

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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R.J. ZAYED, IN HIS CAPACITY AS  
COURT-APPOINTED RECEIVER FOR  
TREVOR G. COOK, ET AL.,  
Petitioner,

Case No. 11-CV-01042 SRN/FLN

vs.

DAVID BUYSSE, STEVEN AND  
PAMELA CHENEY, WALTER DEFIEL,  
JOHN DZIK, TERRY FRAHM,  
STEVEN AND JENENE FREDELL,  
WILLIAM HARRIS, MICHAEL HEISE,  
MICHAEL AND CYNTHIA HILLESHEIM,  
LARRY HOPFENSPIRGER, STEVEN  
KAUTZMAN, JAMES MCINTOSH,  
GEORGE AND KAREN MORISSET,  
AND REYNOLD SUNDSTROM, AND  
DOT ANDERSON,

Respondents.

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**JOINT STIPULATION TO EXTEND DEADLINE**

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Respondents Steven and Pamela Cheney, David Buysse, Walter Defiel, Steven and Jenene Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morisset, Terry Frahm, and Reynold and Judith Sundstrom, and Dot Anderson, William Harris, and the Receiver hereby jointly stipulate to entry of the accompanying Proposed Order, which modifies the date for the completion of expert depositions from September 15, 2011 to October 28, 2011. The parties believe that good cause exists for the requested extension

because at present, the date for completion of expert depositions is the same day as the completion of fact discovery. This convergence of dates was an inadvertence in the parties' Joint Stipulation to Extend Deadlines (Docket 113), which was entered by the Court on July 25, 2011 (Docket 114). Extending the date for the completion of expert depositions to October 28, 2011 will avoid a conflict with the close of fact discovery, and will also avoid a conflict with the date for the filing of non-dispositive motions, which is October 15, 2011.

In furtherance of this stipulation, the parties provide the following information in accordance with Local Rule 16.3:

**(1) a description of what discovery remains to be completed;**

**Written Discovery**

On August 5, 2011, Respondents Steven and Pamela Cheney, David Buysse, Walter Defiel, Steven and Jenene Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morisset, Terry Frahm, and Reynold and Judith Sundstrom served a Third Set of Interrogatories and Requests for Production of Documents to the Receiver. The Receiver's responses to these discovery requests are due on September 6, 2011.

On August 15, 2011, Respondent Dot Anderson served Second Requests for Admission to the Receiver, Third Set of Interrogatories to the Receiver, and Third Set of Requests for Production of Documents to the Receiver. The Receiver's responses to these discovery requests are due on September 14, 2011.

On August 16, 2011, the Receiver served Second Sets of Interrogatories and Document Requests on all Respondents. Respondents' responses to these discovery requests are due on September 15, 2011.

**Depositions**

The deposition of third party Grant Gryzbowski is scheduled to take place on September 2, 2011.

The depositions of third parties Howard and Sharon Phillips are scheduled to take place on September 14, 2011.

**(2) a description of what discovery has been completed;**

**Written Discovery**

On November 13, 2011, Respondents Steven and Pamela Cheney, David Buysse, Walter Defiel, Steven and Jenene Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morisset, Terry Frahm, and Reynold and Judith Sundstrom served a first round of Interrogatories and Requests for Documents on the Receiver. The Receiver served written objections and responses on December 13, 2011.

On November 16, 2010, the Receiver served first sets of Interrogatories, Requests for Documents, and Requests for Admission on all Respondents. Respondents Steven and Pamela Cheney, David Buysse, Walter Defiel, Steven and Jenene Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morisset, Terry Frahm, and Reynold and Judith Sundstrom served written objections and responses to this discovery on December

16, 2011. They served amended responses to this discovery on May 23, 2011. Mr. Harris served written objections and responses to this discovery on December 16, 2011. Ms. Anderson served written objections and responses to this discovery on January 21, 2011.

A Protective Order was entered in this case on March 2, 2011 (Docket No. 67). The Receiver and Respondents began producing documents on March 3, 2011. To-date the Receiver has produced 1,698 documents (over 23,500 pages) and made the balance of the hard copy and computer files seized by the Receiver available for Respondents' inspection. Respondents have produced 20 pdf documents (2,142 pages), Mr. Harris has produced 45 pages of documents, and Ms. Anderson has produced 31 pages of documents. The parties have also subpoenaed documents from various third parties.

On March 25, 2011, Ms. Anderson served Interrogatories and Requests for Documents on the Receiver. The Receiver served written objections and responses on April 25, 2011 and amended responses to the interrogatories on August 19, 2011.

On August 22, 2011, the Receiver served written objections and responses to Steven and Pamela Cheney, David Buysse, Walter Defiel, Steven and Jenene Fredell, Michael and Jennifer Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morisset, Terry Frahm, and Reynold and Judith Sundstrom Second Set of Interrogatories.

### **Depositions**

Beginning on May 18, 2011, through today, the Receiver has taken the following depositions of the Respondents:

<b>Name</b>	<b>Date</b>
Dot Anderson	May 18, 2011
Steve Fredell	May 26, 2011
Jenene Fredell	May 26, 2011
Terry Frahm	June 2, 2011
Jean Frahm	June 2, 2011
Michael Heise	June 7, 2011
David Buysse	June 8, 2011
Steve Kautzman	June 9, 2011
Michael Hillesheim	June 13, 2011
Cynthia Hilleshiem	June 13, 2011
Reynold Sundstrom	June 15, 2011
Judith Sundstrom	June 15, 2011
Steve Cheney	June 16, 2011
Pamela Cheney	June 16, 2011
James McIntosh	June 21, 2011
Jennifer Heise	June 24, 2011
Bill Harris	June 28, 2011
George Morisset	July 7, 2011
Karen Morisset	July 7, 2011
Walter Defiel	July 7, 2011
Sandra Harris	July 11, 2011
Larry Hopfenspirger	July 13, 2011

On July 18, 2011, Respondents took the deposition of Rick Ostrom, one of the Receiver's investigators.

On July 20, 2011, Respondents took the deposition of Trevor Cook.

On July 27, 2011, Respondents took the deposition of third party Ryan Moeller.

On August 11, 2011, Respondents took the deposition of Dave Austrum, another of the Receiver's investigators.

### **Expert Discovery**

On July 1, 2011, Respondents served the report of their expert, Steven Adams.

On August 10, 2011, the Receiver served the rebuttal expert report of his expert, Eric Golberg.

**(3) an explanation of why all discovery has not been completed;**

The parties anticipate that fact discovery will be completed on September 15, 2011, in accordance with the current Court Order (Docket 114). The parties have also completed expert reports in accordance with that Order.

**(4) an explanation of long it will take to complete discovery.**

Respondents and the Receiver jointly request an extension of the time to complete expert depositions from September 15, 2011 to October 28, 2011. They believe that there is good cause in accordance with Local Rule 16.2 for this short extension of the time to complete expert depositions so as not to conflict with the remaining deadlines in the case schedule.

**NOW THEREFORE**, the parties stipulate and agree that the Court may enter the attached stipulated Order granting extension of the deadline for the completion of expert depositions as set forth above.

**SO STIPULATED:**

Dated: August 30, 2011

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REYNOLD AND JUDITH SUNDSTROM; AND  
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DATE: August 30, 2011

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Dated: August 30, 2011

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