

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

R.J. ZAYED, in His Capacity as Court-Appointed Receiver for the Oxford Global Partners, LLC, Universal Brokerage, FX, and Other Receiver Entities,

Plaintiff,

vs.

ASSOCIATED BANK, N.A.,

Defendant.

Case No. 13-cv-00232 (DSD-JM)

JANIE S. MAYERON, U.S.
Magistrate Judge

**THE RECEIVER’S MOTION TO COMPEL THIRD-PARTY SUBPOENA
RESPONDENT MICHAEL BEHM TO ANSWER DEPOSITION QUESTIONS**

Plaintiff R.J. Zayed (“the Receiver”) hereby moves to compel third-party witness and former Receivership Entity employee, Michael J. Behm, to answer questions that he refused to answer during his deposition concerning discussions he had with the Defendant, Associated Bank’s (“the Bank”) counsel and conversations he had with his own counsel in the presence of the Bank’s counsel. Mr. Behm has refused to answer these questions, asserting privilege.

As explained further in the Receiver’s Memorandum of Law in Support of Its Motion to Compel Third-Party Subpoena Respondent Michael Behm to Answer Deposition Questions, the presence of others, who are not Mr. Behm’s attorney, at meetings in preparation of his deposition destroyed the “confidentiality” portion of the test for privilege. The assertion of privilege is improper. Therefore, the Court should compel Michael Behm to answer these deposition questions.

Dated: May 6, 2016

Respectfully submitted,

/s/ Michael R. La Porte

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CERTIFICATE OF SERVICE

The undersigned attorney of record certifies that on May 6, 2016, copies of the foregoing document were served upon counsel for Defendant via e-mail to the following addresses:

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