

June 1, 2015

**VIA HAND DELIVERY**

Honorable Thomas Walsh  
Circuit Court Judge  
Brown County Courthouse  
100 South Jefferson Street  
P.O. Box 23600  
Green Bay, WI 54305

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JUN 01 2015

Circuit Court Br. 2

RE: Marco Araujo, M.D., et al. v. Green Box NA Green Bay, LLC  
Case No. 15 CV 769  
File No. 011324-0001

Dear Judge Walsh:

The Court has invited the parties to this action to file supplemental materials for the Court's consideration in connection with the pending Plaintiff's Motion to Appoint Wis. Stats. Chapter 128 Receiver (the "Motion"). In an effort to limit the scope and amount of supplemental materials provided to the Court, Plaintiffs have agreed that Attorney Valerie Bailey-Rihn will submit the primary response. We have reviewed Attorney Bailey-Rihn's correspondence, as well as the materials provided by Attorney Brian Thill, and Godfrey & Kahn, S. C. and Dr. Marco Araujo join in the representations and positions stated in the filings by the additional plaintiffs.

In addition, in light of the nature of the representations and inferences made in Court last week during the hearing on the Motion, we have attached for the Court's review the October 2, 2014 Decision and Order of The Honorable Donald R. Zuidmulder, Case No. 13 CV 463, that resulted in the Default Judgment in favor of Dr. Marco Araujo. As the Court will recall, it is the execution on this judgment that was returned unsatisfied and provides the basis for the appointment of the Chapter 128 Receiver. We believe the Decision and Order are relevant in clarifying that the Default Judgment was not entered as the result of a mere failure to file an Answer, it was entered as a sanction after Defendants' Answer was stricken as a result of Defendants' failure to comply with the discovery process and a Court order. We also believe the Decision and Order strongly support the necessity of the appointment of a Receiver in the current action. Judge Zuidmulder found that Mr. Van Den Heuvel "is not a stranger to the workings of the legal system" and that Defendants' behavior was so "extreme, substantial and persistent" that it rose to the "level of egregious behavior warranting a default judgment". Decision and Order, pp 5-6. Subsequent to the entry of the Default Judgment, Mr. Van Den Heuvel has failed to

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appear as ordered at one scheduled supplemental proceeding. There can be little doubt that the interests of all creditors and the principles of judicial economy will be best served by the appointment of a Chapter 128 Receiver. The Receiver, as an objective third party appointed to represent the interests of all creditors, will be best situated to determine the assets available for distribution to creditors, to determine the respective rights and interests of secured creditors where multiple security interests have been granted by the Green Box N.A. Green Bay, LLC (the "Company") to multiple entities, and to ensure that there are no transfers of money or assets from the Company to its principals, shareholders, affiliates, or preferred creditors outside the ordinary course of business.


Also, for ease of reference in reviewing materials provided by all Plaintiffs, we have attached the transcripts of both supplemental proceedings in Case No. 13 CV 463. The following are exhibits to this letter.

1. Exhibit A - October 2, 2014 Decision and Order of The Honorable Donald R. Zuidmulder, Case No. 13 CV 463;
2. Exhibit B – May 8, 2015 Supplemental Examination Transcript of Ronald Van Den Heuvel with exhibits (Part 1);
3. Exhibit C – May 15, 2015 Supplemental Examination Transcript of Ronald Van Den Heuvel with exhibits (Part 2)

Thank you very much for your continued consideration of the Motion and the submissions of counsel. By copy of this correspondence, all counsel of record are receiving an electronic copy of the same.

Very truly yours,

GODFREY & KAHN, S.C.



Carla O. Andres

COA:ml

Enclosures

cc: Attorney John R. Petitjean  
Attorney Steven J. Krueger  
Attorney Valerie L. Bailey-Rihn  
Attorney Brian P. Thill  
Attorney Michael Polsky

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