



LAW OFFICES OF TY C WILLIHNGANZ
2107 AMERICAN BLVD & 2077 LAWRENCE DRIVE
DE PERE, WI 54115
(920) 964-0228
willinganz87@gmail.com

RECEIVED

AUG 24 2015

Circuit Court Br. 1

August 17, 2015

Honorable Donald Zuidmulder
Branch I
Brown County Courthouse
100 South Jefferson Street
Green Bay, WI 54301

RE: In re the Matter of the Wrongfully Seized Property of: Ty Willihnganz, et al. Brown County Case No. **15CV1066**

Your Honor:

Thank you for your correspondence dated August 14, 2015. With all due respect, the Petitioners do not agree with the analysis set forth by the Court nor the requirements outlined by the Court, and wish that your honor reconsider and remove them.

The Petitioners in the above matter have applied to this Court for the return of unlawfully taken property under Wisconsin Statutes §968.20. That statute, by its plain language, permits Wisconsin residents who have had property taken from them by Wisconsin law enforcement to apply for its immediate return to any court within the county from which the property was seized. The procedures laid out in §968.20 are specifically meant to provide a simplified procedure that allows citizens to get quick action for the return of their taken property without having to bring a formal §801.02 complaint in order to do so. Indeed, the statute does not even require the petitioners to provide notice to the seizing law enforcement officials prior to the commencement of the hearing. See, Jones v State, 594 NW2d 738 ("In contrast, to commence a §968.20 proceeding, an "application" must be made with the circuit court who then provides the prosecutor with "notice as it deems adequate"). That is quite distinct from the service requirements for a Summons and Complaint under §801.02.

That's because a §968.20 proceeding was meant to provide speedy resolution and quick recovery of taken property. Indeed, this legislative intent behind §968.20 was laid out when it was passed in 1969. The Judicial Notes accompanying the legislation stated that the statute was "*a new provision which establishes a simplified procedure for obtaining the speedy return of property seized with or without a warrant. Obviously if such property is needed for use as evidence it need not be returned unless arrangements can be made for its subsequent use.*"

As a result, there is no requirement that §968.20 petitioners draft a Summons and Complaint as in an §801.02 legal action and other Wisconsin counties recognize this. As an example, I have attached the standard "Petition for the Return of Property" form used by the Milwaukee County Clerk of Courts/ Criminal Division. As you can see, it is not a summons and complaint form, and it does not even require that a case number be attached to the Petition if the seizures have not yet produced criminal charges (indeed, this is why I believe the Brown County Clerk was wrong to have charged me a filing fee of \$165.00 and will ask the court for its return – how can there be a filing fee on this type of petition in Brown

County and none in Milwaukee County? It is a legal proceeding, not the commencement of a formal legal action).

I have also attached excerpts and rulings from several appellate cases dealing with issues arising under Wisconsin Statutes §968.20. As you can see from the language used, in each of them the §968.20 petition is brought as an "application" or "petition" (which are each legally synonymous with a "motion"), but never as a formal §801.02 legal complaint. In fact, in Gavacus v. Potts, 808 F2d 596 (7th Circuit 1986), the aggrieved owner of jewelry that was wrongfully taken by the police brought her §968.20 application *first* and *then after having secured an order for the return of the property* under §968.20 she brought a formal complaint in the same circuit court against the police department for damages resulting from the takings. (See Gavacus Footnote 3 – "*Section 968.20 allows for the return of seized property. 'Any person claiming the right of possession of [seized] property... may apply for its return to the circuit court...' The Circuit Court then gives notice to the district attorney and all interested parties and holds a hearing on ownership. If ownership is proved, the court orders its return if its not needed as evidence...*")

