

**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.

---

**LENDER RESPONDENTS' THIRD SET OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF DOCUMENTS TO THE RECEIVER**

---

TO: THE RECEIVER, AND HIS ATTORNEYS TARA NORGDARD, AND  
PETER KOHLHEPP, CARLSON, CASPERS, VANDENBURGH &  
LINDQUIST, P.A., 225 S. SIXTH ST., SUITE 3200, MINNEAPOLIS, MN  
55402.

Pursuant to Rules 33, 34 and 36 of the Federal Rules of Civil Procedure,  
and this Court's July 20, 2010 Order, Investor 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 (hereinafter collectively "Respondents") request that the Receiver, within thirty days, or within such time as the Court may allow or the parties agree: (1) answer the following Interrogatories, signed and under oath; and (2) produce documents responsive to the Request for Production of Documents.

A. INSTRUCTIONS:

1. The Interrogatories that are divided into subparts are to be answered separately as to each subpart contained therein, rather than as a single statement or paragraph intended to encompass the response to all parts contained in the Interrogatory.

2. When you believe that a complete answer to a particular Interrogatory or part of an Interrogatory is not possible, answer such Interrogatory to the extent possible and furnish a statement explaining the reason for inability to answer further.

3. In the Interrogatories and Document Requests, the singular shall be deemed to encompass the plural, and the plural shall be deemed to encompass the singular.

4. In these Interrogatories and Document Requests, the feminine pronouns shall include the masculine pronouns, and the masculine shall include the feminine.

5. Your attention is directed to Rule 34(b) of the Federal Rules of Civil Procedure, which provides a party who produces documents for inspection "shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the request." In this connection, and for the purposes of illustration, it is requested that all documents be produced in the file folders and file cartons in which they have been maintained or stored, clipped, stapled or otherwise arranged in the same form and manner as they were found. If you choose to produce the documents requested corresponding with the categories in the Requests, it is requested that you also identify the file folders, drawers or cartons in which the documents were originally maintained and the person or persons in whose custody or control such files are or were maintained. Any response to these Document Requests shall set forth the Document Request in full before each response. If, after a good faith search, you conclude that there never have been documents responsive to a particular Document Request, so state.

6. Respondents' First Request for Production of Documents accompanies Respondents' First Set of Interrogatories. These Document Requests refer to those Interrogatories and Your responses to these Document Requests should refer to the Interrogatories by number.

B. DEFINITIONS:

Persons and Entities:

1. "The Receiver" "you" or "your" refers to the appointed Receiver in this litigation, R.J. Zayed (hereinafter "the Receiver"), on his own behalf and his

agents, predecessors, attorneys, employees, tax preparers, accountants, financial advisers, financial planners, brokers, representatives, or in any other persons acting or purporting to act on his behalf.

2. "Respondents" refers collectively to Investor 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 in this litigation, on their own behalf and their agents, predecessors, attorneys, employees, tax preparers, accountants, financial advisers, financial planners, brokers, representatives, or in any other persons acting or purporting to act on their behalf. Any reference to any individual respondent includes reference to each individual's agents, predecessors, attorneys, employees, tax preparers, accountants, financial advisers, financial planners, brokers, representatives, or in any other persons acting or purporting to act on his or her behalf.

3. "Receivership Entities" shall have the same meaning as defined in paragraph one (1) of the Petition for Return of Receivership Assets from Investor Respondents.

Terms:

4. "Each and every fact" includes, but is not limited to, identifying, (as that term is defined in Definitions 1 and 2 above) all persons and all documents, as well as specifying any places, dates, exact words used in conversations (or

substance of conversations if exact words are not remembered), acts, events, and occurrences.

5. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the words "include(s)" and "including" shall be construed to mean "without limitation."

6. "Document" is employed in its customary broad sense to mean the original and any non-identical copies of all written, graphic or computer material of every kind and description, whether draft or final, typed, handwritten, printed or otherwise, as well as any recording, photograph, photostat, microfilm, computer or computer disk or any other reproduction, including without limitation, the following items: correspondence; communications; facsimiles; handwritten notes; work papers; reports; memoranda; summaries or records of personal conversations or interviews; diaries; desk calendars; minutes or records of meetings; lists of persons attending meetings; opinions of counsel; opinions or reports of consultants; records or summaries of investigations; offers; records or summaries of negotiations; contracts; agreements; telephone records or call slips; expense reports; telegrams; telefax; cables; teletype messages; email messages; telephonic text messages; internet communications of any kind; voice mails; forecasts; statistical statements; computer printouts; bills; receipts; checks; check books; invoices; microfilm or other data compilations; computer disks, computer hard drives, electromagnetic tape recordings, video recordings, or other electronic

recordings and/or transcriptions; photographs; films; articles of incorporation; bylaws; resolutions; directives; state and federal tax returns; financial statements; prospectuses; confirmations; statements of account; investment summaries; investment transaction records; accounting worksheets; calculations; ledgers; journal pages or other media forms; books or records of accounts; loan documents; appraisal records; press releases; newspapers; magazines; advertisements; periodicals; emails; bulletins; circulars; brochures; letters; pamphlets; manuals; policies; applications; drafts and alterations of any document; original or preliminary notes; and marginal comments appearing on any document in the Receiver's possession, custody and/or control, or available to the Receiver, the Receiver's agents, attorneys, employees, representatives and/or any other persons acting or purporting to act on the Receiver's behalf or known by the Receiver to exist. Any documents bearing on any sheet or side thereof any marks, including, by way of illustration only and not by way of limitation, initials, stamped indicia, any comment or notation of any character and not a part of the original text, or a reproduction thereof, is to be considered a separate document for purposes of these Interrogatories and Document Requests.

