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From: Adam S. Huhta [mailto:adam@huhtalaw.com]  
Sent: Monday, September 12, 2011 6:55 PM  
To: Peter Kohlhepp  
Cc: 'Gregory M. Erickson'; 'Bill Mohrman'; gerdts@blackhole.com  
Subject: RE: Receiver v. Buysee - deposition notice attached

Peter:

Not surprisingly, I disagree that my e-mail contains any misstatements or mischaracterizations.

Having said that, I have no problems rescheduling the 30 (b) (6) deposition of the Receivership Entities to a time that is convenient for both the witness(es) and counsel. It is not my intention to require it on short notice if the parties can work out a mutually convenient time. But as noted, discovery closes shortly, and the 15th was the only remaining day when depositions had not been scheduled. The Receiver has served notices on a similar time period. And frankly I anticipated that the Receiver would simply object to the notice, as the Receiver did to the notice served the other Investor Respondents, given your stated position that a 30(b) (6) of the Receivership Entities is not appropriate. If my assumption is incorrect, and the Receiver's objection to Anderson's 30(b) (6) notice is merely to the timing, I would be happy to discuss alternative dates for the deposition so that it can be conveniently scheduled.

Your characterization of the deposition notice's topics as being merely duplicative of written discovery served is inaccurate. There are several topics, including those following up on documents recently produced by the Receiver, that are different from written discovery served. And even if the topics did duplicate discovery served by Mrs. Anderson, Respondents are entitled to explore, through a deposition, the Receivership Entities' positions on the issues through a witness who can be cross-examined.

As I see it, the Receiver is simply trying to have attorneys draft responses, which the Respondents view as insufficient, self-serving, and argumentative, rather than allow a witness to testify and be subject to cross-examination by the parties so that the actual facts can be explored and tested. As you know, cross-examination would allow the parties to probe the basis for the assertions, rather than be forced to rely on the self-serving responses written by you as counsel for the Receiver. As an aside, I do not believe that I have received verified responses from the Receiver (although that would not obviate the need for a deposition).

Our earlier attempt to resolve the involved the Respondents agreeing to postpone the 30(b) (6) deposition, and allow the Receiver to serve supplemental discovery responses to see if the substance of the responses sufficiently addressed the Respondents' perceived needs in discovery. That was the extent of the agreement. The Receiver served supplemental responses while I was on vacation. I have now had the opportunity to review the responses, and wish to proceed with a corporate representative deposition. Simply put, I would like to explore the issues with a witness and am not comfortable relying on the written responses alone.

And I do intend to provide you with a more detailed meet and confer relating to a number of the Receiver's discovery responses, but that will not obviate

my request for a corporate representative.

Regards,  
Adam

Huhta Law Firm, PLLC  
36 S. 9th Street, Suite 200  
Minneapolis, MN 55402  
(612) 353-4075  
(612) 353-4085 (fax)