those attorney depositions based on a good faith belief that RCBC controls the attorneys for the purposes of producing them for a deposition, then it should have so moved. BB fails to explain how Yuchengoco-Dee's testimony substitutes for the attorneys' testimony. Accordingly, BB fails to counter RCBC's theory that

To the extent that BB claims the court gave BB permission to take Yuchengoco-Dee's deposition at a December 8, 2025 conference,<sup>6</sup> BB is wrong and fails to cite where in the transcript such permission was given. On December 8, 2025, the parties referred to a CEO as he or him and identified him as the current CEO while Yuchengoco-Dee's tenure terminated in July 2016. To the extent that Kang raised the

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expire on September 29, 2025 by a prior scheduling order. (NYSCER 618.) There was no reason to address it. The court rejects BB's argument that silence on the topic of the deadline for serving deposition notices means there was no longer a deadline.

<sup>6</sup> The proceeding on December 8, 2025 was a conference not a hearing.

issue of Yuchengoco-Dee's deposition at 10 am at the conclusion of part I of the conference, the issue was not raised again when the conference resumed at 11 am. Rather, the court invited Kang to make a case for such a deposition, but he failed to do so thereafter. Even if the court had permitted it, RCBC certainly had the right to move to quash the subpoena since the topic of Yuchengoco-Dee's deposition was sprung on RCBC at the conference without warning and not listed in BB's list of topics for discussion at the conference.

Finally, the court grants RCBC's motion because BB's primary interest in Yuchengoco-Dee seems to be her continuing relationship with Lorenzo Tan. However, BB deposed him. Further, the court rejects as conjecture, BB's observation that because of their numerous communications over the years, and apparent close business relationship, Yuchengoco-Dee must know about the heist. BB has her communications but fails to raise any topics to support a deposition other than that it seeks to dig deeper into her knowledge about what is not stated in those documents. (NYSCEF 892, BB's MOL at 25.) Therefore, RCBC's motion for a protective order vacating BB's December 8, 2025 Notice of Deposition is granted

### **Documents**

In motion 041, BB moves pursuant to CPLR 3124, to compel RCBC to produce the following documents:

- (1) documents detailing the 246 Jayson Go exceptions identified in the BSP Initial Advance Findings;
- (2) unredacted copies of all documents presently redacted on bank secrecy grounds, including, but not limited to, all reports relating to suspicious transactions and activities such as reports presented to the Anti-Money Laundering Council (AMLC) and/or BSP, internal audit reports of the Jupiter Branch and Unimart Branch where most of the fraudulent transactions

- occurred, and (to the extent not already produced) to produce supplemental unredacted reports to ensure that all reports relating to suspicious transactions and activities and internal audit reports for the Jupiter and Unimart Branches for the period of October 1, 2013 to March 31, 2016 have been produced unredacted;
- (3) Customer Relationship Forms (CRFs) and other account opening documents for all accounts identified in the BSP's Initial Advance Findings;
  - (4) all text communications pertaining to the subject matter of the Complaint, including, but not limited to, those provided to the Blue Ribbon Committee, BSP, and AMLC, as well as text exchanges between Ismael Reyes and Michael Bautista of Philrem and various RCBC personnel and other relevant custodians, to the extent not already produced; and
  - (5) employment applications and files, including Ismael Reyes's signed application for employment, and files (such as employment applications listing, recommendation memos, and the like) sufficient to show the circumstances for the hiring and/or assignment of any personnel working in the Jupiter branch as of October 1, 2013 to March 1, 2016; and
  - (6) that for RCBC and BB corporate depositions, RCBC and BB will each allow up to 21 hours of on-the-record testimony to be used how the deposing side sees fit, with each day of deposition not lasting more than 7 hours on the record, except by mutual agreement of RCBC and Bangladesh Bank, and if upon reaching the 21-hour time limit, either RCBC or Bangladesh Bank requests additional time, the parties will confer in good faith to come to a mutual agreement to resolve the matter.

At the conference on January 16, 2026, the court was informed that the parties came to an agreement on this issue and thus it will not be addressed here.

