

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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.

JOINT STIPULATION TO EXTEND DEADLINES

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 (collectively “Respondents”), William Harris, and the Receiver hereby jointly stipulate to entry of the accompanying Proposed Order, which modifies certain dates within the Scheduling Order (Doc. 104). The parties believe that good cause exists for the requested extension

because it will allow them to proceed with a discovery compromise they have negotiated concerning Respondents' request for a deposition of the Receiver under Federal Rule of Civil Procedure 30(b)(6) and the Receiver's objection to that request in an effort to avoid motion practice and complete the discovery process.

On July 8, 2011, Respondents advised the Receiver of their intent to serve a notice of deposition on the Receiver under Rule 30(b)(6). The Receiver advised Respondents of his objections and requested a meet-and-confer on the issue. The parties had a phone conference on July 11, 2011 to meet and confer, in which counsel for Respondents advised that the goal of the 30(b)(6) deposition was to learn the factual basis for the allegations in the Receiver's complaint. Counsel for the Receiver suggested that the Respondents request the factual information they sought through interrogatories. The parties thus negotiated a compromise in a good faith effort to avoid motion practice that could unnecessarily consume judicial and party resources. Specifically, they agreed that Respondents would serve interrogatories directed to the same factual information they sought to discover from the Receiver through a Rule 30(b)(6) deposition. In the interim, Respondents have agreed to withdraw their Rule 30(b)(6) notice. Respondents and the Receiver reserve their respective rights to pursue and object to all discovery, but are hopeful that the issue of the 30(b)(6) Notices will be resolved through their compromise. Because discovery is set to close on August 1, 2011, which is before the interrogatory responses would be due, the parties agreed to ask the Court to grant a short extension of the case schedule to complete the discovery process and determine if the above-described

process will resolve the Rule 30(b)(6) issue without the need for judicial intervention and the expense of motion practice on the issue.

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;

In addition to the proposed interrogatories and responses described above, five additional depositions are presently scheduled to take place:

July 20-21, 2011: The parties stipulated to an order for the deposition of Trevor Cook, which is scheduled to take place at the federal prison in Greenville, IL, on July 20, 2011, continuing to July 21, 2011, if necessary;

July 25, 2011: Respondents have noticed the deposition for Dave Austrum, a member of the Receiver's investigative team, to take place in Minneapolis on this day.

July 27, 2011: Petitioner has subpoenaed third-party Ryan Moeller for a deposition in Minneapolis on this day;

July 28, 2011: The Receiver has subpoenaed third-party Grant Gryzbowski for a deposition in Minneapolis on this day;

July 29, 2011: Respondents intend to, but have not yet noticed, a Rule 30(b)(6) deposition of the United States on this day.

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

On November 13, 2011, Respondents 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 Respondents and additional respondents, Dot Anderson and William Harris. Respondents and 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.

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

Name	Date
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 1, 2011, Respondents served the report of their expert, Steven Adams.

On July 1, 2011 Ms. Anderson served the Receiver by email with Requests for Admission and a second set of Interrogatories and Document Requests.

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

The parties have endeavored to timely complete discovery in this action according to the Court's Scheduling Order. They believe that there is good cause in accordance with Local Rule 16.2 for the short extension of the discovery schedule stipulated hereto and set forth below.

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

Respondents and the Receiver jointly request an extension of the current remaining deadlines as set forth below. The other parties do not object to this stipulated extension:

1. Fact discovery shall be concluded on September 15, 2011;
2. Disclosure of rebuttal experts and expert reports shall take place by August 10, 2011;
3. Expert depositions shall be concluded by September 15, 2011;
4. All non-dispositive motions shall be filed and served by October 15, 2011
5. All dispositive motions shall be filed, briefed, and scheduled for hearing by December 15, 2011; and
6. Trial ready date shall be February 15, 2012.

NOW THEREFORE, the parties stipulate and agree that the Court may enter the attached stipulated Order granting extension of the deadlines as set forth above.

SO STIPULATED:

Dated: July 21, 2011

MOHRMAN & KAARDAL, P.A.

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