

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

R.J. ZAYED, RECEIVER,

Plaintiff

Case No: 011-cv-1042 SRN/FLN

v.

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 Morisset, Reynold Sundstrom, and
Dot Anderson,

Respondents

DECLARATION OF RICHARD L. OSTROM

I, Richard L. Ostrom, do hereby declare under penalty of perjury, in accordance with 28 U.S.C. §1746, that the following is true and correct, and further that this declaration is made on my personal knowledge and that I am competent to testify as to the matter stated herein:

1. I am currently licensed as a private investigator in the state of Minnesota and part owner of WayPoint Inc., a Minnesota corporation primarily involved in the field of private investigations. I am a retired special agent with the Federal Bureau of Investigation, having served as a federal law enforcement agent for twenty-six years,

including eight years as the supervisor of the white collar squad, responsible for the investigation of economic crimes.

2. On November 23, 2009, the Court appointed R. J. Zayed as Receiver in the matters of *SEC v. Cook et al.*, 09-cv-3333 (D. Minn.) and *CFTC v. Cook et al.*, 09-cv-3332 (D. Minn.).

3. Upon appointment of the Receiver, WayPoint, Inc. was retained to assist in locating, taking custody, control and possession of all funds, property, records, and any and all other assets relating to Trevor G. Cook and Patrick J. Kiley. I was the person in charge of this effort.

4. Specifically, on November 24, 2009 an employee and part owner of WayPoint supervised the seizing and securing of paper files, computer hard drives, and other electronic storage media found at 1900 LaSalle Avenue, Minneapolis, MN 55403 (“La Salle location”).

5. Also on November 24, 2009 I supervised the seizing and securing of paper files, computer hard drives, and other electronic storage media found at 12644 Tiffany Court, Burnsville, MN 55337 (“Tiffany Court location”).

6. On December 4, 2009 I personally supervised the transfer of all documents and data seized at the Tiffany Court location to the La Salle location.

7. I have reviewed the documents attached as Exhibits 22; 23; 24; 29.1-29.29; 30.1-30.6; 37; 88-92; 192-194; and 198 to the Declaration of Marlee A. Jansen in Support of the Receiver’s Motion for Summary Judgment (“Jansen Decl.”). Each of these documents is a true and correct copy of a document that was seized—either in paper or

electronic form—from either 12644 Tiffany Court, Burnsville, MN 55337 or 1900 LaSalle Avenue, Minneapolis, MN 55403.

8. On or about January 5, 2010, I attended an interview of Clifford and Ellen Berg conducted by the Receiver and attorney Tara Norgard. The interview took place at the law firm of Carlson, Caspers, Vandeburgh & Lindquist at 225 South Sixth Street in Minneapolis. Berg's attorney was present. In response to every substantive question that was posed to them, Clifford and Ellen Berg asserted their Fifth Amendment right against self-incrimination.

I, Richard L. Ostrom, declare under penalty of perjury that the foregoing is true and correct. Executed on the 21 the day of December, 2011.

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Richard L. Ostrom