

**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.

---

**NOTICE OF TAKING DEPOSITION OF THE PETITIONER**

---

TO: Ms. Tara Norgard and Mr. Peter Kohlhepp, Carlson, Caspers, Vandenburg &  
Lindquist, 225 South Sixth Street, Suite 3200, Minneapolis, Minnesota 55402

**NOTICE IS HEREBY GIVEN** that pursuant to Federal Rule of Civil Procedure  
Rule 30(b)(6), Respondents' counsel will take the deposition upon oral examination of a  
Person or Persons designated by Petitioner on **July 26, 2011, beginning at 10:00 a.m.**,  
and continuing by adjournment until completed, at the offices of Mohrman & Kaardal,  
P.A., 33 South Sixth Street, Suite 4100, Minneapolis, MN 55402, before a qualified court

reporter. Pursuant to the Federal Rule of Civil Procedure 30(b)(6), the Petitioner is obligated to designate and produce at the deposition one or more of their officers, directors, managing agents, employees or other persons who are most qualified to testify on the United States behalf as to the matters set forth below under the heading "CATEGORIES OF TESIMONY."

**DEFINITIONS AND INSTRUCTIONS**

1. "You," "Your," "Plaintiff" and "Petitioner" shall mean the Receivership as well as any agent, employees, officers, directors, insurers, members, managers, governors, shareholders, organizers, consultants, independent contractors, successors and assigns or any and all persons purporting to act on behalf of any of them.

2. "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," shall mean Lender Respondent(s).

3. "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," "UBS Diversified Growth, LLC," "Crown Forex, LLC," "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,” shall mean Receivership Entities as well as any agent, employees, officers, directors, insurers, members, managers, governors, shareholders, organizers, consultants, independent contractors, successors and assigns or any and all persons purporting to act on behalf of any of them.

4. “Document” refers to the original and any non-identical copy or draft of any matter, including electronically stored information, within the scope of Rule 34 of the Federal Rules of Civil Procedure that is believed by you to exist or previously to have existed within your possession or control.

5. “Communication” shall mean all modes of conveying meaning or information, including but not limited to electronic transmission, email, telephone, telegraph, facsimile, and written or spoken language between two or more persons, in person, in writing, on the telephone, or by any other means.

6. As used herein, the words “and,” “and/or,” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these Categories of Testimony any information that might be deemed outside their scope by another construction.

7. “Person” means natural persons, corporations, partnerships, associations, governments (or agencies thereof), quasi-public entities, proprietorships, joint ventures, trusts, estates, and all other forms of entities.

8. The “Petition” means the “Petition for Return of Receivership Assets” filed by the Petitioner on July 23, 2010, and originally received the Court File Number of 09-cv-3332.

9. Unless otherwise indicated within the Categories of Testimony, the time frame for each category of testimony is January 2007 to the present.

### CATEGORIES OF TESTIMONY

1. Each and every fact that the Petitioner asserts supports the allegations contained in Paragraphs 31 and 32 of the Petition.

2. Each and every fact that the Petitioner asserts supports the allegations contained in Paragraph 34 of the Petition that the transfers of funds to Lender Respondents were made in an effort to hinder, delay, or defraud creditors of any of the Receivership Entities.

3. Each and every fact that the Petitioner asserts supports the allegations contained in Paragraphs 35 and 36 of the Petition.

4. Each and every fact that the Petitioner asserts supports the allegations contained in Paragraphs 39 and 40 of the Petition.

5. Each and every fact that the Petitioner asserts supports the allegations contained in Paragraph 42 of the Petition.

6. Each and every fact that the Petitioner asserts supports the allegations contained in Paragraphs 44, 45, and 46 of the Petition.

7. Each and every fact that supports the Petitioner's allegation that the Lender Respondents did not receive their payments from the Receivership Entities in good faith.