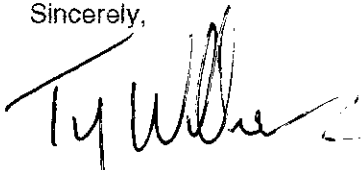
Indeed, the speedy, less formal nature of §968.20 is required because of the serious constitutional implications of a governmental taking of property. The United States Supreme Court has held that "*unauthorized intentional deprivation of property by a state employee constitutes a violation of the procedural requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution*" unless a meaningful post-deprivation remedy for the loss is available. See, Hudson v. Palmer, 468 US 517, 533 (1984). In the State of Wisconsin, the required post-deprivation remedy is the right to an immediate hearing under Wisconsin Statutes §968.20, the "Return of Property Seized" law. See, Jones v. Linsmeier and Farmer (unpublished Dane County Circuit Court opinion).

In the instant matter, Petitioners have been deprived of their valuable and often extremely necessary property for over seven (7) weeks and have had their §968.20 petition filed and yet their concomitant hearing that they were entitled to have has been on hold for nearly three (3) weeks.

Petitioners respectfully ask the Court to schedule a §968.20 hearing in this matter as soon as possible so that the issues raised might be resolved. Petitioner's counsel would also like to inform the Court that although it is not required by the statute, he served both the Brown County Sheriff's Department and the Brown County District Attorney with a certified copy of the petitions by United States Mail immediately after filing.

Thank you, and we look forward to hearing from you on this important constitutional matter.

Sincerely,



Ty Willhnganz
Petitioner and Attorney for Petitioners
2107 American Boulevard
De Pere, WI 54115
(920) 964-0228

Cc: Garsow, Michael
Brault, Savannah
McGown, Jeremy
Qiao, Meng
Van Lanen, Nancy

Attachments:

Exhibit A – *Milwaukee County §968.20 Petition Form*
Exhibit B – Gavcus v. Potts, 808 F2d 596 (7th Cir 1986)
Exhibit C – Jones v State, 226 Wis2d 565 (1999)
Exhibit D – In Re Return of Property in State v Benhoff 185 Wis2d 600 (Wis Ct App 1994)
Exhibit E – Excerpt from City of Milwaukee v Sammie L Glass, Wis S Ct (2001)
Exhibit F – Excerpt from Supreme Video v Schauz, 808 F Supp 1380 (1992)
Exhibit G – *Wisconsin Statutes §968.20*

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

BROWN COUNTY

15CV10666

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY
OF:

Ty C Willihnganz; Ty Will Law, LLC; Savannah Brault;
Jeremy McGown; Evolve MTS, LLC; Michael Garsow; Nancy Van Lanen; and Meng
Qiao.

2077 Lawrence Drive
Suites A & B
De Pere, WI 54115

Petitioners.

SEARCH WARRANTS :

On the properties located at 2077
Lawrence Drive, Suites A & B, in
De Pere, Wisconsin issued on
July 2, 2015

NOTICE OF MOTION AND MOTION
TO RETURN PROPERTY
WRONGFULLY SEIZED;
AFFIDAVITS OF PETITIONERS IN
SUPPORT THEREOF

**NOTICE OF MOTION AND
MOTION FOR RETURN OF WRONGFULLY SEIZED PROPERTY**

TO THE BROWN COUNTY CLERK OF COURTS; TO THE BROWN COUNTY
DISTRICT ATTORNEY; AND TO THE BROWN COUNTY SHERIFF'S
DEPARTMENT, PLEASE TAKE NOTICE THAT AT:

Date: _____

Time: _____

Place: _____

[Handwritten signature]

The above named Petitioners, by and through their attorney Ty C Willihnganz, will move the above named court for an Order to return property owned by the movants and seized from movants' person or from the offices located at 2077 Lawrence Drive, Suites A and/or B, in the City of De Pere, State of Wisconsin, by members of various law enforcement agencies under the presumed direction of the Brown County Sherriff's Department.

