

1 STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY
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4 MARCO ARAUJO, M.D.,
5 CLIFFTON EQUITIES, INC.
6 And WISCONSIN ECONOMIC
7 DEVELOPMENT CORPORATION,
8

9 Plaintiffs,
10

11 -vs-
12

Case No.: 15 CV 769
13

14 GREEN BOX NA GREEN BAY, LLC,
15

16 Defendant.
17
18 -----
19
20

21 DEPOSITION OF: RONALD H. VAN DEN HEUVEL
22

23 DATE: February 15, 2016
24

25 TIME: 9:17 a.m. - 12:03 p.m.
26

27 LOCATION: LAW FIRM OF CONWAY,
28 OLEJNICZAK & JERRY, S.C.
29 231 South Adams Street
30 Green Bay, Wisconsin
31

32 REPORTED BY:
33 CARRIE S. BOHRER, RPR, RMR, CRR
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APPEARANCES

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2

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414 S. Jefferson St., Green Bay, WI

INDEX

2 EXAMINATION BY: PAGE
3 Ms. Ogden 4
4
5 EXHIBITS MARKED: PAGE ID'D
6
7 Exh. 1 List of assets 7
8
9 Exh. 2 2/4/16 letter and attached Subpoena
10 Duces Tecum 6
11 Exh. 3 Bill of lading 70
12 Exh. 4 Documents relating to Kool units 73
13 (Original exhibits were attached to original
transcript; copies to transcript copies.)
14
15 REQUESTED INFORMATION: PAGE
16 1) Receiver requests production of the
17 two remaining computers117

3

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TRANSCRIPT OF PROCEEDINGS

(Exhibits 1 and 2 marked for identification.)

RONALD H. VAN DEN HEUVEL, called as a witness herein, having been first duly sworn/affirmed, was examined and testified as follows:

EXAMINATION

BY MS. OGDEN:

10 Q Good morning, Mr. Van Den Heuvel. I'm
11 Brittany Ogden. I represent one of the
12 plaintiffs in this matter, Clifton. I'm also
13 here in the capacity and serving as an agent of
14 the trustee -- or the receiver in this matter,
15 Michael Polsky.

MR. PETITJEAN: Counsel, it's also been said that this designee is just something that's an oral designation and not in writing, correct?

MR. THILL: She just stated it on the record, so --

MR. PETITJEAN: I asked if it's in writing. I asked if the designee's in writing, it's simply yes or no.

MR. THILL: I think I've seen an

4

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email, as a matter of fact, designating Ms. Ogden in writing.

MR. PETITJEAN: Okay. So there may email assigned --

MS. OGDEN: No, there is no written engagement agreement other than in the -- if you're looking for a formal engagement agreement, there is not one. But if you're asking whether or not there is an email or something in writing which has designated me on behalf of the receiver, that I can confirm, yes, there is.

MR. PETITJEAN: All right.

MS. OGDEN: Do you have any other questions regarding this designation?

MR. PETITJEAN: No.

MS. OGDEN: Okay.

MR. PETITJEAN: Is there a fee agreement between the receiver and yourself?

MS. OGDEN: No written fee agreement,

no.

MR. PETITJEAN: Are you being paid by the receiver to do this?

MS. OGDEN: Not today, no.

MR. PETITJEAN: Okay.

5

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414 S. Jefferson St., Green Bay, WI

1 MS. OGDEN: Do you have any other
2 questions?
3 MR. PETITJEAN: No.
4 MS. OGDEN: Okay.
5 MR. PETITJEAN: I may.
6 Q Mr. Van Den Heuvel, I'm handing you what has
7 been previously marked as Exhibit 2 for today's
8 deposition. Do you recognize that document?
9 It's three pages.
10 **A (Reviewing document.) I've seen this. I hadn't**
11 **read this.**
12 Q Just to clarify the record, you pointed to the
13 second two pages of the document, not the first
14 page, which is --
15 **A Correct.**
16 Q -- an email cover sheet, correct?
17 **A Correct.**
18 MR. PETITJEAN: I'd like to make it
19 clear, Ron, I thought you said you identified
20 the subpoena, the third page, not the first two
21 pages. Is that --
22 THE WITNESS: These two pages --
23 MR. PETITJEAN: All right.
24 THE WITNESS: -- I've seen.
25 Q So as I mentioned previously, the second and

6

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

1 third page of Exhibit 2, correct?
2 **A Correct.**
3 Q Mr. Van Den Heuvel, you've been deposed
4 previously, correct? Have you been deposed
5 previously than today?
6 **A Yes, ma'am.**
7 Q And you understand the course of depositions,
8 wait for me to ask a question and then you
9 answer, correct?
10 **A Yes.**
11 Q Are you under any medications or any other
12 treatment that would impair your ability to
13 answer any of the questions today?
14 **A I'm a Type 1 diabetic. I always take my insulin**
15 **back and forth, yes.**
16 Q Do you believe that that's going to impair your
17 ability to answer questions today?
18 **A No.**
19 Q Please understand that if you do need a break,
20 in light of your diabetes or any other break,
21 just let me know and we'll try to work to
22 cooperate with that. Okay?
23 **A Thank you.**
24 Q Sure. Sir, I'm handing you what has been
25 previously marked as Exhibit 1. If you wouldn't

7

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1 mind taking a look at that, please.
2 **A (Reviewing document.) I've seen that document.**
3 Q And do you recognize that as a document, with
4 the first page, a list of assets that you
5 produced to the receiver in the receivership
6 matter for Green Box?
7 **A I don't know if that was received or given to**
8 **the receiver.**
9 Q Okay. Let's back up a bit. You understand that
10 there's a receivership action pending, correct?
11 **A On Green Box NA Green Bay, correct.**
12 Q And for purpose of convenience, we'll just refer
13 to it as the Green Box receivership. Does that
14 work for you?
15 **A No, it does not.**
16 Q So you would prefer to always say Green Box NA
17 Green Bay throughout the course of this
18 deposition?
19 **A Absolutely.**
20 Q Okay. So with regard to Green Box NA Green Bay's
21 receivership, do you recall that there was a
22 request from Green Box NA Green Bay to produce a
23 list of assets?
24 **A Of Green Box NA Green Bay, that's correct.**
25 Q And do you recognize this Exhibit 2 as being

8

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

1 that list that you -- that was produced in -- to
2 the receiver in Green Box NA Green Bay?
3 **A No, this is not what I gave that -- them --**
4 **them.**
5 Q Well, do you -- how do you recognize this
6 document then?
7 **A This is a corporate document of every asset**
8 **owned under the holding company Earth. It --**
9 **very little of this is Green Box NA Green Bay,**
10 **which I did give -- trying to think of the name**
11 **of the company that was acting for the**
12 **receivership.**
13 MR. PETITJEAN: If you don't know,
14 you don't know.
15 **A I don't remember them because they were -- they**
16 **were dismissed quite early. They only worked**
17 **the first month.**
18 Q Let me ask you this. Do you recall talking to a
19 Jim Stepanek?
20 **A Of what firm?**
21 Q Do you recall -- I'm just asking you a question.
22 Do you recall speaking with a person named Jim
23 Stepanek?
24 **A I believe that's the name of the guy from the**
25 **firm that was representing us. He came the**

9

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1 day --
 2 MR. PETITJEAN: Do you know that, Ron?
 3 **A Yes, I do. I believe he is from that firm. If**
 4 **I had that firm's name, I could agree to that, I**
 5 **would.**
 6 Q And are you saying that this is a list of assets
 7 that you gave to Mr. Stepanek?
 8 **A No.**
 9 Q So let's just focus on this list.
 10 **A Okay.**
 11 Q How was this list produced, created?
 12 MR. PETITJEAN: If you know.
 13 MR. THILL: Stop leading the witness.
 14 MR. PETITJEAN: I'll object to the
 15 questions, and we'll just do it longer.
 16 **A This is not what I gave Mr. Stepanek on**
 17 **equipment owned by Green Box NA Green Bay.**
 18 Q Okay. Let's talk about what it is.
 19 **A Okay.**
 20 Q What is this list? Did you create this list?
 21 **A This is how Earth keeps track of all of its**
 22 **assets and where the liens are on them assets.**
 23 Q Okay. Let's stop there. Who created this for
 24 Earth?
 25 **A It's created and kept as a thing in our office**

10

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1 called a UCC log.
 2 Q Okay. Who creates the UCC log? Who? Not what.
 3 Who?
 4 **A Not one individual. A lot of people would enter**
 5 **that.**
 6 Q Okay. Let's talk about every individual that
 7 you know that would have helped create this list
 8 for Earth. Who played a role in creating this
 9 list?
 10 **A Dan Thames.**
 11 Q Anyone else?
 12 **A Sure. Laura, Mike, Phil.**
 13 Q Let's back up. If you could, please give me the
 14 full names of the people. So we have Dan Thames,
 15 correct?
 16 **A Laura Pfothenauer, P-h-o-n-t-o-r [sic];**
 17 **Mike Garsow; Phil Reinhart; Tammy Phillips;**
 18 **several lawyers.**
 19 Q Do you know which lawyers would have helped with
 20 that?
 21 **A No. I can't tell you.**
 22 Q Okay. So Dan Thames, is he an employee of Earth?
 23 **A No longer.**
 24 Q Was he an employee of Earth --
 25 **A No.**

11

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1 Q -- at the time that he played a role in the
 2 creation of this?
 3 **A No, he was not.**
 4 Q Who was he employed by when he assisted in the
 5 creation of this list?
 6 **A Green Box NA Green Bay.**
 7 Q And Laura Pfothenauer?
 8 **A She is Eco Hub Wisconsin.**
 9 Q She was of Eco of Wisconsin during the time that
 10 she contributed to this list?
 11 **A She is -- was in Green Box NA Green Bay prior to**
 12 **being Eco Hub Wisconsin.**
 13 Q But my question is, when she assisted with the
 14 creation of this list, where was she employed?
 15 **A This list was made over the last 11 years.**
 16 Q Okay.
 17 **A So she wasn't --**
 18 Q My question --
 19 **A She wasn't even working for me and has worked**
 20 **for two different companies.**
 21 Q But my question is this.
 22 **A Okay.**
 23 Q Laura, who was she employed by at the time that
 24 she was contributing to this list for Earth?
 25 **A I wouldn't be able to answer that.**

12

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1 Q How did she have access to this list at the time
 2 that she was -- here's my basic question, sir.
 3 She's helping create this list. Where was she
 4 at the time that she was creating this list?
 5 **A If it's tomorrow, she will be with Eco Hub**
 6 **Wisconsin. If it was one year ago, it would be**
 7 **with Green Box NA Green Bay.**
 8 Q Was she creating this list a year ago?
 9 **A We create this list daily.**
 10 Q So you --
 11 **A Every time we move or sell equipment, the list**
 12 **changes.**
 13 Q So she would have -- when did she first start
 14 contributing to assisting on this list?
 15 **A On her hire date, and I don't know what that is.**
 16 Q Give me an approximation of when you think she
 17 would have been hired?
 18 **A I don't remember.**
 19 Q Who hired her?
 20 **A The company.**
 21 Q What company?
 22 **A Green Box NA Green Bay.**
 23 Q Okay. So when you first came into contact with
 24 Laura she would have been hired by Green Box
 25 Green Bay NA, correct?

