
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

R.J. Zayed, in his Capacity as Court-Appointed
Receiver for Trevor G. Cook et al.,

Petitioner,

v.

Case No: 11-cv-01042 SRN/FLN

David Buysse, Steven and Pamela Cheney,
Walter Defiel, John Dzik, Terry Frahm,
Steven and Jenene Fredell, William Harris,
Michael and Jennifer Heise,
Michael and Cynthia Hillesheim, Larry Hopfenspirger,
Steven Kautzman, James McIntosh,
George and Karen Morrisset, Reynold Sundstrom, and
Dot Anderson,

Respondents.

**DECLARATION OF PETER KOHLHEPP IN SUPPORT OF RECEIVER'S
MOTION TO COMPEL DISCOVERY RELATED TO HIS CLAIMS AGAINST
RESPONDENT ANDERSON**

I, Peter M. Kohlhepp, hereby declare:

1. I am an attorney with the law firm of Carlson, Caspers, Vandeburgh and Lindquist ("CCVL"), counsel for the Court-appointed Receiver R.J. Zayed ("the Receiver"). I submit this declaration in support of the Receiver's Motion To Compel Discovery Related to His Claims Against Respondent Anderson. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. I hereby certify under Local Rule 37.1 that I have attempted to meet and confer with Adam Huhta, counsel for Respondent Anderson, to resolve the issues

presented in the motion that accompanies this declaration. Although Anderson's counsel states that he will cure some of the deficiencies at issue in that motion, he has failed to do so by the date of this filing, which is the date that non-dispositive motions are due under the Court's Pretrial Scheduling Order. (Docket No. 114.)

3. Attached hereto as **Exhibit A** is a true and correct copy of a letter from me to Adam Huhta, counsel for Respondent Anderson, dated October 7, 2011.

4. At 3:24 p.m. on Wednesday, October 12, 2011 I received a letter via email from Respondent Anderson's counsel raising, for the first time in this action, a list of discovery issues.

5. Attached hereto as **Exhibit B** is a true and correct copy of an email from me to Adam Huhta, dated October 14, 2011. After receiving this email, Mr. Huhta clarified that Respondent Anderson does intend to supplement her response to Interrogatory No. 8.

6. During a second meet and confer on Monday morning, October 17, 2011 I confirmed to Adam Huhta that the Receiver would supplement his responses to Respondent Anderson's First Interrogatory No. 10 and Second Interrogatory No. 2 to identify categories of documents upon which he might rely. I sought to confirm that Respondent Anderson would likewise supplement her responses to Interrogatories Nos. 10-14 to identify the documents upon which she relies for the facts supporting her contentions and defenses. Mr. Huhta stated that he would get back to me, but as of the filing of this Motion he has not done so.

7. Attached hereto as **Exhibit C** is a true and correct copy of the Respondent Anderson's (Unverified) Supplemental Answers and Objections to the Receiver's First Set of Interrogatories (Nos. 2, 10, 11, and 12) served on September 15, 2011.

8. Attached hereto as **Exhibit D** is a true and correct copy of the Respondent Anderson's (Unverified) Answers and Objections to The Receiver's first Set of Interrogatories (Nos. 1-15), served on January 21, 2011.

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

Dated: October 17, 2011

s/ Peter Kohlhepp
Peter M. Kohlhepp