
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff(s)

Case No: 09-cv-3332 MJD/FLN

v.

TREVOR COOK d/b/a CROWN
FOREX, LLC, PATRICK KILEY d/b/a
CROWN FOREX, LLC, UNIVERSAL
BROKERAGE FX and UNIVERSAL
BROKERAGE FX DIVERSIFIED, OXFORD
GLOBAL PARTNERS, LLC, OXFORD
GLOBAL ADVISORS, LLC, UNIVERAL
BROKERAGE FX ADVISORS, LLC f/k/a
UBS DIVERSIFIED FX ADVISORS, LLC,
UNIVERSAL BROKERAGE FX
GROWTH, L.P. f/k/a UBS DIVERSIFIED FX
GROWTH L.P., UNIVERSAL BROKERAGE
FX MANAGEMENT, LLC f/k/a UBS
DIVERSIFIED FX MANAGEMENT, LLC
and UBS DIVERSIFIED GROWTH, LLC,

Defendant(s)

R.J. ZAYED,

Receiver.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Case No: 09-cv-3333 MJD/FLN

Plaintiff(s)

v.

TREVOR G. COOK,
PATRICK J. KILEY,
UBS DIVERSIFIED GROWTH, LLC,
UNIVERSAL BROKERAGE FX
MANAGEMENT, LLC,
OXFORD GLOBAL ADVISORS, LLC,
and OXFORD GLOBAL PARTNERS, LLC,

Defendants

and

BASEL GROUP, LLC,
CROWN FOREX, LLC,
MARKET SHOT, LLC,
PFG COIN AND BULLION,
OXFORD DEVELOPERS, S.A.,
OXFORD FX GROWTH, L.P.,
OXFORD GLOBAL MANAGED
FUTURES FUND, L.P., UBS DIVERSIFIED
FX ADVISORS, LLC, UBS DIVERSIFIED
FX GROWTH, L.P., UBS DIVERSIFIED
FX MANAGEMENT, LLC, CLIFFORD
BERG, and ELLEN BERG,

Relief Defendants.

R.J. ZAYED,

Receiver.

**DECLARATION OF TARA C. NORGARD
IN SUPPORT OF THE RECEIVER’S MOTION FOR AN ORDER
ENTERING RECOGNIZED CLAIM AMOUNTS AND APPROVING
PROCESS FOR JUDICIAL RESOLUTION OF DISPUTED CLAIMS**

I, Tara C. Norgard, hereby declare:

1. I am an attorney with the firm of Carlson, Caspers, Vandenburg and Lindquist (“CCVL”). I submit this declaration in support of the Receiver’s Motion for an Order entering undisputed and settled claim amounts in the civil cases of *United States Securities and Exchange Commission v. Trevor Cook et al.*, Civil Action File No. 09-cv-3333 (D. Minn. 2009) and *United States Commodity Futures Trading Commission v. Trevor Cook et al.*, Civil Action File No. 09-cv-3332 (D. Minn. 2009) and approving the Receiver’s proposed plan for judicial resolution of the remaining disputed claims. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. Attached hereto as **Exhibit A** is a true and correct listing of the 712 claims that have been resolved by the Receiver to date. To protect the private financial information of the investors, each claim in Exhibit A is identified by number. The names and addresses of the individuals associated with these claims are being provided to the Court for *in camera* review.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Claim Bar Notice as it appeared as of November 4, 2010, on the website for the United States District Court for the District of Minnesota at www.mnd.uscourts.gov.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Claim Bar Notice as it appeared as of November 4, 2010, on the website for the United States Attorney for the District of Minnesota at www.justice.gov/usao/mn/.

5. Attached hereto as **Exhibit D** is a true and correct copy of the Claim Bar Notice as it appeared as of November 4, 2010, on the Receiver's website at www.cookkileyreceiver.com.

6. Attached hereto as **Exhibit E** is a true and correct copy of the Claim Bar Notice as it appeared on the website for the Pioneer Press on or about November 8, 2010 at www.twincities.com and in the print editions on November 7, 2010 and November 10, 2010.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Claim Bar Notice as it appeared on the website for the Star Tribune on or about November 8, 2010 at www.startribune.com and in the print editions on November 7, 2010 and November 10, 2010.

