

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff(s)

Case No. 09-cv-3332 MJD/JJK

v.

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,

Defendant(s),

R.J. ZAYED,

Receiver

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff(s)

Case No. 09-cv-3333 MJD/JJK

v.

TREVOR G. COOK ,
PATRICK J. KILEY,
UBS DIVERSIFIED GROWTH, LLC,
UNIVERSAL BROKERAGE FX
MANAGEMENT, LLC,
OXFORD GLOBAL ADVISORS, LLC,
and OXFORD GLOBAL PARTNERS, LLC,

Defendants,

and

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, L.P., UBS DIVERSIFIED
FX ADVISORS, LLC, UBS DIVERSIFIED
FX GROWTH, L.P., UBS DIVERSIFIED
FX MANAGEMENT, LLC, CLIFFORD
BERG, and ELLEN BERG,

Relief Defendants.

R.J. ZAYED,

Receiver.

**WILLIAM F. MOHRMAN DECLARATION IN OPPOSITION TO THE
RECEIVER’S MOTION TO QUASH A SUBPOENA SERVED ON A THIRD
PARTY**

I, William F. Mohrman, after being first duly sworn, deposes and states as follows:

1. I am an attorney representing the Investor Respondents in this proceeding, I have personal knowledge of the facts contained in this Declaration, and I am offering this Declaration in Opposition to the Receiver’s Motion to Quash the Subpoena served on the Mauzy Law Firm.
2. In the Receiver’s Amended Memorandum of Law, the Receiver asserts that I did not get back to him with respect to his request for a “meet and confer” which is required by Local Rule 26.1. More specifically, the Receiver states that he sent me a letter on November 19, 2010 regarding his objections to the subpoena and that I failed to respond for over four days. This argument is disingenuous at best.
3. The timing of the issues is important. I do not recall the Receiver making any effort to contact me by phone regarding the subpoena at all. Rather, the first effort the Receiver made to contact me was on November 19, 2010 via the emailed letter attached as Exhibit 3 to the Kohlhepp Declaration. However, what the Receiver does not state in his Declaration when the email was sent. My email application, Outlook, states that the email was received in my email account at 5:17 p.m. on Friday, November 19, 2010 –

after business hours. My recollection is that I left the office prior to 5:00 p.m. that day. In addition, I did not have occasion to further review my emails either on Friday or over the weekend. In addition, my recollection was that I was ill on Monday. My review of my time records shows that I had very few time entries on Monday November 22, 2010. Therefore, I am also not certain that I opened the email on that date as well. Nonetheless, the Receiver did not make any further attempt to reach me or my other colleagues to address this issue other than sending this email to me.

4. Moreover, the Receiver's Friday, November 19, 2010 letter demanded I respond to him no later than Monday, November 22, 2010. However, as set forth above, in reality the Receiver's letter was sent to our office on Monday November 22, 2010. The Receiver's demand that I contact him on such short notice was unreasonable particularly when not coupled with any further efforts to contact our offices.
5. On November 23, 2010, I also had a full day. I know that I began responding to the November 19 letter on that day. However, I was unable to get the letter finished until after 11:00 p.m. that night (a reflection of the matters that had accumulated from being unavailable on Monday and that my wife broke her ankle that day). Nonetheless, I knew that the Receiver was in no danger of losing any rights with respect to the documents because I had contacted the Mauzy Law Firm on November 23 and they informed

me that they would not be responding to the subpoena because the Receiver had contacted them and told them not to respond to the subpoena.

6. Moreover, if the Receiver was that concerned with contacting me, he should have made some effort to contact my colleague Greg Erickson who was at the pretrial conference.
7. Finally, I was quite frankly surprised by the Receiver's letter and arguments. I know from previous subpoenas I had worked on a long time ago that a party has not standing to object to a third party subpoena. Therefore, I never anticipated or expected that the Receiver would say anything regarding the subpoena that was served other than to call ask for a copy of any documents produced.
8. Attached as Exhibit 1 is a copy of the *Coffeyville Res. Ref. & Mktg, LLC v. Liberty Resources Ins. Corp.*, No. 4:MC0017, E.D. Ark. November 8, 2008.
9. From my conversations with Ms. Piper Webb of the Mauzy Law Firm, the documents that the Investor Respondents are seeking are not voluminous and can be easily produced.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 10, 2010

s/ William F. Mohrman
William F. Mohrman