### **Improper Conduct at Depositions**

In motion 042, BB moves for an order

- (1) compelling Brigitte Capiña to sit for a continued deposition to answer the questions to which she inadequately or wholly failed to respond.
- (2) limiting Jackson's<sup>7</sup> objections to "objection, form" and strictly barring any further speaking objections and obstructionist tactics.

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<sup>7</sup> Martin Brandon Jackson of the Sidley Austin LLP firm is RCBC's attorney.

- (3) awarding sanctions against RCBC and Jackson by ordering them to pay for the costs of the continued deposition of Capiña and plaintiff's fees and costs in bringing OSC 042.
- (4) appointing a special discovery master at RCBC's expense to supervise all future depositions of defendants' witnesses.
- (5) compelling RCBC to produce the documents learned about during Capiña's deposition as follows.
  - (a) Capiña's personal copy of her Reply to RCBC Human Resources Group's Notice to Explain, which may include her handwritten notes.
  - (b) Capiña's application for employment.
  - (c) Capiña's Consulting Agreement with RCBC that she entered in 2020, providing ₱180,000 in compensation.
  - (d) Emails regarding the hiring and assignment of Maia Deguito in the Jupiter through the influence of Jason Go and RCBC President and CEO Lorenzo Tan, including, but not limited to:
    - (i) August 13, 2013 email from Maia Deguito to RCBC President and CEO Lorenzo Tan's secretary, Irene Yanson, forwarding Deguito's resume and stating, "as requested by LVT [Lorenzo V. Tan]";
    - (ii) August 14, 2013 email from Yangson to Raul Tan, forwarding Deguito's resume and stating "LVT asked me to forward you the attached resume";
    - (iii) August 15, 2013 email from Yangson to Raul Tan, stating "Sir, From LVT: Ask Raul Tan to place in Jupiter," and other emails of August 15, 2013 between Yangson and Raul Tan regarding Deguito's hiring; and
    - (iv) August 13, 2013 (could be a typo in BSP's Initial Advance Findings, and it could be August 15, 2013 or some other date in August 2013) email from Raul Tan to Capiña, saying "*May resume galing sa secretary ni boss.*" [There is a resume from the boss's secretary.] (NYSCEF 895, BB's OSC.)

The last discovery schedule provides that depositions shall conclude January 30, 2026. (NYSCEF 668, Discovery Schedule.) The parties have taken 10 depositions. (NYSCEF \_\_, January 16, 2026 tr\_.)<sup>8</sup> The last day to serve interrogatories is January 30, 2026 and responses to such interrogatories are due February 27, 2026. (NYSCEF 668, Discovery Schedule.) The deadline for parties to exchange expert reports is

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<sup>8</sup> BB shall file the January 16, 2026 transcript in NYSCEF.  
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Motion No. 036 041 042 044

February 13, 2026 with rebuttal reports due March 13, 2026 and the last day to conduct expert depositions April 10, 2026. (*Id.*) The note of issue is due to be filed by April 17, 2026. Meanwhile, one third party deposition is paused. (NYSCEF \_\_\_, January 16, 2026 tr\_ .) Depositions are scheduled to proceed on January 20, 21, 22, 26, 27, 28, 29, 30. (*Id.*)<sup>9</sup>

Based on the court's review of the November 21, 2025 deposition transcript of Ismael Reyes, the court appointed JHO Judge Phil Straniere (ret) to supervise the December 9, 2025 deposition. (NYSCEF 755, Order.) The court found the two attorneys representing Reyes<sup>10</sup> at the November 21, 2025 deposition disruptive and delayed it. The attorneys objected over 500. (NYSCEF 805, Reyes tr.)<sup>11</sup> Many of the objections were speaking objections in violation of the Uniform Rules for the Conduct of Depositions, 221.1(b). (See e.g. NYSCEF 805, Reyes tr 3:1-25; 460:12-15.) The reasons given for many of the objections were incorrect. For example, both attorneys objected to questions as compound, but they were not compound. (See *Id.* 50:5-22.) Though the witness had not previously answered the question, the attorneys objected "asked and answered" over 100 times. (See *Id.* 39:18-41:12; 457:21-458:17; 460:6-462:3)

Unfortunately, RCBC did not get the message that such behavior was not acceptable from the court's extraordinary appointment of a JHO. Instead, Jackson's

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<sup>9</sup> These depositions have been taken since the court heard argument on these motions.

