

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Plaintiff,

v.

Case No. 09-cv-3332 (MJD/FLN)

TREVOR COOK et al.,
Defendants,

R.J. ZAYED,
Receiver.

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,

v.

Case No. 09-cv-3333 (MJD/FLN)

TREVOR G. COOK, et al.,
Defendants,

R.J. ZAYED,
Receiver.

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,
Plaintiff,

v.

Case No. 11-cv-574 (MJD/FLN)

JASON BO-ALAN BECKMAN, et al.,
Defendants,

R.J. ZAYED,
Receiver.

**DECLARATION OF RECEIVER TARA C. NORGDARD IN SUPPORT OF
MOTION TO APPROVE THE PAYMENT OF FEES INCURRED BY THE
RECEIVERS IN THE ASSOCIATED BANK ACTION THAT WERE
NECESSARY TO ASSIST THE RECEIVERS IN THEIR DUTIES**

I, Tara Norgard, hereby declare as follows:

1. I am an attorney with the law firm of Carlson, Caspers, Vandenburg, Lindquist & Schuman, P.A.
2. On November 23, 2009 the Court entered an order appointing R.J. Zayed Receiver in the matter of *SEC v. Cook et al.*, 09-cv-3333, for (1) the estates of Defendants Trevor G. Cook, Patrick J. Kiley; (2) Defendants UBS Diversified Growth LLC, Universal Brokerage FX Management, LLC, Oxford Global Advisors, LLC, Oxford Global Partners, LLC; (3) Relief Defendants Basel Group, LLC, Crown Forex, LLC, Market Shot, LLC, PFG Coin and Bullion, Oxford Developers, S.A., Oxford FX Growth, L.P., Oxford Global Managed Futures Fund, UBS Diversified FX Advisors, LLC, UBS Diversified FX Growth L.P., and UBS Diversified FX Management LLC; (4) all funds, accounts, and other assets held by or for Relief Defendants Clifford Berg and Ellen Berg, which were received, directly or indirectly, from the Defendants or were acquired with funds or other assets received, directly or indirectly, from the Defendants; and (5) every other corporation, partnership, trust and/or other entity (regardless of form) which is directly or indirectly owned by or under the direct or indirect control of Cook and Kiley (collectively the "Receiver Estates"). *Order Appointing Receiver*, Docket No. 13, at 4 (Nov. 23, 2009); *see also Amended Order Appointing Receiver*, Docket No. 18, at 4 (Nov. 24, 2009); *Second Amended Order Appointing Receiver*, Docket No. 68 (Dec.

11, 2009).

3. On November 23, 2009 the Court also entered an order appointing R.J. Zayed Receiver in the matter of *CFTC v. Cook et al.*, 09-cv-3332, for Defendants Trevor Cook d/b/a Crown Forex, LLC, Patrick Kiley d/b/a Crown Forex, LLC, Universal Brokerage FX and Universal Brokerage FX Diversified, Oxford Global Partners, LLC, Oxford Global Advisors, LLC, Universal Brokerage FX Advisors, LLC f/k/a UBS Diversified FX Advisors, LLC, Universal Brokerage FX Growth, L.P. f/k/a UBS Diversified FX Growth, L.P., Universal Brokerage FX Management, LLC, f/k/a UBS Diversified FX Management, LLC, and UBS Diversified Growth, LLC, and their affiliates and subsidiaries, and all funds, properties, premises, accounts and other assets directly or indirectly owned, beneficially or otherwise, by the Defendants individually or collectively, including, but not limited to, investors' funds. *Ex Parte Statutory Restraining Order*, Docket No. 21, at 7 (Nov. 23, 2009); *see also Order Continuing Appointment of Temporary Receiver*, Docket No. 96 (Dec. 11, 2009).