13

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- 1 **A Green Box NA Green Bay, that's correct.**
 2 Q And from the inception of her employment, she
 3 would have played a role in contributing to this
 4 list of assets, correct?
 5 **A Everybody does.**
 6 Q I'm just talking about Laura at the moment.
 7 **A Laura, yes.**
 8 Q And you say now she's employed by Eco of
 9 Wisconsin?
 10 **A Correct.**
 11 Q When did that transition occur?
 12 **A I don't remember.**
 13 Q Was it within the past year?
 14 **A Whenever Mr. Stepanek told us to remove the**
 15 **employees from Green Box NA Green Bay. I don't**
 16 **have that date because all my documents have**
 17 **been taken by the -- Brown County.**
 18 Q What was her position at Green Box NA Green Bay?
 19 **A She's administrative help.**
 20 Q What was Mr. Thames' position for Green Box
 21 Green Bay?
 22 **A Warehouse person, came in and helped in the**
 23 **office for approximately a year, then went back**
 24 **to a warehouse person.**
 25 Q Mike Garsow, who was he employed by at the time

14

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 414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

- 1 that he contributed to this list?
 2 **A Green Box NA Green Bay, or Eco Hub of Wisconsin.**
 3 Q Eco Hub of Wisconsin?
 4 **A Eco Hub of Wisconsin.**
 5 Q And when did he transition to Eco Hub of
 6 Wisconsin?
 7 **A Same time we -- I talked -- same time Laura would**
 8 **have. All employees switched and all liabilities**
 9 **to employees switched when Jim Stepanek told me**
 10 **to move all the employees out of the company.**
 11 Q So you've given me a list of five names: Dan,
 12 Laura, Mike, Phil, Tammy. Correct? Of
 13 individuals you just indicated played a role in
 14 the list of these assets, correct?
 15 **A Yes.**
 16 Q Were all of the five employees that you
 17 mentioned employed by Green Box NA Green Bay at
 18 the time that they began contributing to this
 19 list?
 20 **A No. Phil and Tammy would have been back when it**
 21 **was PCDI.**
 22 Q Okay. So let's just pick up where we left off.
 23 Mike Garsow. He would have been employed by
 24 Green Box NA Green Bay?
 25 **A Or Eco Hub Wisconsin, correct.**

15

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 414 S. Jefferson St., Green Bay, WI

- 1 Q And that -- and the transition to Eco Hub of
 2 Wisconsin occurred after the receivership came
 3 in place, correct?
 4 **A Correct.**
 5 Q Phil Reinhart, who was he employed by at the
 6 time that he was contributing to this list of
 7 assets?
 8 **A Phil could have been to four companies.**
 9 Q I'm sorry, what was that?
 10 **A He could have been involved with four companies.**
 11 Q Could have been or was?
 12 **A Well, he was employed by four different**
 13 **companies, but I don't know exactly when these**
 14 **pieces each came into the -- into the agreement.**
 15 Q What four companies was he employed by?
 16 **A He was employed with me in PCDI, he was employed**
 17 **by Green Box NA Green Bay, he was employed by**
 18 **Eco Hub Wisconsin, and he would have been**
 19 **employed by TPTC at one time.**
 20 Q Mr. Thames, is he now employed by Eco Hub of
 21 Wisconsin?
 22 **A No.**
 23 Q Is he -- is he --
 24 **A He no longer works for any of our companies.**
 25 Q When was -- when was his employment terminated?

16

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 414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

- 1 **A I don't know. He was terminated for HIPAA**
 2 **violation. I don't remember when.**
 3 Q Would have been within the past year?
 4 **A Yes.**
 5 Q You say he was terminated for a HIPAA violation?
 6 **A That's correct.**
 7 Q A HIPAA violation -- could you briefly describe
 8 to me what the HIPAA violation was?
 9 MR. PETITJEAN: I'll put in an
 10 objection. We're not talking about assets, and
 11 now you're talking about an employee matter or a
 12 personnel file.
 13 MS. OGDEN: Well, I'm just trying to
 14 find out whose HIPAA did he violate. I'm trying
 15 to find out what capacity. You -- go ahead,
 16 your objection is noted. I'm going to proceed
 17 with asking this question.
 18 MR. PETITJEAN: And, Ron, you have to
 19 make a decision on whether or not you're going
 20 to answer that type of question.
 21 **A Well, I don't know. I'm not personnel director**
 22 **and I don't know what was put in his file.**
 23 Q Who terminated him?
 24 **A I did terminate him, and the personnel director**
 25 **did come to me.**

17

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 414 S. Jefferson St., Green Bay, WI

- 1 Q And did you -- who was he employed by at the
2 time that he was terminated?
- 3 **A I would say Eco Hub Wisconsin.**
- 4 Q Okay.
- 5 **A Not sure of that, but I would say that.**
- 6 Q Could he have been employed by anybody else
7 other than Eco Hub or Green Box NA Green Bay?
- 8 **A No.**
- 9 Q Tammy Phillips, how did she play a role in the
10 creation of this list of assets?
- 11 **A Tammy would have been with me as long as Phil.**
12 **Some of these assets were created in 2000**
13 **through 2007, so --**
- 14 Q And who is her employer at the time that -- when
15 she first starts contributing to this list, with
16 whom is she employed?
- 17 **A It would be the exact same list as Phil Reinhart.**
- 18 Q PCDI, Green Box NA Green Bay, Eco Hub, and TPTC?
- 19 **A That's correct.**
- 20 Q You indicated earlier, correct me if I'm wrong,
21 that this was a list that was created for Earth.
22 Correct?
- 23 **A That's correct.**
- 24 Q We've gone through this list of the five
25 individuals that helped create this list --

18

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414 S. Jefferson St., Green Bay, WI

- 1 **A Yes.**
- 2 Q -- and none of them are employed by Earth.
3 You've identified them by being employed by
4 Green Box NA Green Bay. Why is that?
- 5 **A Because these companies that hold these liens**
6 **are under the Earth umbrella, and the Earth**
7 **liability insurance, and you must keep liability**
8 **insurance on all pieces of equipment. And Earth**
9 **runs the liability insurance with Willis. And**
10 **that's why this is kept under Earth, because**
11 **they pay the premium on the liability insurance.**
- 12 Q And the lawyers that contribute to the -- this
13 list of assets, were they lawyers hired by Earth
14 or any of the entities that you've previously
15 described as having employees contributing to
16 this list, or were these lawyers that were hired
17 outside of the company?
- 18 **A These lawyers would have been hired by the four**
19 **companies that Mr. Reinhart or Tammy worked for.**
20 **And I would not know, I'd have to go back and go**
21 **through bills, but I can't right now because the**
22 **County has them all.**
- 23 Q Did you ever have any in-house lawyers
24 contributing to the creation of this list of
25 assets?

19

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- 1 **A I never had an in-house lawyer.**
- 2 Q You've never had Attorney Willihnganz work as an
3 in-house attorney?
- 4 **A Never.**
- 5 Q So when he was housed in the -- in the buildings
6 owned by Green Box Green Bay, he just used the
7 space?
- 8 **A Several lawyers for several times in my life**
9 **have spent four to five months in my buildings,**
10 **yes. But that doesn't mean they work for me.**
- 11 Q If you could turn to the second page of the
12 exhibit. I think you're already there. Let's
13 go through these entries.
- 14 Oh, quick question. With regard to these
15 five individuals that you just described, did
16 you supervise over all of these individuals?
- 17 **A On a daily basis, no.**
- 18 Q In general did you supervise over them? Would
19 they report to you on any matters?
- 20 **A No.**
- 21 Q Who served as their supervisors?
- 22 **A They have different ones for different parts of**
23 **the business.**
- 24 Q Let's just go back to that. Who's Dan Thames?
25 Who was his supervisor while employed by

20

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- 1 Green Box NA Green Bay?
- 2 **A There would have been six months of his four- or**
3 **five-year employment where he would have been --**
4 **daily that I would have seen and talked to him.**
5 **And the rest of the time he'd have been by**
6 **Doug Hanus.**
- 7 Q Who employed Doug Hanus?
- 8 **A Patriot, but he is an Eco Hub -- he's a business**
9 **manager for Patriot, but he is a Green --**
10 **Eco Hub Wisconsin employee. He was a Green Box**
11 **NA Green Bay.**
- 12 Q Just so that we're clear, when you say Patriot,
13 I assume you're just using an abbreviation of a
14 particular entity. What is the full name of
15 that entity?
- 16 **A Patriot Tissue.**
- 17 Q And who paid Dan Thames? Was he paid through
18 Green Box NA Green Bay?
- 19 **A Yes. Or -- yes.**
- 20 Q The paychecks to him came from Green Box NA
21 Green Bay?
- 22 **A Correct.**
- 23 Q And Laura Pfotenhauer, is that the correct
24 pronunciation?
- 25 **A (Nods head up and down.)**

21

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- 1 Q Who was her supervisor?
 2 **A Laura would be to me or Mike or Phil.**
 3 Q Who is Mike? Mike Garsow?
 4 **A Yes.**
 5 Q And Phil would be Phil Reinhart?
 6 **A Yes.**
 7 Q And Mike Garsow, who served as his supervisor
 8 while at Green Box NA Green Bay?
 9 **A He would have had a few. Had a lady named**
 10 **Sharie, he would have had a lady named Mercedes.**
 11 **He now is marketing, does -- I interact with him**
 12 **quite a bit.**
 13 Q Did you interact with him quite a bit when he
 14 was employed by Green Box NA Green Bay?
 15 **A On and off, yes. He had -- in between bosses,**
 16 **so --**
 17 Q And who paid Mike Garsow? Was that paid by
 18 Green Box NA Green Bay?
 19 **A Yes.**
 20 Q And Sharie, does Sharie have a last name?
 21 **A Sharie Esppi, E-s-p-p-i.**
 22 Q And with whom was she employed?
 23 **A She would have been Green Box NA Green Bay**
 24 **because she quit on the day of the search**
 25 **warrant.**

22

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 414 S. Jefferson St., Green Bay, WI

- 1 Q And Mercedes, does Mercedes have a last name?
 2 **A Mercedes, I can't remember her last name.**
 3 Q And who is she employed by?
 4 **A Green Box NA Green Bay.**
 5 Q Phil Reinhart, who supervised Mr. Reinhart?
 6 **A Mr. Reinhart would answer to the CFO or myself.**
 7 Q Who was the CFO at the time he was reporting to
 8 him?
 9 **A There was none for -- since 2013, and then**
 10 **Ed Kolasinski came.**
 11 Q And he was the CFO from which entity? Because
 12 we've got Earth, PCDI, Green Box NA Green Bay,
 13 Eco Hub, TPTC. Who was the CFO working on
 14 behalf of?
 15 **A In 2013 it would have been Green Box NA**
 16 **Green Bay, CFO.**
 17 Q And you indicated that you too would have also
 18 supervised him, correct?
 19 **A Periodically.**
 20 Q And Tammy Phillips, who supervised Ms. Phillips?
 21 **A Be hard to ask. She's kind of her own**
 22 **supervisor. She's a controller. That one**
 23 **really -- right now Ed Kolasinski would be her**
 24 **boss if you want to call it that.**
 25 Q Would she ever report to you?

23

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- 1 **A No. But she interacted with me. She -- I've**
 2 **talked to her several times.**
 3 Q She didn't take direction from you?
 4 **A No. If we were working on a pro forma, she**
 5 **would help and take direction from me, but I'm**
 6 **not a MAS 90 person.**
 7 Q And from whom did she receive her paychecks?
 8 **A I gave you the four names before.**
 9 Q So with regard to Mr. Reinhart and Ms. Phillips,
 10 all four of these entities would pay them their
 11 salary?
 12 **A They've been there 14 years. Through the years**
 13 **they've switched companies, that's correct.**
 14 Q So at any one time, only one company was making
 15 payments --
 16 **A Absolutely.**
 17 Q -- to them?
 18 **A That's correct.**
 19 Q So shifting gears to the second page, there's
 20 a -- on the first page there's a list of 1
 21 through 42. Do you see that?
 22 **A Yes.**
 23 Q It looks like items listed on 1 through 11 are
 24 certain pieces of equipment, and then there's a
 25 box checked with "Utica" and "Liens Held By."

24

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 414 S. Jefferson St., Green Bay, WI

- 1 Do you see that?
 2 **A Yes.**
 3 Q Could you describe what this chart is
 4 representing there? Just between Lines 1
 5 through 11.
 6 **A It's equipment owned by Utica and leased by our**
 7 **companies.**
 8 Q Was that a true lease or a finance lease?
 9 MR. PETITJEAN: Do you understand the
 10 question?
 11 **A It was a sale leaseback.**
 12 Q Okay. But at the end of the lease, who owns it?
 13 **A Utica, if we don't pay it off.**
 14 Q Do you have to pay a certain value or a dollar?
 15 **A There's a -- a reappraisal or whatever you call**
 16 **it.**
 17 Q And where are the documents that relate to this
 18 lease located?
 19 **A With the Brown County Sheriff's Department.**
 20 Q You have no other documentation with regard to
 21 that?
 22 **A Nothing.**
 23 Q I would assume, though, that someone at Utica
 24 would have this, correct?
 25 **A Sure.**

25

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- 1 Q And who would be the individual at Utica that
2 would have these documents?
- 3 **A Well you know. David Levy. He owns Utica.**
- 4 Q So the equipment used here, this equipment,
5 Items 1 through 11, who used this equipment?
6 What entity?
- 7 **A All four of them entities I listed previously.**
8 **You mean through the history of the ownership of**
9 **it?**
- 10 Q Yeah.
- 11 **A All four of those entities.**
- 12 Q So when you say all four, PCDI, Green Box NA
13 Green Bay, TPTC, and now Eco Hub uses it?
- 14 **A Yes.**
- 15 Q And what -- what is your understanding of what
16 they're used for?
- 17 **A They take parent rolls and convert them into**
18 **tissue cases.**
- 19 Q When used by PCDI, who made the lease payments?
- 20 **A PCDI.**
- 21 Q And with what bank account?
- 22 **A I don't know. I don't know where PCDI's**
23 **accounts were. I don't know why it has anything**
24 **to do with this, but -- I have no idea. I**
25 **didn't bring that or haven't studied that or I**

26

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414 S. Jefferson St., Green Bay, WI