The Property sought to be returned is as follows:

1. One (1) silver or metallic colored ASUS Laptop Computer marked with white tape as "Property of Ty Will Law, LLC"
2. One (1) black cellular phone bearing the number 920-265-2165, and being the personal property of Ty C Willihnganz;
3. All materials belonging to Ty C Willihnganz covered by Attorney-Client privilege or Work Product Privilege;
4. One (1) MacBook computer with a pink cover, silver external hard drive with white cord attached, both being the personal property of Savannah M Brault;
5. One (1) silver or black laptop computer being the personal property of Michael Garsow;
6. Various hard drives, laptops, and external storage drives, being the personal and business property of Jeremy J McGown or Evolve MTS, LLC, of which McGown is sole owner;
7. An Apple Iphone 6 "Smart Phone" an Apple Ipad Air Computer owned by Meng Qiao
8. One (1) orange notebook used as Notary Public Log by Nancy Van Lanen.

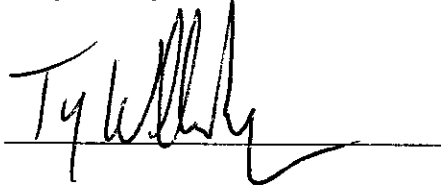
This Motion is based upon Article 11 of the Wisconsin State Constitution, the Fourth Amendment of the United States Constitution, and Wisconsin Statutes 968.20. This Notice of Motion, Motion to Return Wrongfully Seized Property, and the attached affidavits of the Petitioners in Support Thereof constituting the whole of the documents submitted in support thereof.

WHEREFORE, Plaintiffs pray the Court for the following relief:

1. An Order requiring the immediate return of all unlawfully seized property;
2. An award of attorneys fees and costs;
3. Such and further relief as the Court deems just and proper.

DATED: July 28, 2015

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Ty C. Willihnganz', is written over a horizontal line.

Ty C. Willihnganz
State Bar ID No 1026693
Attorney for Petitioners
(920) 964-0228

MAILING ADDRESS

2107 American Boulevard
De Pere, WI 54115
(920) 964-0228
willinganz87@gmail.com

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY OF:

Ty C Willihnganz; Ty Will Law, LLC; Savannah Brault;
Jeremy McGown; Evolve MTS, LLC; Michael Garsow; Nancy Van Lanen; and Meng
Qiao.

Petitioners.

SEARCH WARRANTS :

On the properties located at 2077
Lawrence Drive, Suites A & B, in
De Pere, Wisconsin executed on
July 2, 2015

NOTICE OF MOTION AND MOTION
TO RETURN PROPERTY
WRONGFULLY SEIZED; AFFIDAVITS
OF PETITIONERS IN SUPPORT
THEREOF

**AFFIDAVIT OF ATTORNEY AND PETITIONER TY C WILLIHNGANZ IN
SUPPORT OF HIS MOTION FOR THE RETURN OF HIS WRONGFULLY
SEIZED PROPERTY**

State of Wisconsin)
) SS AFFIDAVIT
Brown County)

Ty Willihnganz, being duly sworn states:

1. Affiant is an attorney licensed by the State of Wisconsin, having Bar Identification number 1026693;
2. Affiant makes this affidavit based upon personal knowledge and in support of his Motion for the Return of Wrongfully Seized Property;

3. That Affiant leases an office space from Green Box NA Green Bay at 2107 American Boulevard and at 2077 Lawrence Drive Suite B, each in the City of De Pere, State of Wisconsin, and operates an independent law office at each location;
4. That Affiant has represented Ronald Van Den Heuvel ("RVDH") and his affiliated companies, including Green Box NA Green Bay, LLC in the past, and also provides "on demand" legal services for those companies on a continuing basis;
5. That Affiant has never been in-house counsel, general counsel, employee, partner, or joint venturer of any kind with or for Green Box NA Green Bay, LLC or any Ronald Van Den Heuvel affiliated company, and that he has specifically refused any such position at great monetary sacrifice to himself because he wished to maintain separation between the business of his independent legal practice and the business of Green Box NA Green Bay or any Ronald Van Den Heuvel affiliated company;
6. That Affiant has several other legal clients besides RVDH affiliated companies, and that for convenience purposes he often services those clients out of his 2077 Lawrence Drive Suite B law offices;
7. That Affiant therefore had client legal files and work product in his office on his ASUS laptop computer and in paper files throughout his 2077 Lawrence Avenue Suite B law office on July 2, 2015;
8. That at least one other independent company operates along with affiant out of the 2077 Lawrence Drive Suite B offices;
9. That Affiant specifically chose to locate his leased office on the Suite B side of 2077 Lawrence Avenue, because Suite A is occupied by the Green Box NA Green Bay, LLC corporate staff and Affiant wished to maintain a level of detachment

