

**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,

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.

Civil Case No: 13-cv-01896 (SRN/SER)

ORDER

Based upon the Receiver’s Stipulation to Entry of Judgment [Doc. No. 186], along with the Confession of Judgment attached thereto as Exhibit A,

IT IS HEREBY ORDERED, that Judgment shall be entered against Defendants Robert and Dianne Birk, in the amount of \$23,302.85. Additionally, Judgment shall be entered on the Receiver’s claims against the remaining Defendant, Mark Stoltenberg.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: December 8, 2015

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge

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.

RECEIVER'S STIPULATION TO ENTRY OF JUDGMENT

On November 16, 2015, the Court held that Plaintiff R.J. Zayed, in his capacity as Receiver ("Receiver"), may not pursue the equitable remedy of unjust enrichment where an adequate legal remedy exists, in this case, under the Minnesota Uniform Fraudulent Transfer Act. (Dkt. 185.) The Court further provided the Receiver until December 7, 2015 to show cause why summary judgment should not be granted to remaining

defendants in this action, Robert and Dianne Birk (“the Birks”) and Mark Stoltenberg, on the unjust enrichment claim. (*Id.*)

Attached hereto as Exhibit A is the Confession of Judgment by the Birks, confessing to judgment in the amount of \$23,302.85 and authorizing entry of a judgment against them in that sum. The Receiver therefore stipulates to the entry of judgment of his claims against the Birks.

In view of the Court’s Order, and to conserve the resources of the parties and the Court, the Receiver also stipulates to entry of judgment of his claims against the remaining defendant, Mark Stoltenberg.

Dated: December 7, 2015

Respectfully submitted,

s/ Tara C. Norgard

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FX, and other Receivership Entities*

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DISTRICT OF MINNESOTA

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Birk, Margaret Anderson, Mary Francoeur, George
and Shirley Janssen, Joseph Koehnen, and Katherine
Sobieck,

Defendants.

CONFESSION OF JUDGMENT

Robert and Dianne Birk (the "Birks") hereby confess judgment in the amount of \$23,302.85 against them and in favor of the R.J. Zayed, in his capacity as Receiver ("Receiver") and authorize entry of a judgment against them in that sum.

CHESTNUT CAMBRONNE PA

By 

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