- 1 **don't know that. PCDI doesn't have an operating**
2 **account, so --**
- 3 Q It doesn't now or never had?
- 4 **A Oh, it had for -- of course it had one, but**
5 **doesn't now.**
- 6 Q Green Box NA Green Bay, was this leased
7 equipment used by Green Box NA Green Bay?
- 8 **A For a time it was.**
- 9 Q Okay. Stopping there, during the time that it
10 was used by Green Box NA Green Bay, who made the
11 lease payments for Green Box NA Green Bay?
- 12 **A Several companies.**
- 13 Q What companies?
- 14 **A I don't know. It would be Green Box NA, could**
15 **be Earth. There were a lot of companies that**
16 **made payments on Green Box Green Bay's behalf.**
- 17 Q Did Green Box NA Green Bay ever make any payment
18 for the leased equipment?
- 19 **A I'm not sure.**
- 20 Q From what bank accounts would have the entities
21 that did make those lease payments on behalf of
22 Green Box NA Green Bay, what banks were those
23 from?
- 24 **A There was only one bank account, ever. I've**
25 **given it to the receiver, and the receiver has**

27

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414 S. Jefferson St., Green Bay, WI

- 1 **taken that bank account over at Baylake Bank.**
2 **There was never any other account for Green Box**
3 **NA Green Bay.**
- 4 MR. PETITJEAN: For clarification,
5 you're talking about Green Box Green Bay?
- 6 THE WITNESS: Green Box NA Green Bay,
7 that's correct.
- 8 MR. PETITJEAN: Ron, listen to her
9 question. I believe her question was broader
10 than that.
- 11 THE WITNESS: Okay.
- 12 Q Let's just back up. So when there were payments
13 being made by Earth on behalf of Green Box NA
14 Green Bay, what bank account was used for that?
- 15 MR. PETITJEAN: I'll object to the
16 question. We're not talking about Green Box
17 Green Bay any longer. We're now talking about
18 Earth and its assets.
- 19 **A I wouldn't know where that bank account was when**
20 **it made it and what bank it was with. I wouldn't**
21 **know, sitting here today.**
- 22 Q Do you have any recollection of any bank accounts
23 that would have been used by Earth?
- 24 **A Not right now. It'd be only a guess.**
- 25 Q If you had to guess.

28

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414 S. Jefferson St., Green Bay, WI

- 1 **A If I had to guess, I'd say Bank of America,**
2 **maybe.**
- 3 Q Was that a Bank of America location in the
4 Green Bay area?
- 5 **A Bank of America doesn't have a bank in the state**
6 **of Wisconsin.**
- 7 Q So if you were to access that bank account, how
8 did you access it?
- 9 **A We had to make a payment through a different**
10 **company, and they would put it to Bank of**
11 **America. And it always took us two days to work**
12 **through that account.**
- 13 Q What other company?
- 14 **A Merrill Lynch. Merrill Lynch is owned by Bank**
15 **of America. So we would make a deposit into**
16 **Merrill, Merrill would make a deposit into there.**
- 17 Q Where would the deposit come from? So we just
18 said there would be a deposit made into Merrill
19 Lynch and then Bank of America. Where did the
20 money for the deposit to make that payment come
21 from?
- 22 MR. PETITJEAN: You're talking about
23 a deposit for Green Box Green Bay NA or for some
24 other entity?
- 25 **A You're talking --**

29

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- 1 MS. OGDEN: I'm just asking about the
2 money. He just said that there would be a
3 deposit that would help make these payments on
4 behalf of Green Box NA Green Bay. So I'm just
5 trying to see, where did the money come from.
- 6 **A Your question was Earth. Earth has nothing to**
7 **do with what we're doing here today. Your**
8 **question is, where would Earth get the money**
9 **from? Earth and Green Box NA are very viable,**
10 **very big company with lots of assets. Okay? I**
11 **wouldn't be able to tell you today what asset**
12 **they used or how they did it.**
- 13 **It's very important that you understand,**
14 **this sheet is so you don't double UCC filings on**
15 **the same equipment. That's against the law.**
16 **You can't do that.**
- 17 Q Let's just keep going with the questions.
- 18 **A Okay.**
- 19 Q I appreciate your comments. So we were covering
20 these leases with Utica, and you said that the
21 leases would have been paid with the four
22 different entities: PCDI, Green Box NA
23 Green Bay, TPTC, Eco Hub. Let's talk about TPTC.
- 24 **A I'm wrong there too.**
- 25 Q Okay. How --

30

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- 1 **A You should add RVDH Development.**
- 2 Q So the record is clear, when Mr. Reinhart was
3 working for --
- 4 **A No, no, no, no. Not Mr. Reinhart. Let's not**
5 **mix that up.**
- 6 Q You know, let me --
- 7 **A You asked me who paid these leases.**
- 8 Q Sir, let me ask you the questions because --
- 9 **A Okay.**
- 10 Q Let's get this clarified.
- 11 **A Ask it again.**
- 12 Q You previously said Phil Reinhart was employed
13 by four companies, correct?
- 14 **A Correct.**
- 15 Q Was he ever employed by RVDH Development?
- 16 **A No.**
- 17 Q And Tammy Phillips, she was never employed by
18 RVDH Development, correct?
- 19 **A Correct.**
- 20 Q But what you're saying is PCDI, Green Box NA
21 Green Bay, Eco Hub, TPTC, and RVDH Development
22 would have contributed to the payments of these
23 leases; is that fair?
- 24 **A Plus Earth.**
- 25 Q Plus Earth.

31

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- 1 **A (Nods head up and down.)**
- 2 Q Got it. When Eco Hub makes the lease payments,
3 from what bank account does Eco Hub make those
4 payments?
- 5 MR. PETITJEAN: I'll note my
6 objection. Eco Hub's not a subject to this
7 receivership, and, Ron, you should have --
8 you're going to have to make a decision whether
9 you're going to answer that.
- 10 **A I can't. I don't know.**
- 11 MR. PETITJEAN: Okay.
- 12 **A They had two accounts, and I don't know which**
13 **one they'd make it from. I wouldn't know.**
- 14 Q What two accounts do they have?
- 15 MR. PETITJEAN: My objection
16 continues. There's no jurisdiction over Eco Hub
17 in this receivership. Ron, you'll have to make
18 your own decision whether or not you'll answer
19 that.
- 20 **A They have a -- an account at Nicolet and an**
21 **account at Baylake.**
- 22 Q And TPTC, when they were making payments for
23 this, what bank accounts did they use?
- 24 MR. PETITJEAN: My objection as to
25 that continues, same as before. Ron, you have

32

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414 S. Jefferson St., Green Bay, WI

- 1 to make your own decision.
- 2 **A I wouldn't know.**
- 3 Q You wouldn't know or you don't know specifically?
- 4 **A I wouldn't know because it was a long time ago**
5 **that -- before -- since that company had a**
6 **checkbook.**
- 7 Q And RVDH Development, what bank account did it
8 use to make these payments?
- 9 MR. PETITJEAN: I'll note the same
10 objection for the record. Ron, you have to make
11 your own decision whether to answer that.
- 12 **A I wouldn't be able to tell you what account they**
13 **made it out of, and RVDH accounts -- had four or**
14 **five banks.**
- 15 Q And what bank accounts are those?
- 16 MR. PETITJEAN: My objection is noted
17 again. Ron, you have to make your own decision
18 whether to answer that.
- 19 **A I don't think it's relevant at all, and I don't**
20 **have recollection enough to even answer it.**
- 21 Q Well, I appreciate your objection to the
22 relevancy. I believe it is.
- 23 What bank accounts of the five can you
24 remember?
- 25 MR. PETITJEAN: Ron, my objection has

33

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414 S. Jefferson St., Green Bay, WI

- 1 been made. They're not a party to this action.
 2 You have to make your own decision on whether to
 3 answer or not.
 4 **A I know for sure there were two of them. I can**
 5 **list Chase, and I can list Bank of America.**
 6 Q And the equipment listed in Items 1 through 11,
 7 was all of that in operation at the time that
 8 Green Box NA Green Bay was in operation?
 9 **A 1 through 11, yes.**
 10 Q And you indicate in the second-to-last
 11 right-hand column Current Debt. Do you see that
 12 column?
 13 **A Yes.**
 14 Q And it says, 1.4 million?
 15 **A I see that.**
 16 Q Is that indicating that all of this equipment --
 17 the debt for all of the leased equipment is
 18 1.4 million?
 19 **A I don't see a date when this is run. That would**
 20 **be the -- that's not the amount now, which I**
 21 **wouldn't know, but I know it's not that amount.**
 22 **I don't see a date on here, so that would have**
 23 **been at the time this was run.**
 24 Q At the time -- so it would be fair to say at the
 25 time this was run, it would have been an

34

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414 S. Jefferson St., Green Bay, WI

- 1 accurate representation of the understanding of
 2 the debt?
 3 **A Yeah, this is old, though. Whenever -- whoever**
 4 **got this, this is old. It's missing some pieces**
 5 **of equipment.**
 6 Q Where is the updated version of this?
 7 **A I don't have it.**
 8 Q How do you know it's old then?
 9 **A Oh, I mean, I have -- I have the one that is**
 10 **current.**
 11 Q And where is that?
 12 **A It's at my office.**
 13 Q And why hasn't that been produced to the
 14 receiver in this case?
 15 **A Nothing to do with Green Box NA Green Bay. I**
 16 **don't give nothing to the receiver that's not to**
 17 **do with Green Box NA Green Bay. It's none of**
 18 **their business.**
 19 Q So just so I'm clear, there is a current version
 20 of this located someplace in your possession,
 21 correct?
 22 **A The insurance company -- I've stated this --**
 23 Q Sir, I'm going to stop you there. I'm asking a
 24 simple question. Is there a current version of
 25 this spreadsheet in your possession?

35

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- 1 **A Not in my possession.**
 2 Q Whose possession is it in?
 3 **A It's in -- it's in Earth's insurance file.**
 4 Q How did Earth get it?
 5 **A Earth has to list all of its equipment for its**
 6 **insurance company.**
 7 Q Okay. So let's just -- let's back up here. I
 8 see you're laughing at the question, but I think
 9 that's a fair question to ask. You're telling
 10 me that this is an old version of a spreadsheet
 11 and that there's a more current one out there.
 12 Correct?
 13 **A It's obvious it's old because if you have it,**
 14 **you could only have gotten it through Silverman.**
 15 **And did I remember the name now. Did get it**
 16 **through Silverman. And they must have taken it**
 17 **because I did not give them this.**
 18 Q But my question is this. Is there an updated
 19 version of a document like this someplace?
 20 **A There's a more recent version of this document.**
 21 Q And where is that more recent version located?
 22 **A On our computers.**
 23 Q Whose computers? You say "our."
 24 **A It would be on all of them.**
 25 Q What computer -- if I was -- if we were to walk

36

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414 S. Jefferson St., Green Bay, WI

- 1 someplace today to go print that off, where
 2 would we go?
 3 **A I wouldn't go ask -- I don't know.**
 4 Q You don't know --
 5 **A I'm the wrong person to ask that.**
 6 Q You don't know what computer?
 7 **A I asked for the most current one. Somebody**
 8 **would go get it, print it, and bring it to me.**
 9 Q Who would you ask?
 10 **A I could ask any one of them five people.**
 11 Q So if we called up Mr. Phil Reinhart today and
 12 said, Phil, I need an updated version of this
 13 spreadsheet, he could access it immediately,
 14 correct?
 15 **A If you called him up, he wouldn't give it to you.**
 16 **If I did, yes.**
 17 Q Okay. And if we -- if you called Tammy Phillips
 18 today and said, Tammy, I need the most updated
 19 version of this document, she could print it off
 20 immediately for you; is that fair?
 21 **A She would call the other people and just make**
 22 **sure that something wasn't bought or sold in the**
 23 **last two weeks or three weeks. Because she**
 24 **might not have the most current one on her**
 25 **computer. But they do update it once a month.**

37

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414 S. Jefferson St., Green Bay, WI

- 1 Q Okay. So this is updated monthly?
- 2 **A It's updated monthly, yes.**
- 3 Q By any of these five individuals except for
- 4 Mr. Thames, who's no longer employed, correct?
- 5 **A Correct.**
- 6 Q Okay. So just so I'm clear, this is updated
- 7 monthly. And as of last month, who would have
- 8 been most likely to have updated it?
- 9 **A I don't know.**
- 10 Q But Phil Reinhart or Tammy Phillips would be
- 11 able to access it, correct, if you directed them
- 12 to do so?
- 13 **A Phil would if I directed him to because he**
- 14 **handles insurances, because he's with HR, and**
- 15 **the insurance company requires us to give that**
- 16 **list. I've said it five or six times now.**
- 17 Q Yeah, I've heard it.
- 18 **A Okay.**
- 19 Q Thank you. And so in the far right-hand column
- 20 we see Replacement or Appraised Value. Correct?
- 21 **A Yes.**
- 22 Q Is this -- this a value that you're giving to
- 23 your insurance company to make sure you've
- 24 insured it for protected value? What is the
- 25 purpose of this valuation?