between his law practice and the business affairs of Green Box NA Green Bay and the other RVDH affiliated companies;

10. That on July 2, 2015 the search warrant attached hereto and marked as "Exhibit A" was served upon Green Box NA Green Bay and all RVDH affiliated companies located at 2077 Lawrence Drive Suite B and that it authorized the seizure of any evidence that those companies or individuals did commit embezzlement in violation of Section 943.20(1)(d) of the Wisconsin Statutes and what was described generally as "Securities Fraud" under Chapter 551 of the Wisconsin Statutes;
11. That neither Affiant nor his law practice was named in Exhibit A, nor was he or his law practice named in any search warrant executed on July 2, 2015;
12. That Affiant has never been involved with any financial aspect of Green Box NA Green Bay or any RVDH affiliated company nor has he ever been involved in any aspect of the sale or negotiation of securities on behalf of said companies, except for the drafting of legal documents reflecting terms of agreements made without Affiant's involvement;
13. That Affiant has never assisted Green Box NA Green Bay or any RVDH affiliated company in the commission of any crime, nor can there be any credible evidence that Affiant has done so;
14. That nevertheless Affiant had his laptop computer seized despite the fact that it was clearly marked with a prominent white label as "Property of Ty Will Law, LLC", and Affiant had his smart phone seized despite the fact that he told the raiding officers that both instruments contained sensitive lawyer-client information and attorney work product;

15. That Affiant had all of his non-Green Box NA Green Bay and non-RVDH legal client files seized, which files contained information protected by attorney-client and work product privileges, and which seizures angered all of his affected clients and which seizures resulted directly in a loss of nearly a quarter of Affiant's existing client base;
16. That the seizures occurred despite the fact that Affiant specifically took steps to keep his computer files separate from the computer files of Green Box NA Green Bay or any RVDH affiliated companies, including detaching them from any commingled printer;
17. That Affiant paid for his phone himself and paid for his computer himself and pays for the upkeep and service charges on them himself;
18. That the seizures executed at 2077 Lawrence Drive in De Pere, Wisconsin did extensive damage to Affiant's legal practice;
19. That despite the foregoing, and if his clients' rights are fully protected and upheld, Affiant is willing to cooperate with law enforcement officials at a future date to provide them access to any files not protected by attorney client or work product privileges, for the purpose of demonstrating that nothing of evidentiary value exists on any of the same;
20. That Affiant prays that this Court restore the dignity of attorney-client privilege and find that the generalized non-discriminatory search conducted by the law officers under the attached search warrant and order the immediate return of his non-Green Box NA Green Bay legal files; his ASUS computer, and his ZBT smart phone.

FURTHER THE AFFIANT SAYETH NOT

Ty Willinganz
Attorney Ty Willinganz
Counsel Pro Se and Counsel for Petitioners

DATED: July 28, 2015

Subscribed and Sworn to before me
on this Tuesday day
of ~~June~~ July 28th, 2015

Nancy E. Van Lanen

Nancy Van Lanen

Notary Public, Brown County, Wisconsin

My commission expires: September 21, 2018

_ STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY
BRANCH _____

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY OF:

Ty C Willihnganz; Ty Will Law, LLC; Savannah Brault;
Jeremy McGown; Evolve MTS, LLC; Michael Garsow; Nancy Van Lanen; and Meng
Qiao.

