



November 30, 2011

**BY ECF**

The Honorable Susan Richard Nelson  
United States District Court  
316 N. Robert Street  
St. Paul, MN 55101

Re: *Zayed v. Buysesse et al*, Court File No. 11-cv-1042 SRN/FLN

Dear Judge Nelson:

I am writing on behalf of Mrs. Dot Anderson, a ninety-year-old woman who unfortunately invested \$102,000 with Relief Defendant Basel Group, LLC, to address the Receiver's request to significantly expand the word count limits set in LR 7.1 when filing for summary judgment.

The Receiver's claims are relatively straight-forward claims alleging that it was a fraudulent transfer to Mrs. Anderson when, consistent with the account opening documents' terms, Mrs. Anderson decided to close her account and withdraw her funds. Although Mrs. Anderson had invested through her grandson Grant Gryzbowski, Mr. Gryzbowski did not treat his grandmother's investment differently than any other of his clients. Given the lengths to which Cook went to hide his illegal activities, no evidence has established that any lower level employees of Cook, or any investor, knew of Cook's illegal activities. The Receiver also alleges Mrs. Anderson was somehow unjustly enriched when the Receivership Entity that owed Mrs. Anderson \$102,000 permitted her to close her account at her request, consistent with the contractual obligation to do so.

Mrs. Anderson opposes the Receiver's request to so significantly increase the word count limits on the summary judgment briefing. The Receiver's letter to the Court now claims that "the facts and issues for summary judgment are significantly more voluminous than the average case." That statement, however, is a significant sea-change in the Receiver's position regarding the handling of this case. The Receiver requested expedited summary proceedings against these investors, and sued out these claims in a single proceeding. Over the Respondents' objections, this Court permitted the summary proceeding and allowed the Receiver to proceed in a single suit given the limited issues and efficiencies in proceeding in a single suit. Now the Receiver claims this is a complicated case. The Receiver cannot have it both ways.

The word limits set in the Local Rules adequately address the situation. The Receiver chose to institute this action against the parties in a single proceeding. Expanding the

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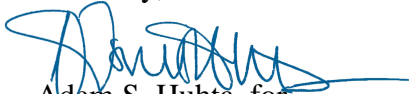
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word count limit would unnecessarily increase the scope of work associated with the summary judgment briefing, if the Receiver is allowed such a substantial increase in the volume of briefing. Mrs. Anderson has very limited resources to fight the Receiver's claims. In contrast, the Receiver has been paid millions of dollars, and will be paid to do *more* work, under an expanded briefing. Keeping to the word count limits set in the Local Rules will assist in preserving all parties' resources.

I also understand from speaking with counsel for the other Respondents that each of the Respondents intends to file cross-motions for summary judgment motion as well. Accordingly, the Receiver will have the opportunity to adequately set forth his positions regarding each such Respondent in opposition to those motions. Given these facts, I do not believe that expanding the word count set in the Local Rules is either appropriate or necessary.

Thank you for your consideration of this issue.

Sincerely,



Adam S. Huhta, for  
Huhta Law Firm, PLLC

cc: counsel of record (by ECF)