38

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414 S. Jefferson St., Green Bay, WI

- 1 **A This valuation is just that. You have to have**
- 2 **something they agree to as a value, like your**
- 3 **car or something. They have to have a value.**
- 4 **So you insure by the value.**
- 5 Q And who creates this replacement or appraised
- 6 value?
- 7 **A Third parties.**
- 8 Q What third parties help with contributing to
- 9 that valuation?
- 10 **A Oh, all kinds of them. I couldn't possibly name**
- 11 **them all here.**
- 12 Q Well, let's do your best. What companies, to
- 13 the best of your recollection, create this value
- 14 and contribute to it?
- 15 **A There would be E3, they're an independent**
- 16 **engineering firm. There are several people that**
- 17 **do equipment. Some of them are -- the**
- 18 **appraisals are done by the lienholders. Comes**
- 19 **to buildings, buildings would be by completely**
- 20 **different people. People that do equipment**
- 21 **don't do buildings generally.**
- 22 Q Okay. So let's just -- since we've only been
- 23 talking through Items 1 through 11, to the best
- 24 of your knowledge who helps create -- who helped
- 25 to create the replacement or appraised value for

39

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414 S. Jefferson St., Green Bay, WI

- 1 Items 1 through 11?
- 2 **A I would think it was AccuVal but I can't say that**
- 3 **for sure. It could be Baisch. I'm not sure.**
- 4 Q Any particular names of contacts at those
- 5 entities that you are aware of?
- 6 **A No way would I have that. I wouldn't know it.**
- 7 Q And how did these appraisals come into your
- 8 possession? Who hires these entities to create
- 9 that appraisal?
- 10 **A All kinds of different people.**
- 11 Q Would it be the five individuals we just
- 12 discussed previously --
- 13 **A No.**
- 14 Q -- who helped create this?
- 15 **A No.**
- 16 Q What individuals helped coordinate these
- 17 appraisals on behalf of the companies?
- 18 **A A lot of times the lender. A lot -- most of the**
- 19 **time the lender would request -- like the guy**
- 20 **that borrowed money on the building, he would**
- 21 **require an appraisal.**
- 22 Q Let's just talk about Items 1 through 11.
- 23 **A Okay.**
- 24 Q Who worked on the creation and --
- 25 **A Utica would ask for that.**

40

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414 S. Jefferson St., Green Bay, WI

- 1 Q They would have contacted the appraiser for this?
- 2 **A Absolutely.**
- 3 Q And how did you come into the possession of
- 4 their information? Did they contact Green Box
- 5 NA Green Bay with that number? How did that --
- 6 how did this number get transported from Utica
- 7 to Green Box NA Green Bay?
- 8 **A They gave it to me.**
- 9 Q Okay. They gave it to you directly?
- 10 **A Yes. Mailed it to me.**
- 11 Q And then you would provide it to one of the five
- 12 individuals we've discussed, and they would
- 13 input that into the spreadsheet?
- 14 **A By piece of equipment, that's correct. Every**
- 15 **company does it that way.**
- 16 Q So let's look at Item Number 12. There -- it's
- 17 identified Baler. Do you see that?
- 18 **A Yeah.**
- 19 Q Oh, I'm sorry. One other question. Items 1
- 20 through 11, where is that equipment located
- 21 today as we speak?
- 22 **A That would be -- Items 1 through 11 would be at**
- 23 **2103 American Boulevard. 20 -- no, I'm not sure**
- 24 **of the address. It would be on American**
- 25 **Boulevard.**

41

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414 S. Jefferson St., Green Bay, WI

- 1 Q Has it been moved at all in the past year?
- 2 **A Those 11 pieces?**
- 3 Q Correct.
- 4 **A No.**
- 5 Q So --
- 6 **A Haven't been moved since 2003.**
- 7 Q Have all of these items been leased since 2003?
- 8 **A No.**
- 9 Q So when it has been leased to you and came into
- 10 possession, it -- it landed at 2103 American
- 11 Boulevard and wouldn't have moved thereafter?
- 12 **A I --**
- 13 MR. PETITJEAN: That's a --
- 14 mischaracterizes his testimony. He said
- 15 American Boulevard. He was unsure of the
- 16 address.
- 17 MS. OGDEN: Okay. I appreciate your
- 18 objections, but when you make your objection, if
- 19 you could just wait, either do it before he
- 20 answers or wait until he finishes his response.
- 21 MR. PETITJEAN: And I'd ask that you
- 22 let Mr. Van Den Heuvel finish his answers before
- 23 you start the next question.
- 24 MS. OGDEN: Sure, I'd be happy to do
- 25 so.

42

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414 S. Jefferson St., Green Bay, WI

- 1 Q Okay. Taking a look at Item Number 12, Baler.
- 2 Let's look at -- there's an X marked under
- 3 "PCDI." What does that mean? And then also
- 4 under "Earth." There -- I'm sorry. There
- 5 wasn't one under "Earth," just under "PCDI"
- 6 there's an X mark. Do you see that?
- 7 **A I'd totally like to know what this has to do**
- 8 **with anything to do with the receivership.**
- 9 Q Well, your lawyer is welcome to contact the
- 10 receiver and ask those questions. At this point
- 11 in time I'm asking you the questions of
- 12 documents that have been produced to the
- 13 receiver. So my question is this --
- 14 **A I don't want to answer that.**
- 15 Q So you're refusing to answer that question?
- 16 **A I have criminal investigations you're well aware**
- 17 **of, and I am not going to go into every company**
- 18 **and where everything is owned today on a**
- 19 **document that is at least seven months old. And**
- 20 **I'm not going to go item by item on things that**
- 21 **are outside of Green Box NA Green Bay.**
- 22 Q Let me clarify it. Are you --
- 23 **A I was asked by the receiver to come here. I am**
- 24 **here to answer receivership questions; nothing**
- 25 **else.**

43

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414 S. Jefferson St., Green Bay, WI

- 1 Q Sir, I'm asking you one question in regard to
- 2 what you're saying. Are you claiming you're not
- 3 answering this because you're pleading the Fifth?
- 4 **A No. What I'm answering is I'm not going to**
- 5 **answer itemized questions on a list that I don't**
- 6 **know how you got, that is at least seven months**
- 7 **old, and I don't have the expertise to answer**
- 8 **it. I wasn't given it before, I wasn't asked**
- 9 **any questions on this. I don't know. But I'm**
- 10 **not going to go in here, because you guys have a**
- 11 **great thing of using my depositions and doing**
- 12 **other shit with it. So I don't want to answer**
- 13 **it because I'm not sure. It's an old document.**
- 14 Q You're not going to answer the question as to
- 15 why this "PCDI" is marked, correct? Yes -- it's
- 16 a simple yes or no.
- 17 **A I'm not going to answer this because I don't**
- 18 **know.**
- 19 Q Okay. Well, that's a different -- that's a
- 20 different statement than you just made previously
- 21 as I'm hearing it. Let me finish. Either you
- 22 don't know the answer or you don't want to
- 23 answer. Those are two different statements. So
- 24 I just want to clarify. Are you not giving me
- 25 the answer with regard to PCDI because you don't

44

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414 S. Jefferson St., Green Bay, WI

- 1 know or because you don't want to give me the
- 2 answer because of whatever reason you believe is
- 3 not appropriate?
- 4 **A The answer is I don't know. And it's also the**
- 5 **other answer, I can't answer it because it's an**
- 6 **old document and I'm not sure -- 1 through 11**
- 7 **I'm sure. I'm not sure of anything else. It's**
- 8 **an old document. It's seven months old.**
- 9 Q Okay. Let's just go a little bit further on
- 10 this. It says "Liens Held By" in the right-hand
- 11 corner in Item 12. It says RVDH Development,
- 12 PCDI, and Earth. What does that mean?
- 13 **A At the time those would have had what Wisconsin**
- 14 **calls purchase money into that piece of**
- 15 **equipment.**
- 16 Q So is it your understanding at the time that
- 17 that was entered, those were the entities that
- 18 had the lien interest on this baler?
- 19 **A Those would have had -- there might not have**
- 20 **been a lien on it by a bank. But it was**
- 21 **purchase money from them -- one of them three**
- 22 **companies or all three of them.**
- 23 Q And where is the baler located today?
- 24 **A I have three of them. Well, that's part of the**
- 25 **reason I don't want to answer. I'm not sure**

45

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414 S. Jefferson St., Green Bay, WI

- 1 **where they are. I'm standing here answering**
 2 **something that I don't know, and this is an old**
 3 **document. I don't know where each baler is**
 4 **right now.**
 5 Q Well, you do have an updated document of the
 6 list of assets, correct? If you -- we call
 7 Tammy or Phil, they could get you an updated
 8 list, correct?
 9 **A Possibly.**
 10 Q Should we take about a five-minute break and you
 11 can go and ask to see if you can get a copy of
 12 that?
 13 **A No, I'm not going to do that today because I**
 14 **would have to have time to review it, and I'd**
 15 **want all five of them in the room to do that,**
 16 **and it's not been one of the requests of what I**
 17 **came here to do. There's \$270 million worth of**
 18 **stuff here. I'm sorry if I don't know where**
 19 **everything is and who has the -- who currently**
 20 **paid the purchase money to buy it. I don't know.**
 21 Q Okay. So if you're not interested in going
 22 through that exercise today, we'll just do the
 23 best you can with your recollection of what you
 24 have from a document that's seven months old.
 25 **A I don't like best of recollection because what**

46

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- 1 **usually happens is somebody puts it into a**
 2 **affidavit or something and gives it to a judge.**
 3 **So I'm not going to answer hypotheticals.**
 4 Q Well, I'm going to ask you questions and you can
 5 answer them to the best of your ability or you
 6 can refuse. We're going to proceed, though.
 7 I notice on Item Number 12 it says that
 8 there is -- the current debt is zero. Correct?
 9 Do you see that?
 10 **A I don't have enough information to know the**
 11 **current debt is zero. Maybe a lien was put on**
 12 **it or money borrowed against it since. I don't**
 13 **know.**
 14 Q And to the best of your recollection -- you said
 15 that there are three balers?
 16 **A Yes.**
 17 Q Where do you believe these balers are located?
 18 **A I have no idea. Can't answer it.**
 19 Q You have no idea as it -- and you don't know
 20 specifically --
 21 **A Well, there's serial numbers on these and I**
 22 **don't know where they are.**
 23 Q Let's ask generally then. Do you believe
 24 they're in the state of Wisconsin?
 25 **A I -- I believe they're in the state of**

47

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- 1 **Wisconsin, yes.**
 2 Q Okay. Do you believe that they're in one of
 3 the -- of the four buildings that you operate
 4 out of?
 5 **A I have no idea. They could be in somebody**
 6 **else's building too. They could be outside.**
 7 **These things could be tarped. I have no idea.**
 8 Q Were any of these balers ever used by Green Box
 9 NA Green Bay?
 10 **A Yes.**
 11 Q And when they were used by Green Box NA
 12 Green Bay, where were they located?
 13 **A We baled paper several places a long time ago,**
 14 **in '11 and '12, '13.**
 15 Q And where did you bale them at? What locations?
 16 **A We moved them. Parking lots, lot of different**
 17 **places. I couldn't tell you where we all used**
 18 **it. That would be impossible for me to say.**
 19 Q To the best of your recollection, where was it
 20 last used?
 21 **A Don't know. I wouldn't be able to answer it.**
 22 Q Taking a look at the Item Number 13, Bretting
 23 Dispenser Line. Do you see that line?
 24 **A I see it.**
 25 Q And then there's a marked -- it's marked with

48

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- 1 "Earth," with an X. Do you see that?
 2 **A Correct.**
 3 Q Why is that marked with "Earth" with -- under
 4 Earth's name?
 5 **A At the time of this, Earth would have done the**
 6 **purchase money to buy it.**
 7 Q Okay. And where was it located during the
 8 course of its use?
 9 **A Two places.**
 10 Q Where is that?
 11 **A Actually, three. But I'm not sure when or how.**
 12 **Again, I don't want to answer that because I'm**
 13 **guessing.**
 14 Q Well, to the best of your knowledge, where has
 15 it been used and located?
 16 **A I don't want to answer to the best of my**
 17 **knowledge. I don't --**
 18 Q I appreciate you don't want to but I'm asking
 19 you to the best of your knowledge where has it
 20 been used?
 21 **A I'm not sure.**
 22 Q And it says to the right liens held by
 23 Glen Arbor, Quotient, Earth, RVDH. Does this
 24 mean that all four of them have liens on it
 25 simultaneously or historic -- they've each had

49

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- 1 some sort of interest over the past? What does
2 that mean there?
- 3 **A If it says "liens held by," there'd be one that**
4 **would be a purchase money lien, and there'd be**
5 **one that would be a lien was given to somebody,**
6 **and it would be probably real small because**
7 **there's probably six and a half million dollars'**
8 **worth of equipment here. It wasn't given to**
9 **Utica, which is very plain and evident here.**
10 **And it was purchased from Varde. So I know it**
11 **was purchased by Earth from Varde, and**
12 **Glen Arbor contributed money to the Varde**
13 **purchase. So I don't really know how that**
14 **stands sitting here. But obviously it's**
15 **something because it was on back here. Whether**
16 **that's the same case now, I don't know.**
- 17 Q And when is your understanding of when this was
18 acquired?
- 19 **A Well, the company was bought from Varde in**
20 **September of '13.**
- 21 Q And when were the balers acquired?
- 22 **A No idea.**
- 23 Q Taking a look at Item Number 14, Bretting Dinner
24 Napkin Line. Again, that is checked as "Earth."
25 What is your understanding of that meaning?

