

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 DEFENDANT
DAVID SHERMAN**

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 Defendant David Sherman. 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 Defendant Sherman. *Complaint*, 13-cv-1896 Docket 1 (Jul 15, 2013).

3. Defendant Sherman was served on September 10, 2013. *Affidavit of Service*, 13-cv-1896 Docket 21 (Sep. 26, 2013). Under Rule 12(a)(1)(A), Defendant Sherman’s answer was due on October 1, 2013.

4. Defendant Sherman did not file an answer or otherwise responded to the Receiver’s Complaint, nor did Defendant seek an extension of time to answer or respond, and the Clerk recorded an Entry of Default against Defendant Sherman on October 16, 2013. *Entry of Default*, 13-cv-1896 Docket 58 (Oct. 16, 2013).

5. Defendant Sherman received transfers from Receivership Entities totaling \$29,690.00. Attached hereto as **Exhibit 1** are true and correct (redacted) copies of bank records of transfers to Defendant Sherman from Receivership Entities. *See also Complaint*, 13-cv-1896 Docket 1 ¶ 99 (Jul. 15, 2013).

6. Defendant Sherman transferred a total of \$25,000.00 to Receivership Entities. Attached hereto as **Exhibit 2** are true and correct (redacted) copies of bank records of transfers by Defendant Sherman to Receivership Entities. *See also Complaint*, 13-cv-1896 Docket 1 ¶ 100 (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