Petitioners.

SEARCH WARRANTS :

On the properties located at 2077
Lawrence Drive, Suites A & B, in
De Pere, Wisconsin issued on
July 2, 2015

**NOTICE OF MOTION AND MOTION
TO RETURN PROPERTY
WRONGFULLY SEIZED; AFFIDAVITS
OF PETITIONERS IN SUPPORT
THEREOF**

**AFFIDAVIT OF PETITIONER SAVANNAH BRAULT IN SUPPORT OF HER
MOTION FOR RETURN OF WRONGFULLY SEIZED PROPERTY**

State of Wisconsin)
) SS AFFIDAVIT
Brown County)

Petitioner Savannah Brault, being duly sworn states:

1. Affiant is a female citizen of the State of Wisconsin having a residential address of
850 Centennial Centre Boulevard #73, in the Town of Hobart, Wisconsin 54155;
2. Affiant makes this affidavit based on personal knowledge in support of her Motion
for the Return of Unlawfully Seized Property;

3. Affiant is an employee of Green Box NA Wisconsin OP, and was present during the execution of the Search Warrant attached hereto and marked as "Exhibit B";
4. Affiant was not named in Exhibit B nor has she ever participated or aided in the commission of any of the alleged criminal activity listed therein, nor does she have any knowledge of the same;
5. On the date of the execution of Exhibit B, Affiant brought onto the premises listed in Exhibit B a MacBook Laptop Computer with a pink cover, and a silver external hard drive with white cord, each described with more particularity in the Notice of Motion and Motion for the Return of Unlawfully Seized Property which personal computer had nothing at all to do with any activity of any of the individuals or entities listed in Exhibit B and which contains nothing of evidentiary value whatsoever;
6. At the time of the execution of Exhibit B, Affiant did notify the officers who executed the warrant that the laptop computer and external hard drive were each personal items that it had no evidentiary value at all;
7. Affiant subsequently witnessed an officer seizing her personal laptop computer and silver external hard drive after she had specifically given him said notification and after the officer had given her an acknowledgement that she had told him that the laptop computer and silver external hard drive were personal items not connected with any of the listed businesses or individuals and that it contained nothing of evidentiary value;
8. Affiant believes her personal laptop computer and silver external hard drive were therefore outside the scope of the search warrant detailed in Exhibit B and that the seizing officers knew that they were outside the scope of the search warrant and

that her personal laptop computer and silver external hard drive were therefore taken in violation of her rights under the Fourth Amendment of the United States Constitution and Article 11 of the Wisconsin State Constitution, making the taking of the personal laptop computer and silver external hard drive unlawful seizures;

9. Affiant states that her unlawfully seized personal laptop computer and silver external hard drive contained irreplaceable photographs and videos she had accumulated over the years;
10. Affiant further states that although her personal laptop computer and silver external hard drive contain nothing of evidentiary value and were outside the scope of the search warrant, if authorities wish to confirm this at a later date, she is willing to make items available for a drive copy;
11. Affiant therefore prays for the Court to issue an order demanding that authorities return the unlawfully seized personal laptop computer and silver external hard immediately;

FURTHER THE AFFIANT SAYETH NOT

Savannah Brault
Savannah Brault

DATED: 07/20/2015, 2015

Subscribed and Sworn to before me
on this Monday day
of July 20, 2015

Nancy E. Van Lanen
Nancy Van Lanen
Notary Public, Brown County, Wisconsin

My commission expires: September 21, 2018

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

BROWN COUNTY

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY OF:

Ty C Willihnganz, Ty Will Law, LLC; Savannah Brault,
Jeremy McOwn Evolve MTS, LLC; and Michael Garsow, Nancy Van Lanen, and Meng
Qiao.

Petitioners.

