

BROWN COUNTY

FILED
APR 20 2016
CLERK OF COURTS
BROWN COUNTY, WI

Case No. 15-CV-474

Defendant.

AFFIDAVIT OF NONCOMPLIANCE

Brittany S. Ogden, being first duly sworn according to law, deposes and states:

4. At the Contempt Hearing, the Court granted Clifton's Motion for Contempt and held Green Box NA Green Bay LLC ("Green Box NA Green Bay") and Mr. Ronald H. Van den Heuvel ("Mr. Van den Heuvel") in contempt of Court and required that within 30 days they

either return Clifton's Kool Unit or post a bond for the sum of \$650,000 in order to purge such contempt.

5. On March 2, 2016, I submitted a proposed version of Clifton's Order of Contempt and Writ for Bodily Attachment to the Court. A true and correct copy of the letter reflecting this submission is attached hereto as Exhibit A. (See Dkt. #10.)

6. On March 2, 2016, as indicated by the letter of submission to the Court, I also provided Green Box NA Green Bay and Mr. Van den Heuvel with a copy of Clifton's proposed Order of Contempt and Writ for Bodily Attachment.

7. On or about March 10, 2016, Green Box NA Green Bay and Mr. Van den Heuvel submitted an objection to Clifton's proposed order. (See Dkt. #9.)

8. On March 18, 2016, the Court executed Clifton's proposed order. A true and correct copy of the Court's executed version of Clifton's Order of Contempt and Writ for Bodily Attachment is attached hereto as Exhibit B. ("Clifton's Order of Contempt").

9. Pursuant to Paragraph 2 of Clifton's Order of Contempt, Green Box NA Green Bay and Mr. Van den Heuvel were required to return the Kool-Unit or post a bond in the sum of \$650,000 within 30 days from February 22nd, or in other words, on or before March 23rd, 2016.

10. Pursuant to Paragraph 3 of Clifton's Order of Contempt, should Green Box NA Green Bay and Mr. Van den Heuvel not comply with the terms of Paragraph, Clifton may submit an Affidavit of Noncompliance and request the arrest of Mr. Van den Heuvel

11. On March 25, 2016, our office received Clifton's Order of Contempt and immediately provided Green Box NA Green Bay and Mr. Van den Heuvel with a copy of Clifton's Order for Contempt on that same day. As part of this communication, I asked Green Box NA Green Bay and Mr. Van den Heuvel to provide for immediate information regarding

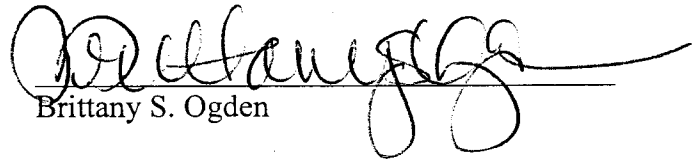
their compliance with the terms of the order. True and correct copies of the email and letter communicating with Green Box NA Green Bay and Mr. Van den Heuvel of Clifton's Order of Contempt are attached as Exhibit C.

12. On March 28, 2016, I spoke with Mr. Van den Heuvel concerning Clifton's Order of Contempt. During this telephone call I was informed by Mr. Van den Heuvel that no arrangements had been made for the return of the Kool Unit and no bond has been obtained.

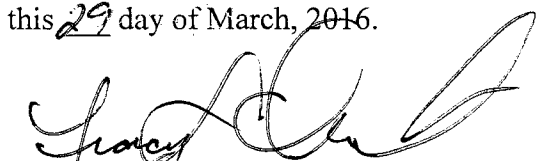
13. On March 29, 2016, I again asked Mr. Van den Heuvel to provide for compliance with Clifton's Order of Contempt to avoid our request for his arrest.

14. As of the date of the filing of this Affidavit, Mr. Van den Heuvel has not provided me with any other information regarding his compliance with Clifton's Order of Contempt.

Dated this 31 day of March, 2016.


Brittany S. Ogden

Subscribed and sworn to before me
this 29 day of March, 2016.



Notary Public, State of Wisconsin

My commission: 02-19-2017



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Writer's Direct Dial: 608-283-457
E-Mail: brittany.ogden@quarles.com

March 2, 2016

VIA UPS

The Honorable John P. Zakowski
Brown County Circuit Court, Branch 6
100 South Jefferson Street
P.O. Box 23600
Green Bay, WI 54305-3600

RE: *Marco Araujo, MD, et al. v. Green Box NA Green Bay, LLC*
Case No. 15-CV-769

Dear Judge Zakowski:

Following the Court's hearing and decision rendered on February 22, 2016 in the above referenced matter, enclosed please find and original and one copy of Clifton Equities, Inc.'s proposed Order.

Should no objections be provided to the court within five (5) days of this submission and if the court finds the proposed Order acceptable, it is kindly requested that it execute the original and return an authenticated copy in the provided pre-stamped, addressed envelope.