50

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- 1 **A What number?**
- 2 Q Number 14. Bretting Dinner Napkin Line.
- 3 **A Yeah, there's a dispenser napkin and a dinner**
4 **napkin line. Which one are you talking about?**
5 **14?**
- 6 Q I'm asking about Number 14.
- 7 **A The dinner napkin line?**
- 8 Q Um-hmm. Yes.
- 9 **A Same thing. I wouldn't know.**
- 10 Q You don't know why "Earth" is checked there?
- 11 **A Oh, I do know. It had purchase money into the**
12 **deal. Green Box Green Bay -- NA Green Bay paid**
13 **no money. They had none.**
- 14 Q Was it used by Green Box NA Green Bay?
- 15 **A Never.**
- 16 Q Where is it located today?
- 17 **A Guess. I don't want to do any guessing.**
- 18 Q So you have absolutely no knowledge of where it
19 could be located today?
- 20 **A I don't have enough knowledge to say.**
- 21 Q Taking a look at Item 15, Sorting System
22 Equipment II. Do you see that, Number 15?
- 23 **A I see it.**
- 24 Q And then there's an X mark under the column
25 PCDI. What does that mean?

51

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414 S. Jefferson St., Green Bay, WI

- 1 **A Means there's a sorting system owned by PCDI.**
- 2 Q Was it a sorting system used by Green Box NA
3 Green Bay?
- 4 **A There's three sorting systems, and I don't see**
5 **them all on here. So one of them must have been**
6 **purchased since this. I -- I'm guessing. I**
7 **can't answer to an old document that I have no**
8 **idea why the receiver has it. I just -- I have**
9 **no idea.**
- 10 Q So you believe there's been a sorting system
11 acquired within the past seven months?
- 12 **A Yes. Because it's not on this list.**
- 13 Q And where is that located?
- 14 MR. PETITJEAN: I'll object to the
15 question unless it's an asset of Green Box.
- 16 **A I -- I don't know what it was purchased for. I**
17 **don't know where it is. I wouldn't know what it**
18 **is. And there's no person alive that can know**
19 **where every piece of \$278 million worth of stuff**
20 **is.**
- 21 Q So you have no idea where this second piece of
22 equipment is, correct?
- 23 **A I don't know --**
- 24 MR. PETITJEAN: Object to the
25 question as vague. Are you talking about the

52

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- 1 new one that was -- he indicated was purchased
2 recently?
- 3 MS. OGDEN: Yes.
- 4 **A I don't know. And I -- I'd need to see the --**
5 **the serial numbers to keep track of what is**
6 **where.**
- 7 Q Why don't you put the serial numbers on your
8 spreadsheet?
- 9 **A Because we have a folder for each piece of**
10 **equipment that the Brown County DA has, and I**
11 **don't have that.**
- 12 Q And you never put that information anywhere else
13 other than in those folders?
- 14 **A Who does? They took the computers, they took**
15 **the servers --**
- 16 Q That was a yes-or-no question.
- 17 **A That's a no. We don't keep it anywhere else.**
- 18 Q Taking a look at the entries 16 and 17, I see
19 that it's been identified as marked under PCDI.
20 Do you see that?
- 21 **A 16 and 17?**
- 22 Q Yes.
- 23 **A Yeah, I see that.**
- 24 Q And why is that marked under PCDI?
- 25 **A Well, there's seven sets of afterdryers, and**

53

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1 **unless I see the serial numbers, there's no way**
 2 **I would know which is five or six or -- or one**
 3 **or two or three or four or number seven. I just**
 4 **don't know sitting here.**
 5 Q So out of the seven sets, why are they not
 6 listed on this spreadsheet? Only two of the
 7 seven are listed. Why?
 8 A **I see six sets listed right here. Same problem**
 9 **the SEC had. They don't understand there's**
 10 **seven sets of afterdryers. They think I was**
 11 **putting common liens against the same equipment.**
 12 Q Okay. So I'm asking about Items 16 and 17.
 13 A **Okay. That's two sets of seven afterdryers. I**
 14 **don't have the serial numbers here, so I don't**
 15 **know who owns what.**
 16 Q So there's five other sets, correct?
 17 A **Correct.**
 18 Q Are those -- any of those five other sets
 19 identified on this spreadsheet?
 20 A **Absolutely.**
 21 Q And --
 22 A **25 and 26.**
 23 Q Okay.
 24 A **31 and 32. I have these on 11-by-17s. I don't**
 25 **see Number 7. I don't see Number 7.**

54

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1 Q You indicate you had these on 11-by-17s. You
 2 mean this chart you had created in an
 3 11-by-17-size paper?
 4 A **When I print it out, I don't know who got this**
 5 **or who gave this to you, but I print it on**
 6 **11-by-17 so it's readable.**
 7 Q And where would those copies be?
 8 A **I get one every month, tear it up when I'm done,**
 9 **get a new one.**
 10 Q And who provides them to you?
 11 A **If you need them we can get it, but we can't**
 12 **give this out to anybody.**
 13 Q I would like that. So --
 14 MR. PETITJEAN: Ron --
 15 Q -- let's take a break and have you go grab that.
 16 We'll take a five-minute break?
 17 (Discussion off the record.)
 18 Q So let me go back on the record. You told me
 19 you have an ability to grab a larger document
 20 that's updated, but you're not going to do that.
 21 Is that what you're saying?
 22 A **Well, I don't have it here with me, and I'm not**
 23 **going to hand something out that I don't have a**
 24 **chance to proof. I'm not going to do that. I'm**
 25 **not going to call somebody and have them send**

55

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1 **something that I -- I don't have consensus if**
 2 **it's real. I'm not going to do that. I don't**
 3 **know how somebody got this, but they got it.**
 4 **Okay? I'm doing the best I can, but it's hard**
 5 **to read and it's small. And it has nothing to**
 6 **do with the receivership except the stuff that's**
 7 **Green Box NA Green Bay. Nothing to do with it.**
 8 MR. PETITJEAN: What time is it?
 9 MS. OGDEN: It is 10:22. Let's take
 10 an eight-minute break.
 11 (Brief recess held.)
 12 Q Mr. Van Den Heuvel, if you could return to what
 13 was previously marked as Exhibit 1, Page 2.
 14 Taking a look at items marked and identified as
 15 13 and 14, the Bretting Dispenser Line and the
 16 Bretting Dinner Napkin Line, do you see those
 17 entries?
 18 A **Yes.**
 19 Q Did Green Box ever own those Bretting machines?
 20 A **No.**
 21 Q Neither one?
 22 A **Neither one.**
 23 Q Did Green Box --
 24 MR. KRUEGER: Green Box NA Green Bay,
 25 just --

56

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1 MS. OGDEN: Correct, I wanted --
 2 yeah, Green Box NA Green Bay.
 3 A **Never owned.**
 4 Q Never owned the items set forth in 13 or 14?
 5 A **No.**
 6 Q Did Green Box NA Green Bay ever own a Bretting
 7 machine that is not identified on this chart?
 8 A **No.**
 9 Q With regard to the Item 12, the baler, did
 10 Green Box NA Green Bay ever own a baler?
 11 A **Don't know.**
 12 Q Item 15, Sorting System Equipment, did Green Box
 13 NA Green Bay ever own sorting system equipment?
 14 A **I do not believe so.**
 15 Q Did Green Box NA Green Bay use the Bretting
 16 dispenser line that is identified on Item 13?
 17 A **Define what you mean, "use."**
 18 Q Was it ever used in any capacity by Green Box NA
 19 Green Bay?
 20 A **At one time their employees would have worked on**
 21 **it, but it would never have been a Green Box NA**
 22 **Green Bay sale of the product off the end.**
 23 Q What do you mean by "worked on it"?
 24 A **They would have been employees of Green Box NA**
 25 **Green Bay that would have operated and maintained**

57

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 414 S. Jefferson St., Green Bay, WI

- 1 **the machine.**
- 2 Q And would -- who were they operating and
- 3 maintaining it for?
- 4 **A For Glen Arbor or Quotient or Earth or RVDH.**
- 5 Q And the sorting system equipment that's marked
- 6 as Item 15, was that something that was used by
- 7 Green Box NA Green Bay?
- 8 **A They would have never had a sale off of it, but**
- 9 **their employees could have worked on it. I**
- 10 **would not know otherwise.**
- 11 Q And where is the sorting system equipment
- 12 located now?
- 13 **A I cannot answer that. I do not have enough**
- 14 **information.**
- 15 Q When it was being worked on by Green Box NA
- 16 Green Bay employees, where was that being worked
- 17 on at?
- 18 **A I couldn't answer Number -- Number 16 or 15 -- I**
- 19 **mean Number 15 because I just don't know what**
- 20 **piece that is without having the serial numbers**
- 21 **here. Don't have enough information.**
- 22 Q Are there other sorting equipments -- other
- 23 pieces of sorting system equipment that you're
- 24 aware of?
- 25 **A There's three of them.**

58

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

- 1 Q So we have 15. What other items are you
- 2 referring to? Number 28?
- 3 **A Yeah, Number 28. And I don't see the third set.**
- 4 **I've looked for it before. I don't see it on**
- 5 **here, so I don't -- I don't know. It's an old**
- 6 **document.**
- 7 Q And so with regard to Number 28, Green Box NA
- 8 Green Bay employees would have worked on that
- 9 item as well?
- 10 **A Possibly.**
- 11 Q Do you know where they're located today?
- 12 **A No, I do not.**
- 13 Q And the afterdryer sets, I know that we've
- 14 talked about seven of them, but one set isn't on
- 15 this -- on this spreadsheet. Did Green Box NA
- 16 Green Bay ever own them, any of them?
- 17 **A Yes.**
- 18 Q And those marked, would that be only 31 and 32?
- 19 **A Correct.**
- 20 Q And what do you base your understanding of the
- 21 ownership on?
- 22 **A Purchase money, who bought them.**
- 23 Q And how are you aware of who bought them?
- 24 **A Well, on those two pieces, we purchased Patriot**
- 25 **with those as additional collateral in a payment**

59

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414 S. Jefferson St., Green Bay, WI

- 1 **to Varde. Patriot used to be called Stonehill**
- 2 **Converting, and there were several assets bought**
- 3 **and purchased from Stonehill Converting.**
- 4 Q So let's take a look at Item Number 18 and 30.
- 5 Number 18 and 30, one says GB Kool Unit Number 2,
- 6 and Item 30 says GB Kool Unit Number 1, correct?
- 7 **A Yes.**
- 8 Q And taking a look at Exhibit 30, is it your
- 9 understanding Green Box Green Bay owned that?
- 10 **A One of the units is owned by Green Box -- by**
- 11 **Green Box NA Green Bay, that's correct. I**
- 12 **believe it's the first unit.**
- 13 Q And then the second unit, who owns that?
- 14 **A The second unit would be owned by PCDI and**
- 15 **Green Box NA Detroit.**
- 16 Q So let's talk about GB Kool Unit Number 2.
- 17 Item 18. You indicate that Green Box Detroit
- 18 owns that and who else?
- 19 **A PCDI.**
- 20 Q How did they come into the ownership of that?
- 21 **A Paid for it.**
- 22 Q How?
- 23 **A Borrowing money from somebody and paid for it.**
- 24 Q Specifically who did they borrow money from to
- 25 acquire that?

