



April 10, 2009

Honorable Sue E. Bischel
Brown County Courthouse
P.O. Box 23600
Green Bay, WI 54305-3600

RE: Hilliard Limited Partnership v. Evergreen Development, LLC, et al.
Brown County Case No. 08-CV-2265
File No.: 070998-0002

Dear Judge Bischel:

On Wednesday, April 8, 2009, I received a file-stamped copy of Defendant, Ronald Van Den Heuvel's, Response to the Plaintiff's Motion for Summary Judgment. For a number of reasons, that filing is defective, should be stricken, and per our prior request, judgment entered against Defendant Van Den Heuvel.

There are numerous reasons why this filing is defective. First, it was filed after the April 3 deadline set forth in your briefing schedule. Second, the filing does not comport with your summary judgment briefing requirements. Third, the filing does not comport with Local Rules in terms of meeting proper structure and form. Fourth, it provides no affidavit or other admissible evidence in support of it. Fifth, it cites to no case law, statute or fact to support any of the allegations contained in it.

Judge Bischel, we believe any one of the foregoing deficiencies should result in the entry of summary judgment in favor of the Plaintiff and against Defendant Van Dan Heuvel. Should you wish further information or input, please do not hesitate to contact me.

On an unrelated note, please be advised that as of April 17, 2009, I will no longer be working with Godfrey & Kahn, S.C. Sherry Coley, a colleague of mine in the Green Bay office, will be handling this matter going forward. Her contact information is identical to mine.

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Judge Bischel, thank you in advance for your anticipated cooperation. If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

GODFREY & KAHN, S.C.

A handwritten signature in black ink, appearing to read "Ross J. Nova", written over a faint, illegible background.

Ross J. Nova

RJN:kjo

cc: Ronald H. Van Den Huevel
Evergreen Development, LLC
Hilliard Limited Partnership

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