<sup>10</sup> Kochisarli represents Reyes personally and Jackson represents RCBC. (NYSCEF 805, Reyes tr at 2.)

<sup>11</sup> Though the document is sealed, there are redactions. (See NYSCEF 805 tr 378-381.) Parties are directed to file an unredacted transcript under seal or explain the redactions.

conduct at the Capiña deposition was even worse. (See e.g. NYSCEF 809, tr 19:16-21, 26:8-27:14 [objection: asked and answered and harassing the witness. Neither of which was accurate]; 28:29:15-19, [objection asked and answered, but not answered]; 52:25-53:10 [No answer]; 64:866:2 [no answer]; 92:16-21 [no answer]; 147:9-23 [no direct answer]; 221:22-222:3 [witness had not answered question previously]; 225:19-24 [question not answered previously]; 234:7-12 [not previously answered]; 235:10-14 [question not previously answered]; 248:17-23 [not previously answered]; 249:20-250:7, 253:22-254:20 [not previously answered]; 263:11-17 [not previously answered]; 271:11-17 [not previously answered]; 272:15-273:8, 350:3-10 [question not previously answered]; 356:19-357:10 [not previously answered]; 358:16-359:9, [not previously answered]; 374:2-9 [not answered]; 395:22396:7 [not previously answered].) After most objections, the witness incorporated Jackson's objection in her answers as if scripted. The objections appeared to communicate instructions to the witness based on her repeated responses depending on the objection. (See e.g. *Id.* tr 18:8-19:21 ["I don't have to add anything to that. I have said – I have previously answered to that. I don't have anything to add anymore], {question remains unanswered}); 276:2-10 [Mr. Jackson: "Objection to the form. The witness has testified separately that she has never seen this. A: I have never seen this;" 322:23-323:6 ["Q. Okay. So you both have a mutual friend? A. Yes. Jackson: Counsel: not a mutual friend, they're godparents to the same child. Witness: Godparents to the same child."]) The result was that BB did not get answers to many questions. Finally, Jackson's sarcasm heightened the incivility already present in the deposition. (See e.g. *Id.* 30:17-31:4; 34:20-36:5.) Indeed, Jackson even answered a question for the witness. (See e.g. *Id.* 346:25-347:7.)

Jackson's over 400 objections delayed the deposition and interrupted the flow of the deposition resulting in many questions not being answered.

Based on the court's initial reading of the deposition, the court immediately issued an interim order appointing Hon. Karla Moskowitz (ret) as a Special Discovery Master to ensure the depositions were conducted in an orderly and professional manner and without improper interruptions. (NYSCEF 1046, January 19, 2026 Interim Order.) Due to the imminent depositions, the court issued the Interim Order quickly and thus this decision supplements that Interim Order. Rule 130 sanctions are appropriate for an attorney's improper conduct at a deposition. (See *Freidman v Yakov*, 138 AD3d 554 [1st Dept 2016].) Jackson's conduct speaks for itself as exemplified by the citations above to the Capiña deposition. The Capiña deposition, and possibly the Reyes deposition, must now be continued due to Jackson's interference. The only way to prevent recurrence was to appoint a Special Discovery Master. Moreover, in response to RCB's objection, a Special Discovery Master is necessary to expedite the depositions to ensure that witnesses from abroad need not return. Motion 042 is granted.

Accordingly, it is

ORDERED that motion 36 is granted; and it is further

ORDERED that motion 41 is moot; and it is further

ORDERED that motion 42 is granted; and it is further

ORDERED that Brigitte Capiña shall sit for a continued deposition to answer the questions to which she inadequately or wholly failed to respond; and it is further.