60

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

- 1 **A Sitting here I wouldn't know.**
- 2 Q Well, let's back up a little bit. You -- you
- 3 understand the company of Clifton, correct?
- 4 **A Very much so. I sued them.**
- 5 Q Okay. So Clifton -- and you sued them
- 6 because -- is it fair to say because they did
- 7 not provide you with additional funds that you
- 8 believe they owed you under that agreement?
- 9 **A They signed a funding agreement for 5 --**
- 10 **\$4.5 million, almost 4.6, and they didn't fund a**
- 11 **million of that.**
- 12 Q And what is your understanding for that funding
- 13 agreement? What was that to be funding for?
- 14 **A There were five things that that funding was**
- 15 **supposed to be for.**
- 16 Q And what were those five things?
- 17 **A They -- they had the rights to buy ten units in**
- 18 **Canada; never funded them. They have the rights**
- 19 **to buy two units in Green Bay; never funded them.**
- 20 Q Two units of what?
- 21 **A Two GB Kool units in Green Bay. They were**
- 22 **750,000 apiece, so you know for sure they**
- 23 **couldn't have, because they didn't even put a**
- 24 **million one in. But you know you didn't buy two**
- 25 **GB Kool units. They know that. Okay? And you**

61

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1 **know it. Because I get a monthly statement**
 2 **saying what they did. So they put \$300,000 of**
 3 **working capital in, into Green Box NA Green Bay,**
 4 **and they paid for one GB Kool unit in Green Box**
 5 **NA Green Bay.**
 6 Q Do you recall Clifton wiring you \$300,000 for a
 7 deposit on a Kool unit?
 8 **A I remember Clifton paying short over a million**
 9 **dollars. That's what I know for sure.**
 10 Q Do you recall receiving a wire from Clifton of
 11 \$300,000?
 12 **A Not right now right here.**
 13 Q So you could have received one; you just don't
 14 remember either way?
 15 **A I have a document from Clifton that they send**
 16 **me every month that I can get you that shows**
 17 **exactly when all their payments came in. I have**
 18 **that. They send it to me every month.**
 19 Q I understand what you're referring to, but my
 20 question is, did you receive any money wired
 21 from Clifton?
 22 **A Did I receive any money wired from Clifton?**
 23 MR. PETITJEAN: I'll object to the
 24 question and the word "you." I assume you're
 25 talking about Green Box NA Green Bay? Or --

62

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1 Q Did you come into any knowledge of money being
 2 wired by Clifton?
 3 **A To whom?**
 4 Q Were you -- did you play a role in any receipt
 5 of any funds being sent by Green Box -- by
 6 Clifton?
 7 MR. PETITJEAN: I'll object to the
 8 form of the question.
 9 Q Well, let's strike that. You understand that
 10 there was an amended loan and investment
 11 agreement with Clifton, correct?
 12 **A Yes.**
 13 Q And as part of that agreement you were to be
 14 wired money for the purchase of certain pieces
 15 of equipment, correct?
 16 **A I was to be wired a total of \$4.5 million,**
 17 **correct.**
 18 Q And you were wired at least \$300,000, correct?
 19 **A Yes.**
 20 Q And you -- in what capacity were you receiving
 21 that money? Were you as an agent of Green Box
 22 Green Bay or some other entity?
 23 **A The note is with Earth, and the stock that they**
 24 **are holding as collateral is with Earth.**
 25 Q My question to you is, who do you think was

63

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 414 S. Jefferson St., Green Bay, WI

1 receiving the \$300,000 when it was wired?
 2 **A I don't know. I don't have that in front of me**
 3 **here today.**
 4 Q So you understand that \$300,000 was wired by
 5 Clifton, correct?
 6 MR. PETITJEAN: Objection. Asked and
 7 answered.
 8 **A It's on the Earth note. Okay?**
 9 Q So did Earth receive the \$300,000?
 10 **A Absolutely. Somebody did. I don't know who**
 11 **today. I can't tell you who. Can't tell you**
 12 **which company received it.**
 13 Q So taking a look at the Entry Number 18. It
 14 says Earth in the Liens Held By. Correct?
 15 There's -- Earth is set forth there, PCDI --
 16 **A In what number?**
 17 Q Number 18.
 18 **A 18. Yes.**
 19 Q PCDI is listed there, correct?
 20 **A Correct.**
 21 Q RVDH Investment, LLC is listed there, correct?
 22 **A Correct.**
 23 Q Why isn't Clifton listed there?
 24 **A Because Clifton's not on GB Kool Unit Number 2.**
 25 **They have no purchase money in for it.**

64

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 414 S. Jefferson St., Green Bay, WI

1 Q They didn't provide any -- they didn't have a
 2 lien for the money that they provided Earth to
 3 acquire that?
 4 **A Yeah, for Number 1.**
 5 Q Well, how did --
 6 **A Or Line item 30.**
 7 Q How did the -- how did you -- how did
 8 RVDH Investment, LLC, PCDI, or Earth obtain
 9 money to pay for that second Kool unit?
 10 **A Borrowed it.**
 11 Q From whom?
 12 **A Several people.**
 13 Q Who?
 14 **A I can't tell you right now right here. It's not**
 15 **part of Green Box NA Green Bay. I don't know.**
 16 Q Was money from Clifton used to acquire that?
 17 **A No.**
 18 Q With regard to Item Number 30, the GB Kool Unit
 19 Number 2, was money from Clifton used to acquire
 20 that?
 21 **A If you say Number 30, GB Kool Unit Number 1.**
 22 Q I'm looking right at Exhibit Number 2, entry
 23 Number 30. GB Kool Unit Number 1. Do you see
 24 that on that page in front of you?
 25 **A I do.**

65

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- 1 Q Was money from Clifton used to acquire that
2 unit?
- 3 **A Yes, and the installation of it.**
- 4 Q And from the inception of its acquisition, where
5 was it located?
- 6 **A In the building on American Boulevard.**
- 7 Q Did that location ever change?
- 8 **A No.**
- 9 Q Taking a look at Item Number 18, from the
10 inception of its acquisition, where was it
11 located? Take me through all locations that
12 it's been to, to the best of your knowledge.
- 13 **A I wouldn't be able to do that.**
- 14 Q Let's do your very best to recollect. Where has
15 it been located?
- 16 **A I know several places, but I don't know where.
17 I don't know if I have all of them.**
- 18 Q Well, name the ones you do know, please.
- 19 **A Parkview and Eco Fibre are two of the places
20 that I know of, but I don't have enough
21 information.**
- 22 Q And when you say Eco Fibre, do you have a street
23 address or a commonly referred to address for
24 Eco Fibre?
- 25 **A 500 Fortune Avenue.**

66

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414 S. Jefferson St., Green Bay, WI

- 1 Q And it was located at the 500 Fortune Avenue.
2 Is it still there?
- 3 **A No.**
- 4 Q Where is it now?
- 5 **A I don't know.**
- 6 MS. OGDEN: Let's mark this as
7 Exhibit 3.
8 (Exhibit 3 marked for identification.)
- 9 Q The second GB Kool unit, Number 2, which is
10 referred to in Item 18, that was located at the
11 500 Fortune Avenue building this past summer,
12 2015, correct?
- 13 **A Could be. I don't know.**
- 14 Q And that was also located in the 500 Fortune
15 Avenue in the fall of 2015, correct?
- 16 **A I don't -- I wouldn't be able to answer that.**
- 17 Q Do you recall providing -- responding to the
18 receiver asking you about the location of that
19 unit?
- 20 **A Yes.**
- 21 Q And do you recall what you provided?
- 22 **A No, I don't.**
- 23 Q Would it be fair to say that as of November of
24 2015 you indicated it was still located at the
25 500 Fortune building?

67

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414 S. Jefferson St., Green Bay, WI

- 1 **A Could be.**
- 2 Q And it is no longer located there, correct?
- 3 **A I know it's not there now.**
- 4 Q And how do you know it's not there now?
- 5 **A The parties that paid for it, with Earth and with
6 PCDI, have been trying to get an environmental
7 permit to put it somewhere, and I know it's
8 somewhere in South Carolina right now.**
- 9 Q What do you mean, parties that paid for it?
10 Could you explain that for me?
- 11 **A People that bought it.**
- 12 Q Well, when we talked about this previously, it
13 was my understanding that it was purchased by
14 RVDH LLC, PCDI, and Earth. Correct?
- 15 **A Correct.**
- 16 Q So are those the companies that you say -- that
17 you're referring to now?
- 18 **A No.**
- 19 Q Who are you referring to then?
- 20 **A There is a bank that gave money to PCDI to
21 purchase part of it, there is monies that RVDH
22 spent to purchase part of it, and there's monies
23 that Earth paid to purchase some of it.**
- 24 Q Okay.
- 25 **A They're 830,000 apiece. So, you know, Clifton**

68

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- 1 **didn't buy two of them. They only funded a
2 million dollars.**
- 3 Q So RVDH Development --
- 4 **A Yep.**
- 5 Q -- used money to purchase the Kool unit? Was
6 this pooled together?
- 7 **A It's pooled together, yes. You borrow money and
8 you pool it together. Because certain aspects
9 of the Kool unit are owned by different
10 companies. The compressed gas technology is
11 from someone else, the oil unit is from someone
12 else, the purification for carbon black is by
13 someone else. Three different technologies into
14 one unit.**
- 15 Q Where did RVDH Development receive its funds to
16 contribute towards the purchase?
- 17 **A I wouldn't be able to tell you that sitting here.**
- 18 Q What bank account was used to purchase that?
- 19 **A I wouldn't be able to tell which account used it.**
- 20 Q What accounts could it have been?
- 21 MR. PETITJEAN: Objection as to
22 questions to that company. It's not as to
23 Green Box NA Green Bay. Ron, it's up to you to
24 answer.
- 25 **A I can't answer it. I don't know.**

69

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1 Q What bank accounts did RVDH Development have at
2 the time that the second Kool unit was acquired?

3 MR. PETITJEAN: Same objection that I
4 had before. Ron, it's up to you to answer.
5 It's not related to Green Box NA Green Bay.

6 **A First of all, I don't know the time. Secondly,**
7 **I wouldn't be able to sit here and tell which**
8 **bank I was banking with at the time.**

9 Q How much did RVDH Development use to contribute
10 towards its acquisition of the second Kool unit?

11 **A The total was 830,000, and I do not know how it**
12 **broke out by the dollar to which company.**

13 Q Let's take a look at what has been marked as
14 Exhibit 3. Do you recognize that document?

15 MR. PETITJEAN: Take your time
16 reviewing it, Ron. I'd like to see it also
17 before you answer questions.

18 **A (Reviewing document.) I've never seen that**
19 **before.**

20 Q How do you know that the second Kool unit was
21 transferred out of the 500 Fortune Avenue
22 building?

23 **A The partner that's with our technology is**
24 **Advanced Resource -- Advanced Resource**
25 **Materials -- no. It would be Advanced -- I**

70

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414 S. Jefferson St., Green Bay, WI

1 forget what their name is. **A-R-M. It's**
2 **Advanced Resource -- Materials. It might be**
3 **Materials. They're the ones that paid for a big**
4 **portion of that unit. They borrowed it to PCDI.**
5 **RVDH paid for the compressed gas piece, and**
6 **for the oil storage unit was paid for by Earth,**
7 **under Earth's technology. The purification of**
8 **the carbon black is paid for by Earth also.**

9 Q How do you know that it was transferred out of
10 the state?

11 **A Because we tried -- as you can see here, somebody**
12 **from Detroit, we tried moving it to Detroit, but**
13 **we can't get a permit in the city. We tried --**
14 **and because we don't -- the building's in**
15 **question, we couldn't get a permit for Wisconsin.**
16 **So Doug Hickerson got a permit somewhere, I**
17 **don't know if it's in the city of Easley, I**
18 **don't know where it is, somewhere in South**
19 **Carolina. Doug Hickerson has a facility that we**
20 **permitted to use this unit.**

21 Q You can keep that exhibit in front of you. I
22 have a copy. Thank you.

23 **A Okay.**

24 Q So when did Doug Hickerson come into possession
25 of this piece of equipment?

71

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1 **A When he signed and paid for it.**

2 Q How did he -- how did this transaction come
3 about? I -- we have a big gap here that I'm
4 trying to fill. It was located at 500 Fortune
5 Avenue as of November of 2015, and now this
6 equipment is in South Carolina. So my question
7 to you is, how did this -- who played a role in
8 the transaction? All the parties that would
9 have played a role in the movement of this
10 second Kool unit.

11 MR. PETITJEAN: Object to the form of
12 the question. Answer if you can.

13 **A Well, the receiver knows that ARM has had a**
14 **\$200,000 lien on Green Box NA Green Bay. He**
15 **knows that. Okay? And he knows it was a debt**
16 **because we listed it. Okay? That \$200,000 for**
17 **all intents and purposes is lost because**
18 **Cliffon has a first on Unit Number 1, and he**
19 **paid to help develop the Kool part of Makool's**
20 **GB Kool Unit Number 1. We are suing them for**
21 **the fact that their unit can't do eight tons a**
22 **day, okay? And that's -- that's how this thing**
23 **came about. RVDH put an additional \$600,000 in,**
24 **so now the units are over a million dollars, and**
25 **we got it to work.**

72

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1 MS. OGDEN: Could I please mark this
2 as Exhibit 4.

3 (Exhibit 4 marked for identification.)

4 Q I'm handing you what has been marked as
5 Exhibit 4. Do you recognize that as a document
6 that was previously produced to the receiver in
7 this action?

8 **A This would be Unit Number 2, yes.**

9 Q And this is something that you produced to the
10 receiver, correct?

11 **A That I don't know.**

12 Q Is that your signature on the first page of
13 Exhibit 4?

14 **A "Detroit is still missing several parts that**
15 **were paid for by GB ARM."**

16 **Yes, this is something I would have signed a**
17 **month ago.**

18 Q So the first page is a -- is it fair to say a
19 recitation of your statements with regard to the
20 two Kool units we've been discussing, Number 18
21 and 30 of the spreadsheet?

