



energy. In addition to this Kiley was hamstrung because the secretarial help that he had was not sufficient to help him so he was without clerical help for a period of time.

3. In addition to this there were filings by the SEC, namely the Requests to Admit which had to take priority because if Kiley failed to deny or correct the allegations in the requests to admit the federal rules indicate that the SEC could deem the requests as admitted.

4. Further, the CFTC has filed a frivolous pleading attempting to strike the answer filed and claiming that Kily should not be allowed the assistance and services of an out-of-state attorney who knows this case better than the SEC and the CFTC. If they did know the case they would not have made wild and silly false statements such as "Kiley has obscounded with \$194 million dollars of investors money". Without local counsel Kiley can not get his out of state attorney admitted pro hac vici.

5. Now that Kiley has recently obtained clerical help, he will be better able to complete the partially completed the answers the interrogatories and the responses to the requests to produce document. It must be said, however, that the documents requested by the SEC were taken in the FBI raids on the Van Dusen Mansion and on the Burnsville house on November 23, 2009 and the government has refused to return any of those materials.

6. Kiley will be able to address the answers to interrogatories and the requests to produce after requests to admit are filed on or before the 27<sup>th</sup> of May which is the deadline and after he has address the frivolous motion to strike his answer in the CFTC case filed by David Slovick.

Now therefore, Kiley, the defendant, pro se, in this case prays for an order of this court finding that:

**Prayer for Relief**

- A. Kiley's failure to respond to the answers to interrogatories and the request to produce documents was unintentional and due to his illness (continuing medical condition), his having to seek clerical help, because his previous typist moved, he had to address requests to admit and a frivolous motion of David Slovick in the CFTC case.
- B. Denying any sanctions or other penalties on Kiley that might be levied if he had intentionally refused to answer interrogatories or response to requests to product documents.
- C. Allow Kiley until June 30 to answer interrogatories and requests to produce documents.
- D. For any other, further and equitable relief that this court may deem just and fair.

Dated: May 22, 2011

s/Patrick J. Kiley

**Patrick J. Kiley , pro se, ([alikely@q.com](mailto:alikely@q.com))**  
3240 Aldrich Ave S. Apt. 204  
Minneapolis, MN 55408  
952-994-9044

**CERTIFICATE OF SERVICE**

I, Pat Kiley, hereby certify that, on May 23, 2011, I caused a copy of the foregoing to be served upon the attorney's for the Securities and Exchange Commission all named respectively below, by giving a copy to them at the hearing on this matter:

Adolph J. Dean, Jr. ([DeanA@SEC.GOV](mailto:DeanA@SEC.GOV))  
Steven C. Seeger ([SeegerS@SEC.GOV](mailto:SeegerS@SEC.GOV))  
Birkenheier, John E. ([BirkenheierJ@sec.gov](mailto:BirkenheierJ@sec.gov))  
Attorneys for Plaintiff  
Securities and Exchange Commission Counsel  
175 West Jackson Blvd., Suite 900  
Chicago, Illinois 60604  
Phone (312) 353-2606

s/ Patrick J. Kiley

Patrick J. Kiley