SEARCH WARRANTS :

On the properties located at 2077
Lawrence Drive, Suites A & B, in
De Pere, Wisconsin issued on
July 2, 2015

NOTICE OF MOTION AND MOTION
TO RETURN PROPERTY
WRONGFULLY SEIZED; AFFIDAVITS
OF PETITIONERS IN SUPPORT
THEREOF

**AFFIDAVIT OF PETITIONER JEREMY MCGOWN IN SUPPORT OF
PETITIONERS' MOTION FOR RETURN OF UNLAWFULLY SEIZED
PROPERTY**

State of Wisconsin)
) SS AFFIDAVIT
Brown County)

Petitioner Jeremy McGown, being duly sworn states:

1. Affiant is a male citizen of the State of Wisconsin having a residential address of
1064 Camden Court, Town of Suamico, State of Wisconsin 54173;
2. Affiant makes this affidavit based on personal knowledge in support of his and
Evolve MTS, LLC's Motion for the Return of Wrongfully Seized Property;

3. Affiant is not an employee of Green Box NA Wisconsin OP or of any of the companies or entities named in the Search Warrant attached hereto and marked as "Exhibit A" and was not on the premises listed therein during the date and time of the warrant's execution;
4. Affiant is the managing member of the Wisconsin limited liability company Evolve MTS, LLC ("Evolve MTS") having a business office on the premises described in Exhibit A, which business is wholly separate from any entity owned or controlled by Ronald Van Den Heuvel;
5. Affiant was not named in Exhibit A nor was Evolve MTS, nor has he or it ever participated or aided in the commission of any of the alleged criminal activity listed therein, nor does she have any knowledge of the same;
6. Prior to the date listed in the date of the execution of Exhibit A, Affiant brought onto his the premises listed in Exhibit A and stored in the business offices of Evolve MTS thereon, hard drives, laptop computers, personal computers, and external storage drives (collectively referred to as "the Items"), each described with more particularity in the Notice of Motion and Motion for the Return of Unlawfully Seized Property which Items had nothing at all to do with any activity of any of the individuals or entities listed in Exhibit A and which contains nothing of evidentiary value whatsoever;
7. Upon information and belief, at the time of the execution of Exhibit A, persons present on the premises did notify the officers who executed the warrant that the Items were each business instruments used in the conduct of the business of Evolve MTS and that they had no evidentiary value at all;

8. Upon information and belief, the Items were seized by the executing officers after they had been specifically given the notification set forth in Paragraph 7 above and after the seizing officers had given an acknowledgement that the Items were business items used by Evolve MTS in the conduct of its business and not connected with any of the listed businesses or individuals in Exhibit A and contained nothing of evidentiary value;
9. Affiant believes the Items were therefore outside the scope of the search warrant detailed in Exhibit A and that the seizing officers knew that they were outside the scope of the search warrant and that the Items were therefore taken in violation of the rights of Affiant and Evolve MTS under the Fourth Amendment of the United States Constitution and Article 11 of the Wisconsin State Constitution, making the taking of the Items unlawful seizures;
10. Affiant states that the unlawfully seized items were vital instruments in the conduct of the business of Evolve MTS and that their seizure does continue to cause disruption and damage to the conduct and profitability of said business;
11. Affiant further states that although the Items contain nothing of evidentiary value and were outside the scope of the search warrant, if authorities wish to confirm this at a later date, he is willing to make items available for a brief inspection;
12. Affiant therefore prays for the Court to issue an order demanding that authorities return the unlawfully seized Items immediately;

FURTHER THE AFFIANT SAYETH NOT


Jeremy McGown

DATED: 1/28, 2015

Subscribed and Sworn to before me

on this Tuesday day
of July 28, 2015

Nancy E. Van Lanen

Nancy Van Lanen

Notary Public, Brown County, Wisconsin

My commission expires September 21, 2018

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

BROWN COUNTY

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY OF:

Ty C Willihnganz; Ty Will Law, LLC; Savannah Brault;
Jeremy McGown; Evolve MTS, LLC; Michael Garsow; Nancy Van Lanen; and Meng
Qiao.

