



## CARLSON, CASPERS, VANDENBURGH & LINDQUIST

INTELLECTUAL PROPERTY LITIGATION & COUNSELING

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October 7, 2011

VIA EMAIL

Adam S. Huhta, Esq.  
Huhta Law Firm, PLLC  
36 S. 9<sup>th</sup> Street, Suite 200  
Minneapolis, MN 55402

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

Mr. Huhta,

This letter addresses deficiencies that remain in Respondent Anderson's discovery responses. Given that discovery has now closed and that the deadline for non-dispositive motions is approaching, we request a meet-and-confer under Local Rule 37.1 to determine whether we can resolve these issues without having to seek the assistance of the Court. Please provide a time that is convenient to discuss these issues in the next three (3) business days.

***A. Verifications of Ms. Anderson's Interrogatory Responses***

Respondent Anderson has neither signed nor verified any of her interrogatory responses. Please provide verified interrogatory responses immediately.

***B. Outstanding Documents***

In response to several requests, Respondent Anderson states that responsive documents are available for inspection at Huhta Law Firm, PLLC. If you are in possession of additional responsive documents that are available for inspection, but have not been copied and produced to the Receiver, please let us know immediately so we can set up a mutually convenient time for the inspection.

A Professional Corporation

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**Request for Production No. 1**

Request for Production No. 1 seeks production of all documents that the Respondent referred to, relied upon, consulted with, or used in any way in answering any interrogatory. On September 15, 2011 Respondent Anderson supplemented her responses to the Receiver's First Set of Interrogatories (Nos. 1-15). Please produce all documents that Respondent Anderson referred to, relied upon, consulted with, or used in any way in supplementing those interrogatories or confirm that all such documents have been produced.

**Request for Production No. 3**

Request for Production No. 3 seeks production of all documents related to the transfer of funds from Trevor Cook and/or entities controlled by him to Respondent Anderson. Respondent Anderson responded by agreeing only to search for account statements showing any wire transfers made to her. Please confirm that Respondent Anderson has searched for and produced *all* documents related to the transfer of funds she received, not just account statements showing any wire transfers.

**Request for Production No. 6**

Request for Production No. 6 seeks production of all documents received from Trevor Cook or entities controlled by him (including documents received from any of Cook's employees or agents). Respondent Anderson responded that she has no responsive documents. However, she testified that Mr. Grzybowski gave her a brochure explaining the purported Cook currency program. *See* Anderson Dep. Tr. at 15:3; Grzybowski Dep. Tr. at 63:14-15. Please produce that brochure immediately. If Respondent Anderson has searched for the brochure and not been able to locate it, please confirm that.

***C. Deficient Interrogatory Responses***

On September 15, 2011 Respondent Anderson served responses to the Receiver's Second Interrogatories (Nos. 16-17) and supplemental responses to Interrogatory Nos. 2, 10, 11, and 12 but qualified each response by stating that "discovery and investigation continues." Please confirm that Respondent Anderson is not withholding responsive information on that basis.

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### **Response to Interrogatory No. 8**

Interrogatory No. 8 requires Respondent Anderson to describe the facts and circumstances surrounding the transfer of funds from Trevor Cook or entities controlled by him to Respondent Anderson. Respondent Anderson provides only a two sentence response that is conclusory and vague, and then notes that “discovery continues.” Discovery has now closed; please supplement Respondent Anderson’s response to Interrogatory No. 8 to provide a complete description of the facts and circumstances surrounding the transfer of funds from Basel Group LLC to Respondent Anderson.

### **Response and Supplemental Response to Interrogatory No. 10**

Interrogatory No. 10 requires Respondent Anderson to identify each defense she intends to assert and for each defense identify all facts that she relies on in asserting that defense, all persons with knowledge of such facts, and all documents that she relies on. Respondent Anderson has failed to identify the facts that she relies for many of the defenses she has asserted, including but not limited to the following defenses:

- Failure to mitigate (Answer ¶ 29)
- Unclean hands (Answer ¶ 32)
- Waiver, laches, estoppel (Answer ¶ 33)
- Ratification and past performance (Answer ¶ 37)
- Damages were caused by acts/omissions of third parties over which Anderson has no control (Answer ¶ 38)
- In pari delicto (Answer ¶ 39)
- Accord and satisfaction (Answer ¶ 41)

Please supplement this response to identify—for each defense asserted—all facts relied upon by Respondent Anderson in asserting the stated defenses.

#### ***D. Responses to Requests for Admissions***

Respondent Anderson served her responses to the Receiver’s First Requests for Admission (Nos. 1-4) on January 21, 2011, before documents had been produced in this case. Presumably, Respondent Anderson responded that she was unable to admit or deny Request Nos. 2-4 because she had not located her own bank records and had not yet received the Receiver’s document production. The Receiver has since produced all account records for Respondent Anderson’s TCF bank accounts and all account records for the Basel Group LLC’s bank account. Please supplement your responses to Requests for Admissions Nos. 2-4 to admit the facts requested. If Respondent Anderson is still unable to admit or deny these requests, please let us know that, as well, so that the parties can discuss it.

EXHIBIT A

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Very truly yours,

A handwritten signature in black ink, appearing to read "Peter M. Kohlhepp", with a long horizontal flourish extending to the right.

Peter M. Kohlhepp

Cc: Daniel Gerds (via email)  
Gregory Erickson (via email)