

# United States District Court

## EASTERN DISTRICT OF WISCONSIN

### COURT MINUTES

HON. **DAVID E. JONES**, presiding.

Deputy Clerk: Amanda Chasteen

DATE: **December 14, 2016 at 10:30 a.m.**

Court Reporter: FTR Gold

CASE NO. **16-CR-64**

Time Called: 10:31:49

UNITED STATES v. **RONALD H. VAN DEN HEUVEL,**

Time Concluded: 11:42:29

**KELLY YESSMAN VAN DEN HEUVEL**

PROCEEDING: **STATUS CONFERENCE (COUNSEL ONLY)**

UNITED STATES by: **Mel Johnson, Matthew Krueger**

DEFENDANT: **RONALD H. VAN DEN HEUVEL,**

**KELLY YESSMAN VAN DEN HEUVEL,** and by

ATTORNEY: **Robert G. LeBell for deft Ronald H. Van Den Heuvel**

**Andrew C. Porter and Kelly Delange for deft Kelly Yessman Van Den Heuvel**

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Here to discuss and determine the materiality of the Brown County search warrant materials.

#### **COURT**

- Speaks to the status of the case.
- Will speak with all the parties as to the status of the case, and then will excuse the Govt for a portion of this hearing. Wants to develop a record to explain the Judge Griesbach why the expenditure is needed.

#### **GOVT**

- Has no objections to the structure of hearing.

#### **DEFENSE**

- Attorney LeBell has no objections to structure of hearing.
- Attorney Porter has no objection to the process. Does have concern with the trial date, and discovery.

#### **COURT**

- Discovery disputes will be handled on a case by case basis. Will require communication between all parties. If needed the court will set a status conference to see if there are objections to motions as they are filed.

#### **GOVT**

- Speaks to the status of discovery.
- On December 7, 2016 the last of the batches have been disclosed. That amounted to 313,000 pages.
- Will disclose by this Friday as ordered by the court additional material that has been reviewed by a separate

team to review for privileged material. That is estimated to be about 24,000 pages.

- Makes speedy trial finding, from today's date until the filing of motions time is excluded.
- The court removes from the calendar the December 21, 2016 status conference.

#### **DEFENSE**

-Attorney Porter speaks to the accessibility of discovery material. Documents are not produced on the disks sequentially. Reviewing the documents in this format is very time consuming.

#### **GOVT**

- This is the first they have heard of the files being out of order. The govt can provide load files that should take care of this matter. Will discuss with counsel as to providing them with the load files.

#### **COURT**

- Reminds all the parties to communicate, there are large amounts of discovery and urges defense to work out these concerns with the govt.

- Discusses briefing schedule for motions; If a motion is filed, that triggers a response time of 30 days and reply time of 14 days.

- **Status Conference set for January 18, 2017 at 10:30 AM.** If the parties wish to appear by telephone they are to speak with courtroom deputy.

#### **GOVT**

- Speaks to the background as to what led to the Brown County search warrant.

- Straight case of bank fraud and the use of straw borrowers.

- 4,000 pages of discovery came from the Brown County search warrant.- These documents are materials from the deft businesses.

- Does not want to set up a situation that could be used on appeal, but does not think that this issue needs to create a long delay.

#### **COURT**

- Questions the Govt as to how the 4,000 pages of documents were pulled out to be used.

- Govt responds that they did a manual review of these documents.

- **11:28 AM** - The Court excuses the Govt from this portion of the hearing.

- Needs something to take to Judge Griesbach, this is a large expenditure for a CJA request, but understands defense need to search discovery documents.

- There was discussion.

- Will speak to Judge Griesbach as to this matter. If he requests this court will prepare a Report and Recommendation.