7. "Identify" and/or "identity," when used in reference to a document, means to provide as to each such document the following information: its date and author, the type of document (i.e. letter, memorandum, email, telegram, facsimile, chart, etc.) or other means of identifying it, the name and address of each signatory, the name and address of each person receiving a copy of the document

or designated as a recipient, and its present location and/or custodian. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it and the date of such disposition. With respect to document identification, documents prepared subsequent to or prior to the time period specified in the Interrogatory but which relate or refer to such time period are to be included.

8. "Identify" and/or "identity," when used in reference to a person, means to provide as to each such person the following information: his, her or its full name and present address, present or last known position or business affiliation, position and business affiliation at the time in question and his, her or its status or relationship, if any, to the Plaintiff.

9. "Including," when used in these Discovery Requests as requesting certain specified information, should be understood to mean "including but not limited to" such specific information.

10. "Oral communications" means any and every form of non-written communication between or involving two or more persons, including but not limited to meetings, conferences, telephone conversations and discussions, by whenever means accomplished.

11. "Person" should be understood to refer equally to natural persons, corporations, partnerships, firms, joint ventures, associations or other entities, as the case may be.

12. "Specifying in all possible detail" means to describe completely and accurately to the best to your ability the subject matter about which inquiry is made, using the most factual statements of which you are capable.

C. TIME PERIOD.

Unless otherwise specified or indicated, either directly or indirectly, each Interrogatory set forth herein calls for information for a period from January 1, 2002 and continuing up to and including the date these Interrogatories are answered. If any Answers do not apply to this entire time frame, or if more than one Answer is not applicable to the entire time frame, Answers for each relevant time frame during the aforesaid overall time frame should be set forth together with the specific date establishing the time from when such Answers were applicable.

Unless otherwise specified or indicated, either directly or indirectly, each Document Request calls for all documents generated, prepared or received during the period December 1, 2005 and continuing up to and including the date of production, or which refer to matters occurring within such time frame. Respondents reserve the right to request additional documents.

D. PRIVILEGED OR PROPRIETARY MATTER.

If any Document Request herein is deemed to call for the production of privileged or work product materials or material the Receiver claims is beyond the scope of the Court's July 20, 2010 Order allowing discovery, and such privilege,

work product, or Court Order is asserted as a reason to refuse disclosure, identify in writing each documents so withheld and provide the following information:

1. The reason for withholding the documents;
2. A statement for the basis for the claim of privilege, work product or other ground of non-disclosure; and
3. A brief description of the document, including:
  - (a) the date of the document;
  - (b) the number of pages, attachments and appendices;
  - (c) the name of its author (s), or preparer(s), and identification by employment and title of each such person;
  - (d) the name of each person who was sent, shown, or copied the document or has had access to or custody of the document, together within identification of each such person;
  - (e) the present custodian; and
  - (f) the subject matter of the document, and in the case of any document relating or referring to an oral conversation, identification of such meeting or conversation.

If any Document Request is deemed to call for disclosure of proprietary data within the meaning of Rule 26(c) of the Federal Rules of Civil Procedure, Respondents are prepared to receive such data pursuant to an appropriate order with respect confidentiality.

E. LOST OR DESTROYED DOCUMENTS.

If any document requested herein was one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, providing as much of following information is possible:

- (a) the type of document;
- (b) its date;
- (c) the date or approximate date it was lost, discarded or destroyed;
- (d) the circumstances and manner in which it was lost, discarded or destroyed;
- (e) the reason or reasons for disposing of the document (if discarded or destroyed);
- (f) the identity of all persons authorizing or having knowledge of the circumstances surrounding the disposal of the document;
- (g) the identity of the person (s) who lost, discarded or destroyed a document; and
- (h) the identity of all persons having knowledge of the contents of any such document.

F. **INTERROGATORIES.**

**INTERROGATORY No. 1:** Identify all new investments of capital accepted by the Receivership Entities engaged in currency trading between June 22, 2009 to June 28, 2009.

INTERROGATORY No. 2: Identify all new investments of capital accepted by the Receivership Entities engaged in currency trading on or after June 29, 2009.

INTERROGATORY No. 3: Identify all corporate investors (corporations, LLC's, and limited partnerships) which invested in the Receivership Entities engaged in currency trading which are not identified on the list attached to these interrogatories as Exhibit 1.

**G. DOCUMENT REQUESTS.**

DOCUMENT REQUEST No. 1: Each and every document identified in response to Respondents' Third Set of Interrogatories.

DOCUMENT REQUEST No. 2: All bank statements for the Receivership Entities from March 1, 2009, to November 23, 2009.

DATED: August 5, 2011.

MOHRMAN & KAARDAL, P.A.

s/Gregory M. Erickson

William F. Mohrman #168816

Gregory M. Erickson #276522

James R. Magnuson #389084

Tona T. Dove #232130

33 South Sixth Street, Suite 4100

Minneapolis, MN 55402

(612) 341-1074

ATTORNEYS FOR RESPONDENTS