

**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)

**MEMORANDUM IN SUPPORT OF THE PARTIES' JOINT STIPULATION  
TO MODIFY PRETRIAL SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16(b)(4) and D. Minn. Civ. R. 16.3, Plaintiff R.J. Zayed and Defendant Associated Bank, N.A. submit this memorandum in support of their Joint Stipulation to Modify the Pretrial Scheduling Order in this case (ECF No. 82), which is filed contemporaneously herewith.

**I. GOOD CAUSE EXISTS FOR THE PROPOSED MODIFICATION [D. MINN. CIV. R. 16.3(b)(1)]**

As the Court is aware, this is a complicated case that presents a number of difficult legal and logistical issues, both for the parties and for the Court. The parties have been and continue to work diligently to manage and process all of the discovery to date. Notably, while a great deal of discovery has taken place, the parties have so far resolved almost every dispute through a meeting and conference, without the need for court involvement. However, the volume of material and the amount of time taken to review everything has exceeded their expectations, as explained in detail below. This extension is

not sought for the purposes of delay; the parties simply need additional time to complete discovery and review the vast quantity of information prior to taking certain critical depositions and moving toward trial.

**II. THE PROPOSED MODIFICATION WILL HAVE AN EXTREMELY MINOR EFFECT ON OTHER DEADLINES [D. MINN. CIV. R. 16.3(b)(2)]**

A sixty-day extension to the deadline for fact discovery would necessitate only two further modifications to the schedule. Specifically, the parties believe that the deadlines for expert discovery and non-dispositive motions would each need to be extended by fourteen days. All substantive dates involving the Court will remain unchanged, including summary judgment briefing and ready-for-trial date.

**III. FURTHER STATEMENTS REGARDING THE PRESENT STATE OF DISCOVERY AND THE NEED FOR THIS STIPULATION [D. MINN. CIV. R. 16.3(c)]**

Both sides have worked diligently to maintain the discovery schedule in this case. To date, Zayed has produced almost 3.8TB of electronic data, and Associated has produced almost 60,000 pages of electronic documents. The parties have also propounded and/or responded to more than forty interrogatories between them, and Associated served seventy-five requests for admission, which Zayed timely answered. Additionally, both parties have served subpoenas for documents on third parties, and have also served or are in the process of serving approximately twelve subpoenas and/or notices of deposition, including one each to a third-party witness who has so far evaded service. Two depositions have taken place so far, and approximately eight depositions are scheduled before the current fact-discovery cutoff on April 4, 2016. Associated has agreed

to provide or work with multiple witnesses, and is investigating additional witnesses sought by the Receiver.

As of the date of this stipulation, Zayed anticipates producing one more round of documents, and Associated's production is similarly close to completion. However, more time is needed to complete that process, including finalizing privilege logs. The parties also need to complete all of the depositions that are currently or will soon be scheduled—some of which cannot be completed until all pertinent documents are received and have been reviewed. The parties believe that a sixty-day extension will provide enough time for all of that to occur.

#### **IV. CONCLUSION**

For the foregoing reasons, the parties respectfully request that the Court grant their Joint Stipulation to Modify the Pretrial Scheduling Order and extend the close of fact discovery by sixty days, up to and including Friday, June 3, 2016, and extend the deadlines for expert discovery and non-dispositive motions by fourteen days, up to and including July 29, 2016 and August 15, 2016, respectively.

Dated: March 8, 2016

Respectfully submitted,

/s/ William W. Flachsbart

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Dated: March 8, 2016

Seen and agreed,

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