ORDERED that RCBC's objections are limited to "objection, form" and speaking objections and obstructionist tactics are forbidden; and it is further

ORDERED that BB is awarded sanctions against RCBC and Jackson and are directed to pay for the costs of the continued deposition of Capiña and plaintiff's attorneys' fees and costs in bringing OSC 042 and the attorneys' fees associated with the continuation of the deposition; and it is further

ORDERED that a special discovery master was appointed at RCBC's expense to supervise all future depositions of defendants' witnesses; and it is further

ORDERED that if not already done, RCBC is directed to produce the documents learned about during Capiña's deposition within 3 business days of this order including:

- a. Capiña's personal copy of her Reply to RCBC Human Resources Group's Notice to Explain, which may include her handwritten notes.
- b. Capiña's application for employment.
- c. Capiña's Consulting Agreement with RCBC that she entered in 2020, providing ₱180,000 in compensation.
- d. Emails regarding the hiring and assignment of Maia Deguito in the Jupiter through the influence of Jason Go and RCBC President and CEO Lorenzo Tan, including, but not limited to:
  - (i) August 13, 2013 email from Maia Deguito to RCBC President and CEO Lorenzo Tan's secretary, Irene Yanson, forwarding Deguito's resume and stating, "as requested by LVT [Lorenzo V. Tan]";
  - (ii) August 14, 2013 email from Yangson to Raul Tan, forwarding Deguito's resume and stating "LVT asked me to forward you the attached resume";
  - (iii) August 15, 2013 email from Yangson to Raul Tan, stating "Sir, From LVT: Ask Raul Tan to place in Jupiter," and other emails of August 15, 2013 between Yangson and Raul Tan regarding Deguito's hiring; and
  - (iv) August 13, 2013 (could be a typo in BSP's Initial Advance Findings, and it could be August 15, 2013 or some other date in August 2013) email from Raul Tan to Capiña, saying "*May resume galing sa secretary ni boss.*" [There is a resume from the boss's secretary.]; and it is further

ORDERED that if BB wishes to continue Reyes's deposition to get answers to unanswered questions, RCBC shall pay the costs associated with continuing the Reyes deposition including BB's attorneys fees. BB shall inform RCBC within 3 days of the date of this order; and it is further

ORDERED that motion 44 is granted; and it is further

ORDERED that at argument on January 16, 2026, RCBC was directed to expedite its review of Jason Go documents which shall be produced on a rolling basis and at the latest by January 21, 2026. If depositions must be continued because of RCBC's tardy production,<sup>12</sup> then RCBC shall pay all costs for continuing such depositions; and it is further

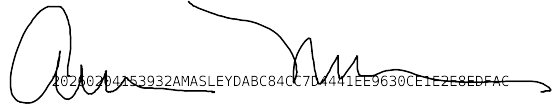
ORDERED that at argument on January 16, 2026, RCBC was also directed to produce the Willima Sogo Compromise Report forthwith and latest January 21, 2026. If depositions must be continued because of RCBC's tardy production, then RCBC shall pay all costs for continuing such depositions; and it is further

ORDERED that the court appointed Hon. Karla Moskowitz (ret) Special Discovery Master to supervise the depositions that BB is taking of RCBC witnesses and directed RCBC to pay the Special Discovery Master as a penalty for its frivolous conduct that succeeded in delaying and disrupting two depositions (NYSCEF 1046, January 19, 2026 Interim Order); and it is further

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<sup>12</sup> By "tardy production", the court measures the time from BB's first request for such documents, not the January 21, 2026 deadline.

ORDERED that at argument on January 16, 2026, RCBC the parties were directed to submit the video of the Capiña deposition which has been delivered to the court.



2/4/2026

DATE

ANDREA MASLEY, J.S.C.

CHECK ONE:

CASE DISPOSED

NON-FINAL DISPOSITION

GRANTED

DENIED

GRANTED IN PART

OTHER

APPLICATION:

SETTLE ORDER

SUBMIT ORDER

CHECK IF APPROPRIATE:

INCLUDES TRANSFER/REASSIGN

FIDUCIARY APPOINTMENT

REFERENCE