

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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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.

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**DECLARATION OF JOSEPH M. KACZROWSKI IN SUPPORT OF  
RECEIVER'S APPLICATION FOR ENTRY OF DEFAULT 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 Application to the Clerk for Entry of Default 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. As of today’s date, Defendants Don and Pamela Labbee have not filed an answer or otherwise responded to the Receiver’s Complaint, nor have Defendants sought an extension of time to answer or respond.

6. Upon information and belief, Defendant Don Labbee is not a minor, legally incompetent or a member of the military on active duty.

7. Upon information and belief, Defendant Pamela Labbee is not a minor, legally incompetent or a member of the military on active duty.

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

Dated: October 15, 2013

*s/ Joseph M. Kaczrowski*  
Joseph M. Kaczrowski