

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

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

Case No. 11-CV-01042 SRN/FLN

Petitioner,

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.

**LENDERS' MOTION TO EXCLUDE
THE TESTIMONY OF ERIC GOLBERG**

Lenders David Buysse, Steven and Pamela Cheney, Walter Defiel, Terry Frahm, Steven and Jenene Fredell, Michael Heise, Michael and Cynthia Hillesheim, Larry Hopfenspirger, Steven Kautzman, James McIntosh, George and Karen Morisset, and Reynold Sundstrom (collectively "Lenders") hereby move this Court, pursuant to Federal Rules of Evidence 403 and 702, to exclude the testimony of Eric Golberg for all purposes in this action.

This motion is based on the files, records, and proceedings herein, including this Motion; the Lenders' Memorandum of Law, which will be submitted in accordance with Local Rule 7.1(b)(1) at least 42 days ahead of the hearing currently set for April 26, 2012; the Declaration(s) accompanying that Memorandum of Law; the argument of counsel at that hearing; and all other submissions and proceedings had in this action. A Proposed Order granting this Motion will be e-mailed to the Court's chambers concurrent with the filing of the Memorandum of Law as set forth above.

MOHRMAN & KAARDAL, P.A.

Dated: January 12, 2012

s/William F. Mohrman
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