

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

R.J. ZAYED, In His Capacity
As Court-Appointed Receiver
For Oxford Global Partners, LLC,
Universal Brokerage FX, and Other
Receiver Entities,

Plaintiff

Case No: 013-cv-1896 SRN/ SER

v.

David and Dao Allen, Judith Averett, Patricia and
Jasper Calandra, Rose Furner, Mark Hanby, Adel
("A.K.") Hilal, Geraldine Jackman, Norma Johnson,
Willis Wayne King, Don and Pamela Labbee,
Andrew Lyon, Jeffrey Lyon, Jeffrey Maki, Steven
Perkins, Richard Plantan, Douglas Reed, David
Sherman, John Sterback, Mark Stoltenberg, Jane
Wamsley as trustee for the Glen Van Lehn Living
Trust, Michael ("Bruce") Wu, Robert and Dianne
Birk, Margaret Anderson, Mary Francoeur, George
and Shirley Janssen, Joseph Koehnen, and Katherine
Sobieck,

Defendants.

**DECLARATION OF JOSEPH M. KACZROWSKI IN SUPPORT OF
RECEIVER'S MOTION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS
DON AND PAMELA LABBEE**

I, Joseph M. Kaczrowski, hereby declare:

1. I am an attorney for Plaintiff R.J. Zayed, the Court-appointed Receiver in the civil cases of *United States Securities and Exchange Commission v. Trevor Cook et al.*, Civil Action File No. 09-cv-3333 (D. Minn. 2009) and *United States Commodity*

Futures Trading Commission v. Trevor Cook et al., Civil Action File No. 09-cv-3332 (D. Minn. 2009) (“Receiver”). I submit this declaration in support of the Receiver’s Motion for Default Judgment against Defendants Don and Pamela Labbee. This declaration is submitted on my personal knowledge except as otherwise indicated.

2. On July 15, 2013, the Receiver filed a complaint against several individuals, including Defendants Don and Pamela Labbee. *Complaint*, 13-cv-1896 Docket 1 (Jul 15, 2013).

3. Defendant Don Labbee was served on September 6, 2013. *Affidavit of Service*, 13-cv-1896 Docket 18 (Sep. 26, 2013). Under Rule 12(a)(1)(A), Defendant Don Labbee’s answer was due on September 27, 2013.

4. Defendant Pamela Labbee was served on September 6, 2013. *Affidavit of Service*, 13-cv-1896 Docket 17 (Sep. 26, 2013). Under Rule 12(a)(1)(A), Defendant Pamela Labbee’s answer was due on September 27, 2013.

5. Defendants Don and Pamela Labbee did not file an answer or otherwise responded to the Receiver’s Complaint, nor did Defendants seek an extension of time to answer or respond, and the Clerk recorded an Entry of Default against Defendants Don and Pamela Labbee on October 16, 2013. *Entry of Default*, 13-cv-1896 Docket 55 (Oct. 16, 2013).

6. Defendants Don and Pamela Labbee received transfers from Receivership Entities totaling \$109,501.00. Attached hereto as **Exhibit 1** are true and correct (redacted) copies of bank records of transfers to Defendants Don and Pamela Labbee

from Receivership Entities. *See also Complaint*, 13-cv-1896 Docket 1 ¶ 88 (Jul. 15, 2013).

7. Defendants Don and Pamela Labbee transferred a total of \$100,000.00 to Receivership Entities. Attached hereto as **Exhibit 2** are true and correct (redacted) copies of bank records of transfers by Defendants Don and Pamela Labbee to Receivership Entities. *See also Complaint*, 13-cv-1896 Docket 1 ¶ 89 (Jul. 15, 2013).

I state under penalty of perjury that the foregoing is true and correct.

Dated: October 18, 2013

s/ Joseph M. Kaczrowski
Joseph M. Kaczrowski