4. On March 8, 2011 the Court also entered an order appointing R.J. Zayed Receiver in the matter of *SEC v. Beckman, et al.*, 11-cv-574, for (1) the estate of Jason Bo-Alan Beckman; (2) The Oxford Private Client Group, LLC; (3) all funds, accounts, and other assets held by or for the benefit of Relief Defendant Hollie Beckman which were received, directly or indirectly, from the Defendants or were acquired with funds or other assets received, directly or indirectly, from the Defendants; and (4) every other corporation, company, partnership, trust and/or other entity (regardless of form) which is directly or indirectly owned by or under the direct or indirect control of Defendant

Beckman, Defendant Oxford PCG, or Relief Defendant Hollie Beckman (collectively the “Receiver Estates”). *Order Appointing Receiver*, Docket No. 10, at 1-2 (March 3, 2011).

5. The three Receiverships are interrelated as they involve the same Ponzi scheme, the same set of co-conspirators, the same set of operative facts, a substantial overlap of victims, and the commingling of Receivership funds and assets.

6. On January 29, 2013, the Receiver, R.J. Zayed brought an action against Associated Bank seeking damages for Associated Bank’s role in aiding and abetting Trevor Cook’s Ponzi scheme. *See Zayed v. Associated Bank*, No. 13-cv-0232 (DSD/JSM) (D. Minn.) (“Associated Bank Action”).

7. On April 2, 2013, the Court entered an Order on Mr. Zayed's motion to recuse himself as the Receiver from the Associated Bank Action. *SEC v. Cook*, et al., No. 09-cv-3333, Docket No. 1060; *CFTC v. Cook*, et al., No. 09-cv-3332, Docket No. 1011; *SEC v. Beckman*, et al., 11-cv-574, Docket No. 373. The same Order authorized Brian Hayes, Russell Rigby, and me (collectively, “Associated Bank Receivers”) “to act collectively on behalf of the Receiver and in his capacity as the Receiver in the Associated Bank Action, with all the powers appertaining thereto as set forth in the Court’s orders appointing the Receiver.” *Id.*

8. With the Court’s approval, R.J. Zayed retained the Carlson Caspers law firm to assist him in fulfilling his duties and obligations as Receiver. *Order Appointing Receiver*, 09-cv-3333, Docket No. 13, at 2 (Nov. 23, 2009); *Ex Parte Statutory Restraining Order*, 09-cv-3332, Docket No. 21, at 8 (Nov. 23, 2009); *see also Amended Order Appointing Receiver*, 09-cv-3333, Docket No. 18, at 2 (Nov. 24, 2009); *Second*

Amended Order Appointing Receiver, 09-cv-3333, Docket No. 68, at 2 (Dec. 11, 2009); *Order Continuing Appointment of Temporary Receiver*, 09-cv-3332, Docket No. 96, at 4 (Dec. 11, 2009); *Order Appointing Receiver*, 11-cv-574, Docket No. 10, at 2 (March 8, 2011). In our capacity as Associated Bank Receivers, we have continued to retain Carlson Caspers to assist in fulfilling the duties and obligations of the Receivership in that action.

9. In my capacity as one of the Associated Bank Receivers, I make this declaration based on personal knowledge and offer it in support of the motion described more fully herein.

10. The motion seeks the Court's approval to pay fees incurred in or about the months of December 2013, and January and February 2014, that were necessary to assist the Associated Bank Receivers in fulfilling our duties with respect to the Associated Bank Action. Specifically the motion seeks Court approval to pay Carlson Caspers' attorneys' fees and reimburse Carlson Caspers for the necessary costs incurred and paid by Carlson Caspers in litigating that matter.

11. I have received a statement from Carlson Caspers describing work performed by the Associated Bank Receivers and our agents with respect to the Associated Bank Action in December 2013. This statement is being submitted to the Court under separate correspondence for *in camera* review; it is also being submitted to the SEC and CFTC. The statement includes the date when work was performed, the name of the person performing the work, the applicable hourly rate, which continues to be discounted by 15% for this matter, as with all of Carlson Caspers' work for the Cook

and Beckman Receiverships, the time expended, and a detailed description of the tasks performed. The statement sets out the amount of compensation requested for the work performed. It reflects legal fees of \$6,897.50.

