

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.

Court File No. 13-232 (DSD/JSM)

**Associated Bank's Motion
For Adverse Inference Or Other
Sanctions**

Defendant Associated Bank, N.A., hereby moves, pursuant to *Hallmark Cards, Inc. v. Murley*, 703 F.3d 456 (8th Cir. 2013) for an adverse inference or other sanctions based on the Receivership Entities' destruction of relevant evidence on the grounds that: 1) the Receivership Entities engaged in a bad faith, systematic, and wide-scale destruction of relevant evidence regarding the Cook-Kiley Ponzi scheme; 2) the Receiver's conduct aggravated the destruction of evidence; and 3) Associated Bank was prejudiced by this destruction of evidence. A more particular statement of the grounds for this motion will be set forth in Associated Bank's Memorandum in Support of Motion for Adverse Inference Or Other

Sanctions, which will be filed and served as provided in the Court's Order Regarding Dispositive Motion Procedure, dated October 19, 2016 (ECF No. 159).

Dated: October 21, 2016

FAEGRE BAKER DANIELS LLP

/s/ Charles F. Webber

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