8. Attached hereto as **Exhibit G** is a true and correct copy of the Claim Bar Notice as it appeared on the website for the Investor's Business Daily on or about November 9, 2010 at www.investors.com and in the print editions on November 8, 2010 and November 10, 2010.

9. Attached hereto as **Exhibit H** is a true and correct copy of the Claim Bar Notice as it appeared as of November 8, 2010, on the website for the United States Commodity Futures Trading Commission at www.cftc.gov.

10. Attached hereto as **Exhibit I** is a true and correct copy of the Claim Bar Notice as it appeared as of November 10, 2010, and the corrected version as it appeared as of November 12, 2010, on the website for the Minnesota Office of the Federal Bureau of Investigation at www.minneapolis.fbi.gov.

11. Attached hereto as **Exhibit J** is a true and correct copy of the Claim Bar Notice as it appeared as of November 10, 2010, on the websites for KAAL TV in Austin, Minnesota at www.kaaltv.com, and KSTP TV in St. Paul, Minnesota and www.kstp.com.

12. Attached hereto as **Exhibit K** is a true and correct copy of the Claim Bar Notice as it appeared as of November 11, 2010, on the website for Rick Kupchella's BringMeTheNews.com.

13. Upon information and belief, on or around November 12, 2010, the U.S. Probation Office, via the Clerk of Court of the United States District Court for the District of Minnesota, mailed criminal restitution checks to victims identified in the related criminal case of *United States of America v. Trevor Cook*, 10-cr-00075 (D. Minn. 2010). The source of funding for this criminal restitution was the \$363,700.00, plus interest, that the Court authorized the Receiver to release for this purpose in the Court's November 1, 2010 Order Approving Interim Distribution Plan and Claim Finalization Procedures.

14. On or around November 29, 2010, the Receiver distributed an additional \$39,820.48 to twelve employee investor claimants. Those employee claims were not paid out as part of the original interim distribution, but were later approved for payment

in the Court's January 13, 2011 Supplemental Order Concerning Order Approving Interim Distribution Plan and Finalization Procedures.

15. Beginning on or about December 10, 2010, the Receiver sent letters to nearly 250 individuals whose names appeared in the Receiver's files but who had not submitted a claim for civil restitution.

16. After the interim distribution, the Receiver received and processed an additional fifty-five claims for civil, bringing the total number of investors with losses recognized for civil distribution to 723. As with the prior claims, the Receiver reviewed all documents submitted by these new claimants along with documents and information from the Receiver's independent investigation. The Receiver then provided each new claimant with written notice of his or her recognized claim amount and an explanation of the claim challenge process.

17. Six additional claims have been received but are still being processed, bringing the total number of claims filed for civil restitution to 729. The Receiver expects that four of these additional claims will be recognized upon receipt of additional documentation from the investors and that two may later require judicial resolution.

18. Forty-five investors submitted challenges to the Receiver, requesting an adjustment to their recognized claim amounts. On or around February 25, 2011, the Receiver provided written notice to claimants whose challenges were still in dispute as of that date. That letter informed the claimants of the Receiver's decision on their challenges and their right to accept that decision or appeal it to the Court. Specifically,

challenging investors were given three options: (1) accept the Receiver's final recognized claim amount; (2) appeal the Receiver's allowed amount and request a hearing before the Court; or (3) appeal the Receiver's allowed amount but request the Court rule on the evidence already available without a hearing. Attached hereto as **Exhibit L** is a true and correct copy of the challenge resolution form the Receiver sent to the challenging investors.

19. Of the forty-five challenges reviewed by the Receiver, thirty-four have been resolved and are included in the final claim list submitted herewith as Exhibit A.

20. Eleven of the challenges remain pending. Attached hereto as **Exhibit M** is a true and correct listing of the pending challenges. These challenges fall into four categories:

- a. Four of the eleven disputed claims concern fees paid to or withheld by third party administrators Millennium and Entrust.
- b. Two of the eleven disputed claims concern claimants' failure to subtract all payments that were made to them from Receivership entities before the Receivership was installed.
- c. Four of the challenges concern deposits that are either unsubstantiated or have been rejected by the Receiver.
- d. The last disputed claim was untimely and has been rejected pursuant to paragraph fourteen of the Interim Distribution Order.

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

Dated: March 15, 2011

s/ Tara C. Norgard
Tara C. Norgard