12. In the month of December 2013, Carlson Caspers continued to assist outside counsel in pursuing the Receiver's claims against Associated Bank seeking damages for Associated Bank's role in aiding and abetting Trevor Cook's Ponzi scheme. This work included providing local counsel services in the Associated Bank Action and reviewing and revising the Receiver's opening brief to be filed with the 8th Circuit Court of Appeals.

13. I have reviewed the itemized statement describing services provided by Carlson Caspers and certify that all of the stated work was actually performed and was necessary to fulfill the duties and responsibilities of the Associated Bank Receivers.

14. I am familiar with the rates charged in the local community by attorneys performing services similar to those provided by Carlson Caspers and certify that the requested rates are within the range charged by attorneys of comparable experience employed by comparable Minnesota law firms for work of a comparable nature and complexity.

15. I have also received a statement from Carlson Caspers describing work performed by the Associated Bank Receivers and our agents with respect to the Associated Bank Action in January 2014. This statement is being submitted to the Court under separate correspondence for *in camera* review; it is also being submitted to the SEC and CFTC. The statement includes the date when work was performed, the name of

the person performing the work, the applicable hourly rate, which continues to be discounted by 15% for this matter, as with all of Carlson Caspers' work for the Cook and Beckman Receiverships, the time expended, and a detailed description of the tasks performed. The statement sets out the amount of compensation requested for the work performed. It reflects legal fees of \$365.50.

16. In the month of January 2014, Carlson Caspers continued to assist outside counsel in pursuing the Receiver's claims against Associated Bank seeking damages for Associated Bank's role in aiding and abetting Trevor Cook's Ponzi scheme. This work included providing local counsel services and reviewing pleadings filed by Associated Bank in the Associated Bank Action.

17. I have reviewed the itemized statement describing services provided by Carlson Caspers and certify that all of the stated work was actually performed and was necessary to fulfill the duties and responsibilities of the Associated Bank Receivers.

18. I am familiar with the rates charged in the local community by attorneys performing services similar to those provided by Carlson Caspers and certify that the requested rates are within the range charged by attorneys of comparable experience employed by comparable Minnesota law firms for work of a comparable nature and complexity.

19. I have also received a statement from Carlson Caspers describing work performed by the Associated Bank Receivers and our agents with respect to the Associated Bank Action in February 2014. This statement is being submitted to the Court under separate correspondence for *in camera* review; it is also being submitted to

the SEC and CFTC. The statement includes the date when work was performed, the name of the person performing the work, the applicable hourly rate, which continues to be discounted by 15% for this matter, as with all of Carlson Caspers' work for the Cook and Beckman Receiverships, the time expended, and a detailed description of the tasks performed. The statement sets out the amount of compensation requested for the work performed. It reflects legal fees of \$4,117.50.

20. In the month of February 2014, Carlson Caspers continued to assist outside counsel in pursuing the Receiver's claims against Associated Bank seeking damages for Associated Bank's role in aiding and abetting Trevor Cook's Ponzi scheme by providing local counsel services with respect to the Associated Bank Action, studying Associated Bank's response brief and authorities cited therein, and working on strategy for reply to the same.

21. I have reviewed the itemized statement describing services provided by Carlson Caspers and certify that all of the stated work was actually performed and was necessary to fulfill the duties and responsibilities of the Associated Bank Receivers.

22. I am familiar with the rates charged in the local community by attorneys performing services similar to those provided by Carlson Caspers and certify that the requested rates are within the range charged by attorneys of comparable experience employed by comparable Minnesota law firms for work of a comparable nature and complexity.

Executed on: March 31, 2014

s/Tara C. Norgard
Tara C. Norgard