

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

R.J. ZAYED, IN HIS CAPACITY AS
COURT- APPOINTED RECEIVER FOR
TREVOR G. COOK, ET AL.,
Petitioner,

Case No. 11-CV-01042 SRN/FLN

vs.

DAVID BUYSSE, STEVEN AND
PAMELA CHENEY, WALTER DEFIEL,
JOHN DZIK, TERRY FRAHM,
STEVEN AND JENENE FREDELL,
WILLIAM HARRIS, MICHAEL HEISE,
MICHAEL AND CYNTHIA HILLESHEIM,
LARRY HOPFENSPIRGER, STEVEN
KAUTZMAN, JAMES MCINTOSH,
GEORGE AND KAREN MORISSET,
AND REYNOLD SUNDSTROM, AND
DOT ANDERSON,

Respondents.

DECLARATION OF STEVEN KAUTZMAN

I, Steven Kautzman, hereby declare:

1. I never requested that Clifford Berg act as my agent, and Clifford Berg never agreed to act as my agent. I did not believe that Clifford Berg would act as an independent agent on my behalf outside of his duties as an employee with regard to my loans to the Cook Currency Entities, and Clifford Berg never led me to believe that he would act as an independent agent on my behalf. I never believed I had the ability to

control Berg's actions as they related to my accounts other than I expected him to convey any instructions I gave him to the appropriate parties who had the knowledge or authority necessary to perform whatever action I needed taken, nor did Berg ever tell me that he was assuming any fiduciary duty to act on my behalf in any capacity.

2. In my discussions with Berg requesting that my money be returned in the event of any problems with the Cook Currency Trading Entities, I was making a request to Berg not as an independent agent with responsibilities to me, but as an employee of the Cook Currency Trading Entities. I believed that by talking to Berg, I was making my instructions to the Cook Currency Trading Entities clear, namely that any problem, whether with the return or anything else, should lead to the repayment of my loans. Thus, when my funds were returned, I believed that the Cook Currency Trading Entities were acting according to our contracts, and to my instructions as relayed by Cliff Berg.

I state under penalty of perjury that the foregoing is true and correct.

Dated: January 9, 2012.

s/Steven Kautzman
Steven Kautzman