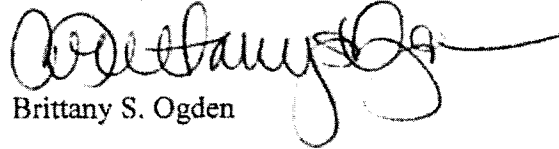
Please note that a copy of the enclosed proposed order has been circulated simultaneous with this submission to all parties of record as referenced below.



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Very truly yours,

QUARLES & BRADY LLP

A handwritten signature in black ink, appearing to read "Brittany S. Ogden", with a long horizontal flourish extending to the right.

Brittany S. Ogden

cc: Attorney John R. Petitjean (via U.S. Mail and e-mail)
Ronald H. Van Den Heuvel (via U.S. Mail and e-mail)
Attorney Carla O. Andres (via e-mail)
Attorney Jonathan T. Smies (via e-mail)
Attorney Brian P. Thill (via e-mail)
Attorney Robert A. Pasch (via e-mail)
Attorney Valerie L. Bailey-Rihn (via e-mail)
Attorney Steve J. Krueger (via e-mail)
Attorney Larry Vesely (via email)
Attorney C.J. Murray (via e-mail)
Attorney Michael S. Polsky (via e-mail)

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 6

BROWN COUNTY

ABILITY INSURANCE COMPANY
DR. MARCO ARAUJO
CLIFFTON EQUITIES, INC., and
WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

Plaintiffs,

v.

Case No. 15-CV-769

GREEN BOX NA GREEN BAY, LLC,

Defendant.

ORDER OF CONTEMPT AND WRIT OF BODILY ATTACHMENT

Upon a hearing in the above matter coming on to be heard on February 22, 2016, and appearances of the parties being noted on the record, and in consideration of all pleadings filed and arguments presented; and

WHEREAS, on June 2, 2015, the Court entered an Order Appointing Receiver, Enjoining Creditors from Proceedings Against Green Box NA Green Bay, LLC and Granting Other Relief (the "Receiver Order") on June 2, 2015.

WHEREAS, pursuant to Paragraph 4 of the Receiver Order, Green Box NA Green Bay, LLC, its members, agents, partners, officers and employees were enjoined and restrained from transferring, encumbering or otherwise disposing of any assets of Green Box NA Green Bay, LLC;

WHEREAS, on January 29, 2016, Plaintiff, Clifton Equities, Inc., filed its Motion for Contempt (Clifton's Contempt Motion"); it is

ORDERED and ADJUDGED that:

1. The Defendant, Green Box NA Green Bay, and its managing member, Ronald H. Van den Heuvel, are in civil contempt of this Court for violating Paragraph 4 of the Receiver Order by transferring, encumbering and otherwise disposing of the assets of receivership estate of Green Box NA Green Bay, LLC and the secured interests of Clifton Equities, Inc., including one (1) GB Kool Unit, No. 2, also identified by serial numbers 8TKM0630NG03 and 8TKM111414NGO4 (the "2nd Kool Unit"); and

2. Ronald H. Van den Heuvel may purge the contempt as against Clifton by, within thirty (30) days from February 22, 2016, the effective date of this Order, by:

- a) Returning the 2nd Kool Unit to Green Bay, WI and securing the possession of the 2nd Kool Unit to the Receiver; or
- b) by posting a bond in the sum of \$650,000 for the value of the 2nd Kool Unit.

3. **Upon failure by Green Box NA Green Bay, LLC and Ronald H. Van den Heuvel to comply with the terms of paragraph 2 above, Clifton may file with the Court an Affidavit of Noncompliance and providing notice of same to the Defendant Green Box NA Green Bay, LLC and Ronald H. Van den Heuvel by email to Ronald H. Van den Heuvel, and by copying the Receiver and all parties to this action. Upon the filing of an Affidavit of Noncompliance, the Court shall issue an Order of Contempt and Writ of Bodily Attachment to the Brown County Sherriff's Office and upon receipt of the Order of Contempt and Writ of Bodily Attachment, the Brown County Sheriff's Office or any other law enforcement agency able to locate Ronald H. Van den Heuvel shall immediately take Ronald H. Van den Heuvel into custody; and Ronald H. Van den Heuvel shall be brought before the Court within 24 hours of being taken into custody to address said failure to comply with this Order.**

4. DONE AND ORDERED in Green Bay, Brown County, Wisconsin, on this ____
day of _____, 2016.

Honorable John P. Zakowski
Circuit Court Judge, Branch 6

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 6

BROWN COUNTY

ABILITY INSURANCE COMPANY
DR. MARCO ARAUJO
CLIFFTON EQUITIES, INC., and
WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

Plaintiffs,

AUTHENTICATED COPY
FILED

v.

MAR 22 2016

Case No. 15-CV-769

GREEN BOX NA GREEN BAY, LLC,

CLERK OF COURTS
BROWN COUNTY, WI

Defendant.