22 **A That's correct.**

23 Q And then if you take a look at the second page,
24 there's a document called Product Sales
25 Agreement. Do you see that?

73

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- 1 **A Yeah. This is one of two. Yes.**
 2 Q There's a second Product Sales Agreement?
 3 **A Yeah.**
 4 Q For the -- for the second Kool unit?
 5 **A For the first one.**
 6 Q Okay. So the Product Sales Agreement that you
 7 produced to the receiver relates to the purchase
 8 of the second Kool unit, correct?
 9 **A This one is Detroit's. Correct.**
 10 Q And if you look at the first paragraph on that
 11 document, it says the -- the "Buyer," at the
 12 very -- the very last line at the end of that
 13 paragraph, "Buyer."
 14 **A Yes.**
 15 Q And are you referring to Green Box NA Detroit as
 16 the buyer?
 17 **A In this one, yes.**
 18 Q And does it to the left of that also say
 19 Green Box NA Green Bay, correct?
 20 **A Green Box NA Green Bay has the master agreement**
 21 **with Kool out of Arkansas. They have the master**
 22 **agreement. But I can designate any purchase**
 23 **from Kool by a different Green Box entity, like**
 24 **Houston will buy its own, or Atlanta will buy**
 25 **its own, or Detroit will buy its own. So every**

74

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

- 1 **time, Green Box NA would have been mentioned in**
 2 **the agreements.**
 3 Q So when the transition of this second Kool unit
 4 occurred, who played a role in that decision?
 5 Green Box NA Green Bay or Green Box NA Detroit?
 6 **A Green Box NA Detroit is where it is.**
 7 Q But my question is, if you take -- well, you
 8 have that in front of you. If you could also
 9 refer to what has been marked as Exhibit 3.
 10 **A Sure.**
 11 Q It says the shipper, on the bottom left-hand
 12 corner, is Green Box. Why was -- who -- which
 13 entity Green Box was the shipper there? Who are
 14 you referring to there?
 15 **A It would be Green Box NA Detroit.**
 16 Q And how do you know that?
 17 **A Because I know, because Detroit is where we were**
 18 **trying to get this permitted to put it in from**
 19 **the first day we got it.**
 20 Q Who completed this bill of lading?
 21 **A No idea. Not me.**
 22 Q Did Mr. Glimes complete this?
 23 **A Mark -- can't read it good, but it looks like it**
 24 **could be Brian Glime.**
 25 Q And who is Brian Glimes employed by?

75

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- 1 **A Plant manager of Eco Hub Wisconsin.**
 2 Q Who was he employed -- has he always been
 3 employed by Eco Hub Wisconsin? Is that who pays
 4 him his paychecks today?
 5 **A Eco Hub Wisconsin is paycheck today. Mine would**
 6 **be -- he's a 20-year employee also. He would**
 7 **have been through the four companies where Tammy**
 8 **and Phil would have been through.**
 9 Q Who supervises Mr. Glimes?
 10 **A Sometimes me, sometimes Brian Ericky (phonetic).**
 11 Q Anyone else?
 12 **A He might have worked for Aaron Nelson for a**
 13 **period. He would have worked for Steve Peters**
 14 **for a period. I wouldn't be able to give you**
 15 **dates when he worked for each -- each one.**
 16 Q So when Mr. Glimes prepared this bill of lading,
 17 under whose direction was he following to do so?
 18 **A Mr. Hickerson would have come here and got that**
 19 **because he paid for the freight. And he hired**
 20 **the carrier.**
 21 Q Is Mr. Hickerson affiliated as an employee or
 22 agent of Green Box NA Green Bay?
 23 **A No.**
 24 Q Is Mr. Hickerson an employee or agent of
 25 RVDH Development, LLC?

76

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

- 1 **A No.**
 2 Q Is he an employee or agent of PCDI?
 3 **A No.**
 4 Q Is he an employee or agent of Earth?
 5 **A No.**
 6 Q So why would he direct Mr. Glimes to do this?
 7 **A Because he is a partner, managing partner, in**
 8 **PC ARM or GB ARM. He is a partner in both of**
 9 **those entities.**
 10 Q Why would Mr. Glimes take direction from
 11 those -- from him?
 12 **A Because he was there when it first arrived at**
 13 **his building, and it came out of Brian Glime's**
 14 **managed pulp facility at 500 Fortune Avenue.**
 15 Q When did you become aware of the transfer of this
 16 second Kool unit to Mr. Hickerson's possession?
 17 **A He sent me a photograph when it was in Easley.**
 18 **I have not been able to visit the Easley**
 19 **facility yet. Therefore, I don't know the**
 20 **address. But I have worked with a firm down**
 21 **there permitting it.**
 22 Q But on what date did you become aware of its
 23 transfer out of the 500 Fortune Avenue?
 24 **A I don't remember.**
 25 Q To the best of your recollection, would it have

77

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- 1 been last week?
- 2 **A I don't know. Well, I know it wasn't last week.**
- 3 Q Would it have been around this -- on or about
- 4 the time of its transfer?
- 5 **A What is the date on here?**
- 6 Q Do you recall when this would have occurred,
- 7 when you would have -- when was the first time
- 8 you became aware of the transfer of the second
- 9 Kool unit?
- 10 **A Like I said, it's when I got the pictures, but I**
- 11 **don't remember what date that was.**
- 12 Q And pictures of -- of what were sent to you?
- 13 **A Of the delivery and its setup in Easley.**
- 14 Q And who sent you these photos?
- 15 **A Doug Hickerson.**
- 16 Q And where are these -- these pictures that were
- 17 sent to you by Doug Hickerson today?
- 18 **A In Mr. Hickerson's file.**
- 19 Q But they would have been sent to you. Where did
- 20 you put them when they came into your possession?
- 21 **A I never send out an email. I never receive an**
- 22 **email. He sent it to my email, and they would**
- 23 **have put it in his file. And I don't know which**
- 24 **one of my people would have done that.**
- 25 Q So Mr. -- I'm just trying to follow what you're

78

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414 S. Jefferson St., Green Bay, WI

- 1 telling me here. Mr. Hickerson would have sent
- 2 you a photo of the facility that was going to
- 3 house the second Kool unit, correct?
- 4 **A Correct.**
- 5 Q And this photo was sent to you by Mr. Hickerson
- 6 by an email?
- 7 **A It would have came to me by email.**
- 8 Q And what email account was that sent to?
- 9 **A It was my email account, but my email account is**
- 10 **picked up by four or five people every day, and**
- 11 **they send them out every day. I do not send out**
- 12 **emails and I do not receive emails.**
- 13 Q And what is the email account address?
- 14 **A rvdh@greenboxna.com.**
- 15 Q And who would monitor this email other than you?
- 16 You said four or five other people.
- 17 **A I never monitor it.**
- 18 Q So who would have accessed this email on your
- 19 behalf?
- 20 **A One of them five people.**
- 21 Q Specifically the five people that we talked
- 22 about previously? Anyone else?
- 23 **A No.**
- 24 Q So I assume Dan Thames did not access this,
- 25 correct? Or did he?

79

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- 1 **A I don't know if it would have been before or**
- 2 **after Dan. I wouldn't be able to tell you.**
- 3 Q Anyone else other than Laura, Mike, Phil, and
- 4 Tammy who would have accessed your email?
- 5 **A There are other people that can, but I doubt it**
- 6 **if they would have.**
- 7 Q Who else can access your email?
- 8 **A Tammy.**
- 9 Q Other than the --
- 10 **A Nicole.**
- 11 Q Who's Nicole Rabe?
- 12 **A She's a bookkeeper, a CPA.**
- 13 Q What is her last name?
- 14 **A R-a-b-e.**
- 15 Q And where --
- 16 **A Rabe.**
- 17 Q With whom is she employed?
- 18 **A She works underneath Tammy. Eco Hub Wisconsin.**
- 19 Q Was she ever employed by Patriot Tissue?
- 20 **A No. Patriot Tissue has never had employees.**
- 21 Q Was she ever employed by Green Box Green Bay?
- 22 **A Possibly. Yes, she would have been.**
- 23 Q Has Tammy Phillips ever been employed by
- 24 Green Box Green Bay?
- 25 **A Yeah. I've given you that already.**

80

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- 1 Q Would Nicole have been hired by PCDI at any
- 2 point in time?
- 3 **A No. Nicole would have been a Green Box NA**
- 4 **Green Bay or an Eco Hub Wisconsin. That would**
- 5 **be her limit. She came when we purchased**
- 6 **Stonehill Converting.**
- 7 Q With regard to the acquisition of the second Kool
- 8 unit, what documents reflect that acquisition?
- 9 **A I wish I could tell you, but the Brown County DA**
- 10 **has them.**
- 11 Q Do you have any other sources of documentation
- 12 with regard to that acquisition whatsoever?
- 13 **A Whatever I've given, that's all I have. We have**
- 14 **some stuff that's on cloud, but that's the only**
- 15 **access. They took everything and our servers.**
- 16 Q What is accessed on cloud -- on the cloud?
- 17 **A If something came in and we did cloud it**
- 18 **after -- after mid '14 we clouded some**
- 19 **documents. Or it's possible -- it's not in**
- 20 **cloud or I would have given it to you. So I**
- 21 **have nothing else. But there is a lot in paper.**
- 22 Q And then the transfer of the second Kool unit to
- 23 Mr. Hickerson -- is it Hickerson or Hickson?
- 24 **A Hickerson.**
- 25 Q The transfer of the unit to Mr. Hickerson, what

81

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414 S. Jefferson St., Green Bay, WI

1 documents do you have in your possession relate
2 to that transfer?

3 **A There's nothing I have in my possession.**
4 **Because GB ARM and PC ARM were prior to the**
5 **search, so I don't have any of that. But it was**
6 **his money that bought the unit.**

7 Q But the transfer of the second Kool unit just
8 happened within the past several months, correct?

9 **A Oh. I thought you were talking transfer of**
10 **ownership. Excuse me. The transfer of the**
11 **unit, we've been trying to permit it for over a**
12 **year. It's been sitting, not installed, for**
13 **over a year.**

14 Q And who is "we have been trying to permit it"?
15 When you say "we," who is that?

16 **A It would be PC Fibre and ARM, Advance Resource**
17 **Materials.**

18 Q And all the documents that relate to that
19 effort, where are they located?

20 **A Right now they're in Brown County.**

21 Q Brown County has come in and grabbed documents
22 within the past several months?

23 **A No, no. I don't have any documents other**
24 **than -- I didn't even see this (indicating**
25 **document). On the shipping down there, I don't**

82

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414 S. Jefferson St., Green Bay, WI

1 **have anything. The only thing I would have is**
2 **where we were trying to get the environmental**
3 **permit.**

4 Q Okay. Let's break that up. The environmental
5 permit, any documents regarding that that have
6 occurred within the past three months?

7 **A Sure.**

8 Q Where are those documents located?

9 **A I have those documents. I can get them to you**
10 **if that's what you want.**

11 Q Where are they located?

12 **A They'd be located at my office.**

13 Q And where is that?

14 **A At 2077-A and B. You know that. You've been**
15 **there.**

16 Q Where do you hold those documents? Are they in
17 paper form or on a computer?

18 **A They're in paper form.**

19 Q Do you recall receiving a request for all
20 documents related to the transfer of the second
21 Kool unit? Did you receive any requests from
22 your counsel that was provided by -- on behalf
23 of Clifton? Did you ever see any requests
24 regarding that previously?

25 **A I sent this on the 7th of January (indicating**

83

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1 **document). I do not remember anybody asking for**
2 **GB ARM or PC ARM environmental documents. It**
3 **has nothing to do with the transfer.**

4 Q Do you recall receiving any request since
5 January 7th of 2016 regarding the location and
6 movement of the second Kool unit?

7 **A The location is right here, yes (indicating**
8 **document). I've given you this.**

9 Q My question to you is, since that time, have you
10 received any other requests regarding the
11 location and transfer of the Kool -- second Kool
12 unit?

13 **A Has there been another request since January 7th?**
14 **If there has been, I don't remember seeing it.**

15 Q When this was transferred to Mr. Hickerson, was
16 it -- was there any money provided in the
17 exchange of that transfer?

18 **A I told you. He came up here, paid for the**
19 **loading, and paid to -- to transfer it down**
20 **there. I didn't have nothing to do with it.**

21 Q How did he pay for that?

22 **A I don't know.**

23 Q Did he use cash or a check?

24 **A I have no idea.**

25 Q How are you aware that was done then?

84

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1 **A Truckers don't work for nothing. And these**
2 **people that came there with the crane to load**
3 **it, that -- I'm sure -- somebody has to pay for**
4 **that. And I didn't. So somebody had to pay for**
5 **it. I'm -- and Mr. Hickerson came here himself,**
6 **so --**

7 Q So who did -- so who was paying for this to be
8 transferred? Is this -- why did this come about?
9 I apologize, but I'm really having a disconnect
10 in understanding why this transfer came about.
11 Could you explain to me why this was transferred
12 from 500 Fortune Avenue to Mr. Hickerson's
13 possession?

