

CARLSON, CASPERS, VANDENBURGH & LINDQUIST
INTELLECTUAL PROPERTY LITIGATION & COUNSELING

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September 6, 2011

VIA E-MAIL and U.S. MAIL

Gregory M. Erickson
Morhman & Kaardal
33 South Sixth, Suite 4100
Minneapolis, MN 55402

Re: Zayed v. Buysse et al., 11-cv-1042 (D. Minn.)

Counsel,

We are in receipt of your correspondence dated September 2, 2011. As you are fully aware, the Receiver has made and will continue to make every appropriate effort to work with you in the discovery process. Your accusations of bad faith on the part of the Receiver are baseless and frankly, careless.

On August 22, 2011, the Receiver provided what you acknowledge are "detailed" responses to Respondent's Second Set of Interrogatories. The Receiver answered these interrogatories as a good faith compromise that was intended to provide Respondents with information they requested without engaging in costly motion practice about whether a 30(b)(6) deposition is proper in this action. The Receiver even agreed to an extension of the discovery schedule to allow for Respondents to serve the interrogatories, which otherwise would have been untimely.

Now, instead of identifying any alleged deficiencies in the interrogatories, you summarily conclude that you need a deposition on the very same topics as the interrogatories. This leaves us to believe that your earlier negotiations on this issue were simply aimed toward getting additional written discovery that you could not have otherwise obtained because you were too late to serve it.

A Professional Corporation

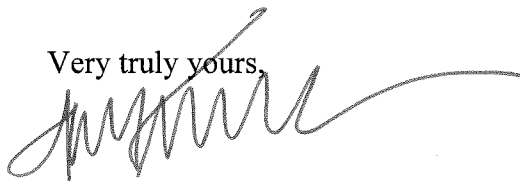
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If Respondents believe the Receiver's responses to Respondents' Second Set of Interrogatories are deficient in any way, under Local Rule 37.1 we request that you identify those alleged deficiencies by interrogatory number and explain what additional responsive information you believe you are entitled to so that the parties can have a meaningful discussion and attempt to work toward a resolution. So that we can be fully prepared to discuss all of the issues, please also provide us with citations to the cases you mention in your letter so we can consider them. We trust you will have no problem getting this information to us today and suggest a Rule 37.1 phone conference tomorrow at 10 a.m. If another time works better to meet and confer tomorrow, please let us know.

Although we are hopeful that the parties can resolve these issues upon a good faith discussion, we wanted to advise you that if Respondents continue their request for a Rule 30(b)(6) deposition, your choice of September 12, 2011 does not provide us with adequate time to prepare.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Tara C. Norgard', with a long horizontal flourish extending to the right.

Tara C. Norgard

cc: Daniel Gerdts (via email)
Adam Huhta (via email)