ORDER OF CONTEMPT AND WRIT OF BODILY ATTACHMENT

Upon a hearing in the above matter coming on to be heard on February 22, 2016, and appearances of the parties being noted on the record, and in consideration of all pleadings filed and arguments presented; and

WHEREAS, on June 2, 2015, the Court entered an Order Appointing Receiver, Enjoining Creditors from Proceedings Against Green Box NA Green Bay, LLC and Granting Other Relief (the "Receiver Order") on June 2, 2015.

WHEREAS, pursuant to Paragraph 4 of the Receiver Order, Green Box NA Green Bay, LLC, its members, agents, partners, officers and employees were enjoined and restrained from transferring, encumbering or otherwise disposing of any assets of Green Box NA Green Bay, LLC;

WHEREAS, on January 29, 2016, Plaintiff, Clifton Equities, Inc., filed its Motion for Contempt (Clifton's Contempt Motion"); it is

ORDERED and ADJUDGED that:



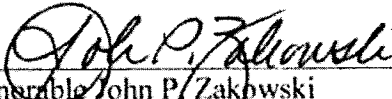
1. The Defendant, Green Box NA Green Bay, and its managing member, Ronald H. Van den Heuvel, are in civil contempt of this Court for violating Paragraph 4 of the Receiver Order by transferring, encumbering and otherwise disposing of the assets of receivership estate of Green Box NA Green Bay, LLC and the secured interests of Clifton Equities, Inc., including one (1) GB Kool Unit, No. 2, also identified by serial numbers 8TKM0630NG03 and 8TKM111414NGO4 (the "2nd Kool Unit"); and

2. Ronald H. Van den Heuvel may purge the contempt as against Clifton by, within thirty (30) days from February 22, 2016, the effective date of this Order, by:

- a) Returning the 2nd Kool Unit to Green Bay, WI and securing the possession of the 2nd Kool Unit to the Receiver; or
- b) by posting a bond in the sum of \$650,000 for the value of the 2nd Kool Unit.

3. **Upon failure by Green Box NA Green Bay, LLC and Ronald H. Van den Heuvel to comply with the terms of paragraph 2 above, Clifton may file with the Court an Affidavit of Noncompliance and providing notice of same to the Defendant Green Box NA Green Bay, LLC and Ronald H. Van den Heuvel by email to Ronald H. Van den Heuvel, and by copying the Receiver and all parties to this action. Upon the filing of an Affidavit of Noncompliance, the Court shall issue an Order of Contempt and Writ of Bodily Attachment to the Brown County Sherriff's Office and upon receipt of the Order of Contempt and Writ of Bodily Attachment, the Brown County Sheriff's Office or any other law enforcement agency able to locate Ronald H. Van den Heuvel shall immediately take Ronald H. Van den Heuvel into custody; and Ronald H. Van den Heuvel shall be brought before the Court within 24 hours of being taken into custody to address said failure to comply with this Order.**

4. DONE AND ORDERED in Green Bay, Brown County, Wisconsin, on this 18
day of March, 2016.



Honorable John P. Zakowski
Circuit Court Judge, Branch 6

Ogden, Brittany S. (MAD x2457)

From: Ogden, Brittany S. (MAD x2457)
Sent: Friday, March 25, 2016 11:30 AM
To: 'rvdh@greenboxna.com'
Cc: Mike Polsky; 'CJ Murray'; 'Brian P. Thill'; Robert A. Pasch; candres@gklaw.com; jsmies@gklaw.com; 'JPetitjean@hspwlaw.com'; Bailey-Rihn, Valerie L. (MAD x2407)
Subject: Green Box--Cliffon's Order of Contempt [QBLLP-ACTIVE.FID36212019]
Attachments: ORDER OF CONTEMPT AND WRIT OF BODILY ATTACHMENT signed 3-18-16 - filed 3....pdf

Dear Mr. Van den Heuvel,

Attached please find the Court's executed version of Cliffon's Order of Contempt entered against Green Box NA Green Bay and you individually.

Per the terms of Paragraph 2 of the Order, you were required to return the Kool-Unit to the Receiver or post a bond in the sum of \$650,000 within 30 days from February 22nd, or in other words, on or before March 23rd.

We have not received any communication from you concerning your compliance with the terms of this Order. If we do not receive acceptable proof of your compliance with the terms of this Order by **Noon on Monday, March 28, 2016**, we will be left with no option but to submit an affidavit of non-compliance with the Court and request the relief presented in paragraph 3 of the Order. Please note that Paragraph 3 of this Order this permits the request for you to be taken into custody by the Brown County Sheriff's Department

It is asked that you provide immediate proof of your compliance with the terms of this Order so that we may avoid requesting you being taken into custody. You are welcome to contact our office or the Receiver with any questions or concerns regarding this issue.

Sincerely,
Brittany

Quarles & Brady

Brittany Ogden / Partner
Brittany.Ogden@quarles.com / [LinkedIn](#) [BIO](#) [vCard](#)
33 East Main Street, Suite 900 / Madison, WI 53703-3095
Office 608-283-2457 / quarles.com
Assistant Tracy Christianson 608-283-2652

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