

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

RONALD H. VAN DEN HEUVEL,
PAUL J. PIIKKILA, and
KELLY Y. VAN DEN HEUVEL,

Defendants.

**UNITED STATES' RESPONSE TO DEFENDANT
KELLY VAN DEN HEUVEL'S OBJECTION TO ORDER DENYING
MOTION FOR DISCOVERY OF GRAND JURY MATERIALS**

The United States of America, by and through undersigned counsel, submits this short response to defendant Kelly Van Den Heuvel's objection (Doc. 145) to the Magistrate Judge's order (Doc. 139) denying her motion to compel the United States to disclose grand jury materials. The United States relies principally upon its full response (Doc. 119) to Kelly Van Den Heuvel's motion and submits this filing to clarify the following points.

First, the Magistrate Judge's order noted that the United States is following its usual discovery policy under which it has provided to the defendant all documents that were submitted to the grand jury. Doc. 139, at 6-7. The United States hereby confirms that is accurate. Consequently, as the Magistrate Judge found, the defendant has received full discovery of the government's evidence for trial and has not identified any need for early disclosure of the grand jury transcripts.

Second, the defendant's objection errs in claiming that the government has not "articulate[d] a theory of fraud" with respect to the KYHKGJ loan. Doc. 145, at 4. The United

States' response (Doc. 119) and the evidence in discovery explain clearly the government's theory that the KYHKGJ loan benefitted Ronald Van Den Heuvel by helping him satisfy his marital support obligations to his ex-wife who was living in the property refinanced with the loan. The defendant simply disagrees with the government's theory, which is precisely the purpose for a trial.

Finally, the Magistrate Judge's order requires the United States to disclose grand jury transcripts 14 days before trial. Doc. 139, at 7. That is two weeks earlier than the United States customarily provides the transcripts. The defendant thus is already receiving an accommodation, and she has not shown a need for any further benefit.

For the reasons given above and those stated in the United States' prior response, the defendant's motion should be denied.

Dated at Milwaukee, Wisconsin, this 29th day of September, 2017.

GREGORY J. HAANSTAD
United States Attorney

By: /s/ Matthew D. Krueger

MEL S. JOHNSON
MATTHEW D. KRUEGER
Assistant United States Attorneys
Office of the United States Attorney
Eastern District of Wisconsin
517 E. Wisconsin Ave. Suite 530
Milwaukee, Wisconsin 53202
Tel: (414) 297-1700
Fax: (414) 297-1738
Email: mel.johnson@usdoj.gov
matthew.krueger@usdoj.gov