Petitioners.

SEARCH WARRANTS :

On the properties located at 2077
Lawrence Drive, Suites A & B, in
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July 2, 2015

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WRONGFULLY SEIZED; AFFIDAVITS
OF PETITIONERS IN SUPPORT
THEREOF

**AFFIDAVIT OF PETITIONER MICHAEL GARSOW IN SUPPORT OF HIS
MOTION FOR RETURN OF WRONGFULLY SEIZED PROPERTY**

State of Wisconsin)
) SS AFFIDAVIT
Brown County)

Petitioner Michael Garsow, being duly sworn states:

1. Affiant is a male citizen of the United States of America and having a residential address of 2606 Edmund Road, Town of New Franken, State of Wisconsin;
2. Affiant makes this affidavit based on personal knowledge in support of his Motion for the Return of his Wrongfully Seized Property;

3. Affiant is an employee of Green Box NA Wisconsin OP, and was present during the execution of the Search Warrant attached hereto and marked as "Exhibit B";
4. Affiant was not named in Exhibit B nor has she ever participated or aided in the commission of any of the alleged criminal activity listed therein, nor does she have any knowledge of the same;
5. On the date of the execution of Exhibit B, Affiant brought onto the premises listed in Exhibit A a black ASUS personal computer and accessories (referred to as "the Items"), each described with more particularity in the Notice of Motion and Motion for the Return of Unlawfully Seized Property which Items had nothing at all to do with any activity of any of the individuals or entities listed in Exhibit A and which contains nothing of evidentiary value whatsoever;
6. At the time of the execution of Exhibit B, Affiant did notify the officers who executed the warrant that the Items were each personal and outside business items that had no evidentiary value at all;
7. Affiant subsequently witnessed an officer seizing his Items after he had specifically given him said notification and after the officer had given an acknowledgement that he had told him that the Items were personal or outside business items not connected with any of the listed businesses or individuals and that they contained nothing of evidentiary value;
8. Affiant believes his Items were therefore outside the scope of the search warrant detailed in Exhibit B and that the seizing officers knew that they were outside the scope of the search warrant and that his Items were therefore taken in violation of his rights under the Fourth Amendment of the United States Constitution and

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

BROWN COUNTY

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY OF:

Ty C Willihnganz; Ty Will Law, LLC; Savannah Brault;
Jeremy McGown; Evolve MTS, LLC; Michael Garsow; Nancy Van Lanen; and Meng
Qiao.

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THEREOF**

**AFFIDAVIT OF PETITIONER MENG QIAO IN SUPPORT OF HER MOTION
FOR RETURN OF WRONGFULLY SEIZED PROPERTY**

State of Wisconsin)
) SS AFFIDAVIT
Brown County)

Petitioner Meng Qiao, being duly sworn states:

1. Affiant is a female citizen of the People's Republic of China being in the United States of America on an OPT Student Visa and having a residential address of 1957 Scheuring Road, City of De Pere, State of Wisconsin 54115;
2. Affiant makes this affidavit based on personal knowledge in support of her Motion for the Return of Wrongfully Seized Property;

