

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TISSUE TECHNOLOGY, LLC, et al.,
Plaintiff(s),

v.

COURT TRIAL
Case No. 14-C-1203

TAK INVESTMENTS, LLC, et al.,
Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: September 18 and 19, 2017
Deputy Clerk: Cheryl

Time Called: 9:02 a.m.
Time Concluded: 10:35 a.m.
Tape: 091817 and
091917

Appearances:

Plaintiff(s): Michael J. Ganzer

Defendant(s): Jonathan T. Smies

Parties stipulated to exhibits for admission, with the exception of exhibit 47.

Mr. Smies states that they would like to see the original promissory note regarding exhibit 1002.

The court inquires as to jurisdiction regarding LLC. Parties stipulated to jurisdiction as Tak is a citizen outside the State of Wisconsin.

Mr. Smies requests for enforcement of transfer obligation claim against Mr. Tak be dismissed with prejudice. Defendant has no objection. The court dismisses that claim against Mr. Tak with prejudice.

Mr. Smies requests amendment to counterclaim regarding indemnification obligation under Rule 15(b).

Mr. Ganzer states it is too late to seek counterclaim on that basis.

The court holds the motion under advisement.

9:06 a.m. – Plaintiff calls **David VanDenHeuvel**. Witness sworn and testifies. Direct examination by Michael Ganzer.

9:17 a.m. – Cross examination by Jonathan Smies.

9:24 a.m. – The Court examines witness.

9:30 a.m. – Redirect examination by Michael Ganzer.

9:32 a.m. – Recross examination by Jonathan Smies.

9:32 a.m. - Witness excused.

9:33 a.m. – Plaintiff calls **Ronald VanDenHeuvel**. Witness sworn and testifies. Direct examination by Michael Ganzer.

10:34 a.m. – Court recesses.

10:46 a.m. – Court resumes. Continued direct examination of Ronald VanDenHeuvel.

11:16 a.m. – Plaintiff calls **Brad Hutjens**, Nicolet Bank. Witness sworn and testifies. Direct examination by Michael Ganzer.

11:19 a.m. – Cross examination by Jonathan Smies.

11:22 a.m. – Redirect examination by Michael Ganzer.

11:22 a.m. – Witness excused.

11:23 a.m.- Direct examination of **Ronald VanDenHeuvel continued**.

12:05 p.m. - Court recesses.

1:20 p.m. - Court resumes.

Direct examination of Ronald VanDenHeuvel continued.

1:21 p.m. – Cross examination by Jonathan Smies.

3:00 p.m. – Court recesses.

3:15 p.m. – Court resumes.

3:15 p.m. – Direct examination of Ronald VanDenHeuvel continued.

3:47 p.m. – Redirect examination by Michael Ganzer.

3:53 p.m. – Court examines witness.

4:02 p.m. – Witness excused.

4:03 p.m. – Plaintiff calls **Edward Kolasinski**. Witness sworn and testifies. Direct examination by Michael Ganzer.

4:19 p.m. – Cross examination by Jonathan Smies.

4:26 p.m. – Witness excused.

4:27 p.m. – Court recesses.

Tuesday, September 19, 2017

9:02 a.m. – Court trial resumes.

Mr. Ganzer informs the court that the original note from Associated Bank was not produced. A copy of the note is offered instead. Mr. Smies states he does not object to admission of copies of the notes, but states he does have an issue with whether the plaintiff possesses original notes and has the ability to bring these claims. Mr. Ganzer states that Mr. VanDenHeuvel testified regarding the note.

9:04 a.m. – Plaintiff rests its case.

9:04 a.m. – Mr. Smies motions the court and presents argument for partial findings of fact and judgment under Rule 52(c) as to possession/holder of instrument and enforcement.

9:05 a.m. – Mr. Ganzer responds as to possession of the notes.

The Court takes the matter under advisement.

9:07 a.m. – Mr. Ganzer inquires as to whether the court will want argument or just post trial briefs.

The Court informs the parties that they will need to submit briefs.

9:09 a.m. – Defendant calls **Ronald VanDenHeuvel** adversely. Witness remains under oath. Examination by Jonathan Smies.

9:17 a.m. – Examination by Michael Ganzer.

9:20 a.m. – Witness excused.

9:21 a.m. – Defendant calls **Sharad Tak**. Witness sworn and testifies. Direct examination by Jonathan Smies.

9:24 a.m. – Cross examination by Michael Ganzer.

10:22 a.m. – Redirect examination by Jonathan Smies.

10:26 a.m. – Court examines the witness.

10:33 a.m. – Witness excused.

10:33 a.m. - Defendant rests.

Mr. Ganzer informs the court that they can complete their brief in 30 days.

Mr. Smies will be requesting a transcript to assist in briefing.

Plaintiffs' brief is due 30 days after the receipt of the transcript, Defendants' brief is due 30 days thereafter.

Mr. Smies again motions the court to include amended counterclaim under Rule 15(b).

The court informs Mr. Smies that the motion can be included in briefing. Plaintiffs reply is due 15 days thereafter.

10:35 a.m. – Trial concluded.