3. Affiant is an employee of Green Box NA Wisconsin OP, and was present during the execution of the Search Warrant attached hereto and marked as "Exhibit A";
4. Affiant was not named in Exhibit A nor has she ever participated or aided in the commission of any of the alleged criminal activity listed therein, nor does she have any knowledge of the same;
5. On the date of the execution of Exhibit A, Affiant brought onto the premises listed in Exhibit A an iPhone 6 Smart Phone an iPad Air Computer, and an Apple Charging Cord (collectively referred to as "the Items"), each described with more particularity in the Notice of Motion and Motion for the Return of Unlawfully Seized Property which items had nothing at all to do with any activity of any of the individuals or entities listed in Exhibit A and which contains nothing of evidentiary value whatsoever;
6. At the time of the execution of Exhibit A, Affiant did notify the officers who executed the warrant that the Items were each personal items that had no evidentiary value at all;
7. Affiant subsequently witnessed an officer seizing her Items after she had specifically given him said notification and after the officer had given her an acknowledgement that she had told him that the Items were personal items not connected with any of the listed businesses or individuals and that it contained nothing of evidentiary value;
8. Affiant believes her Items were therefore outside the scope of the search warrant detailed in Exhibit B and that the seizing officers knew that they were outside the scope of the search warrant and that her Items were therefore taken in violation of her rights under the Fourth Amendment of the United States Constitution and

Article 11 of the Wisconsin State Constitution, making the taking of the Items unlawful seizures;

9. Affiant states that her unlawfully seized Items are necessary to her daily activities and contacts with friends, business relations, and relatives;

10. Affiant further states that although the Items contain nothing of evidentiary value and were outside the scope of the search warrant, if authorities wish to confirm this at a later date, she is willing to make items available for a brief inspection;


11. Affiant therefore prays for the Court to issue an order demanding that authorities return the unlawfully seized Items immediately;

FURTHER THE AFFIANT SAYETH NOT


Meng Qiao

DATED: July 28th, 2015

Subscribed and Sworn to before me
on this Tuesday day
of July 28, 2015


Nancy Van Lanen
Notary Public, Brown County, Wisconsin

My commission expires: September 21, 2018

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH _____

BROWN COUNTY

IN RE THE MATTER OF THE RETURN OF THE WRONGFULLY SEIZED PROPERTY OF:

Ty C Willihnganz; Ty Will Law, LLC; Savannah Brault;
Jeremy McGown; Evolve MTS, LLC; Michael Garsow; Nancy Van Lanen; and Meng
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**AFFIDAVIT OF PETITIONER NANCY VAN LANEN IN SUPPORT OF HER
MOTION FOR RETURN OF UNLAWFULLY SEIZED PROPERTY**

State of Wisconsin)
) SS AFFIDAVIT
Brown County)

Petitioner Nancy Van Lanen, being duly sworn states:

1. Affiant is a female citizen of the State of Wisconsin having a residential address of
1134 Patrick Henry Avenue, De Pere, WI 54115;
2. Affiant makes this affidavit based on personal knowledge in support of her Motion
for the Return of Property Unlawfully Seized Property;

3. Affiant is an employee of Green Box NA Wisconsin OP, and was present during the execution of the Search Warrant marked attached hereto and marked as "Exhibit B";
4. Affiant was not named in Exhibit B nor has she ever participated in or aided the commission of any of the alleged criminal activity listed therein;
5. Affiant states that prior to the day of the execution of the search warrant she brought onto the premises listed in Exhibit B a Notary Public Log (the "Log") described with particularity in the Notice of Motion and Motion for the Return of Unlawfully Seized Property which Log contained Notary Records involving the signature of documents by persons or individuals and entities other than those listed in Exhibit B and Affiant believes she may be called upon to verify the signatures of these uninvolved individuals in the near future;
6. Affiant did hear officers involved in the execution of the warrant marked Exhibit B state that the items seized "may not be back for six (6) months to a year";
7. Affiant further states that she is concerned that she will be unable to fulfill her duties as Notary Public if such a delay in the return of the Log does in fact materialize;
8. Because of the foregoing, Affiant prays for the Court to order the seizing authorities to make copies of the Log immediately and then return the same to Affiant immediately thereafter.

FURTHER THE AFFIANT SAYETH NOT

Nancy E Van Lanen
Nancy Van Lanen

DATED: July 28, 2015

Subscribed and Sworn to before me

on this Tuesday day
of July July 28, 2015

Nancy E. Van Lanen

Nancy Van Lanen

Notary Public, Brown County, Wisconsin

My commission expires: September 21, 2018