14 MR. PETITJEAN: I'll object. I
15 believe it's been asked and answered.

16 Q Well, --

17 **A We --**

18 Q -- I'm not quite getting it so --

19 **A I'll go slow.**

20 Q -- if you could indulge me I would appreciate
21 it. You could explain to me exactly why this
22 was -- this came about.

23 **A Very difficult to permit a tire reclamation**
24 **unit. Very difficult. A lot of people don't**
25 **want it in their neighborhood. We tried**

85

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1 **Detroit, we tried adding another one on**
 2 **American Boulevard; couldn't get it done. Okay?**
 3 **We tried doing it on Red Maple Road; couldn't**
 4 **get it done. Mr. Hickerson and Randy Moore, his**
 5 **partner, came here, we tried to do it in**
 6 **East De Pere; couldn't get it done. They found**
 7 **a place in Easley, South Carolina, and we did**
 8 **get it done. So when you permit a place to get**
 9 **it done, there's four of them there, and they**
 10 **are buying four units with our technology to put**
 11 **them in Easley, South Carolina. They got a**
 12 **building, and we got it permitted.**
 13 Q Okay. So Mr. Hickerson is an agent or
 14 representative of who?
 15 A **Advanced Resource Materials. I call them ARM.**
 16 Q And who is ARM?
 17 A **ARM is a bunch of people that want to do**
 18 **biofuels and green things.**
 19 Q Are they affiliated with Green Box Green Bay?
 20 A **They signed the original agreement with**
 21 **Green Box NA Green Bay, and -- because they had**
 22 **a lien with the receiver, it's on there, and**
 23 **they had a lien of \$200,000 to further develop**
 24 **the N270 carbon black for lithium batteries.**
 25 **Okay? We hold that patent. Okay? At PC Fibre.**

86

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1 **Then we tried putting that in, and we were going**
 2 **to do it on Clifton's unit also. Okay? So**
 3 **that's why their lien is still sitting on**
 4 **Green Box NA Green Bay, because they have a GBSA**
 5 **on Green Box NA Green Bay for the purification**
 6 **part of Clifton's unit. And that -- it's still**
 7 **there today. Then, since then, we've decided to**
 8 **put four more in Easley.**
 9 Q And when you say "we," who's "we"?
 10 A **PC Fibre and ARM. The patent is held by**
 11 **PC Fibre.**
 12 Q And are there any documents that relate to this
 13 decision that has been made by PC Fibre?
 14 A **Sure.**
 15 Q And where are those documents?
 16 A **They're at my office. "Tire System Biofuels**
 17 **Number 57." Yes, it's already there. The**
 18 **patent is there. Yep.**
 19 Q What other documents do you have that reflects
 20 the ownership of the second Kool unit by
 21 Green Box NA Detroit?
 22 A **I don't have anything in my possession.**
 23 Q Are you aware of any other documents other than
 24 the document that relates to the purchase
 25 agreement that was previously produced by the

87

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 414 S. Jefferson St., Green Bay, WI

1 receiver?
 2 A **There's probably 200 pages that the district**
 3 **attorney has.**
 4 Q Other than documents that are in the possession
 5 of the district attorney office, are you aware
 6 of any other documents?
 7 MR. PETITJEAN: Object to the form of
 8 the question. You're talking in a -- to -- in
 9 addition to Exhibit Number 4 and the documents
 10 in possession of the D.A.'s office, are there
 11 any additional documents he knows of?
 12 MS. OGDEN: Correct.
 13 A **I don't believe so.**
 14 Q How were you aware as of November 20th, 2015,
 15 that the second Kool unit was located at the
 16 Fortune Avenue location?
 17 A **I had brought some city people through, because**
 18 **they are going to use the reclamation system,**
 19 **and I seen it was still there.**
 20 Q And then when did you next become aware that it
 21 was no longer located at the 500 Fortune Avenue
 22 location?
 23 A **I answered this already. When I got the**
 24 **pictures from Mr. Hickerson.**
 25 Q And about what time would that have occurred?

88

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 414 S. Jefferson St., Green Bay, WI

1 A **I don't remember sitting here.**
 2 Q Who would have communicated with Mr. Hickerson
 3 about this transfer other than you?
 4 A **Don't know. Can't answer that.**
 5 Q Was anybody else part of the phone calls that
 6 you would have had with Mr. Hickerson?
 7 A **My emails are back and forth, and a lot of**
 8 **people might have communicated with him. But I**
 9 **don't know.**
 10 Q Were you the primary contact for Mr. Hickerson
 11 with regard to the transfer of this --
 12 A **No.**
 13 Q -- second Kool unit?
 14 A **No.**
 15 Q Who was the primary contact with regard to
 16 setting up this transfer?
 17 A **I can't tell you that right here. But we knew**
 18 **once it got permitted that he was going to move**
 19 **it, and he did.**
 20 Q When you say "we," who do you mean by that?
 21 A **Our -- our staff, our office.**
 22 Q Whose office?
 23 A **Earth and PC Fibre's office knew that.**
 24 Q Anyone in particular at those two offices?
 25 A **No.**

89

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 414 S. Jefferson St., Green Bay, WI

- 1 Q Was Mr. Gilmes obviously -- I assume he was aware
2 of the transfer of this piece of equipment,
3 correct?
- 4 **A I would say so.**
- 5 Q Who do you understand as owning the second Kool
6 unit, sitting here today?
- 7 **A ARM and PC Fibre.**
- 8 Q And how did they come into -- how do you
9 understand they own it?
- 10 **A Paid for it.**
- 11 Q How did they pay for it?
- 12 **A Sent money to Mr. Kool and sent money to me.**
- 13 Q And when did they send this money?
- 14 **A Last year sometime, maybe '14. Some of the
15 original money, it doesn't say that in there,
16 but they would have paid for the unit -- they
17 sent the money -- you seen it there.**
- 18 Q They sent the money to you to --
- 19 **A Yeah.**
- 20 Q -- what bank account?
- 21 **A They would have sent the money to either Detroit
22 or PC Fibre. You can tell for sure that it
23 wasn't them because on September 16th they -- we
24 weren't dealing with Clifton, so the money
25 that's talked back and forth here between Kool**

90

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414 S. Jefferson St., Green Bay, WI

- 1 receiving -- "yes, we received the wire," it
2 wouldn't have been -- it wouldn't have been from
3 Clifton.
- 4 Q Where was this money that was provided to you
5 for the acquisition of this second Kool unit
6 deposited?
- 7 **A What -- you mean from him? From ARM?**
- 8 Q (Nods head up and down.)
- 9 **A I don't know. I wouldn't know what company they
10 went through, sitting here today. That wasn't a
11 question -- that wouldn't be part of the
12 receivership, so I wouldn't have even known to
13 look at it.**
- 14 Q Who provides the insurance coverage for the
15 second Kool unit?
- 16 **A Be under PC Fibre's blanket under Earth.**
- 17 Q And who pays for those -- that insurance
18 coverage?
- 19 **A Earth.**
- 20 Q And out of what bank accounts do they pay for
21 that insurance coverage?
- 22 MR. PETITJEAN: I'll object to the
23 question as it's not related to Green Box NA
24 Green Bay, LLC. It's up to you whether you're
25 going to answer or not.

91

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414 S. Jefferson St., Green Bay, WI

- 1 **A I wouldn't know. Couldn't answer it.**
- 2 Q You don't know who pays for the insurance
3 coverage of the Kool unit, second Kool unit?
- 4 **A No. No. I wouldn't know.**
- 5 Q Do you ever look at the insurance coverage
6 payments?
- 7 **A I meet with them once a year. I look at
8 these -- these updated sheets and where the
9 equipment is, because if you don't notify the
10 insurance company and a fire happens or
11 something happens, you don't get paid.**
- 12 Q Who would you have to contact -- who does
13 monitor the insurance coverage?
- 14 **A Phil does some of it.**
- 15 Q Other than Phil Reinhart, who monitors the
16 insurance coverage?
- 17 **A I would look at it from a -- from a standpoint
18 to make sure that it was updated, and if we
19 bought anything new I would want to make sure
20 somebody added it to the list.**
- 21 Q Is the second Kool unit still being covered by
22 the insurance through Earth?
- 23 **A Yes.**
- 24 Q And who is listed as the beneficiary of that
25 insurance coverage?

92

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- 1 **A Not sure if it would be PC ARM, not sure if it
2 would be Earth. I'm not sure.**
- 3 Q Where would the documentation related to that
4 insurance coverage be located?
- 5 **A At Brown County.**
- 6 Q Was there any maintenance ever performed on the
7 second Kool unit prior to its transfer to the
8 Carolina?
- 9 **A No.**
- 10 Q What was your understanding of the condition of
11 the GB Kool unit at the time of -- prior to its
12 transfer?
- 13 **A It was never installed. You can't install
14 something without an environmental permit, so --
15 couldn't be installed.**
- 16 Q Where is the information relating to the
17 permit -- is it North Carolina or South Carolina?
18 Because -- and the reason why I ask is that I've
19 seen some documentation refers to it as being in
20 North Carolina, but I think you've referred to
21 it being in Easley, South Carolina. Do you know
22 which state it's in?
- 23 **A I haven't been there. I'm sorry. I -- I know
24 it's in one of the Carolinas.**
- 25 Q Other than you, who else would have the best

93

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1 information regarding the -- the -- this
2 transaction?
3 **A My partners.**
4 Q And what partners are those?
5 **A ARM.**
6 Q And who in -- ARM is an entity, correct?
7 **A Sure.**
8 Q So if you had to find a live body to do the
9 talking on behalf of -- who would that be?
10 **A Mr. Hickerson.**
11 Q Anyone else?
12 **A Could be Randy Moore.**
13 Q And where is Randy Moore located?
14 **A He's in Atlanta. Mr. Hickerson is in -- he**
15 **lives in Charleston.**
16 Q And do you have their specific home addresses?
17 **A No.**
18 Q Do you have their phone numbers?
19 **A I would have their phone numbers at the office,**
20 **but I don't have them with me.**
21 Q And I understand you would have their email
22 addresses, correct?
23 **A They would have their email addresses, sure.**
24 **You have them. Or the County has them. Whoever**
25 **took my server, they have them.**

94

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1 Q Is it my understanding that the County took all
2 of your computers? Is that correct? Or untrue?
3 **A The word "all" is not correct.**
4 Q So a few computers were left behind?
5 **A No.**
6 Q I guess where I'm going with the question is,
7 you are talking about conducting email and using
8 a computer to do the email. Is this a computer
9 you've had since the time that -- prior to the
10 warrant and the seizures or afterwards?
11 **A The server, while it carries emails, you can**
12 **retrieve emails without being on the server.**
13 **You know that. Okay? We can Wi-Fi and we cloud**
14 **a lot of receivable -- a lot of our received and**
15 **sent-out emails. Anything sent to the mail, we**
16 **have no -- nothing left. Since July 2nd of '15,**
17 **we scan and cloud everything. So no one could**
18 **ever take it.**
19 Q Okay. And how do you access what has been done
20 since July?
21 **A Well, you would have to know approximately the**
22 **time, and then you would call in to Microsoft**
23 **Cloud and you would pull from that time period.**
24 Q Do you do this?
25 **A No.**

95

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1 Q Who does this for you?
2 **A People. I get 380 emails a day. That's a lot**
3 **of emails. And there's a lot of stuff in there.**
4 **Okay? So it's a very busy, very big office and**
5 **undertaking, and there are a lot of people that**
6 **work there and do a good job. But how they do**
7 **it and how they do the remarkable job they do, I**
8 **don't know.**
9 Q But my question to you is who helps you do that
10 specifically?
11 **A Those five people, plus many others. There are**
12 **others that help.**
13 Q If you need to go and access something in this
14 cloud, who would you go to first?
15 **A Depends what it was.**
16 Q If it's anything to relate to the items that
17 have been identified in Exhibit 1, who would you
18 speak with?
19 **A Probably go to Jeremy first.**
20 Q Jeremy who?
21 **A I don't know his last name, but Jeremy is a**
22 **third party. Doesn't work for me. He's a**
23 **third-party IT person we hire.**
24 Q And where -- where is he located? What is the
25 entity, the third-party entity?

96

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1 **A I don't know the name of his company. I just**
2 **call Jeremy. He's on my speed dial.**
3 Q So you have his phone number? Is it a --
4 **A I don't know his phone number, but he's on my**
5 **speed dial.**
6 Q And this is a local third-party company?
7 **A Yes.**
8 Q Since the appointment of the receiver in this
9 action, have you moved any of the items that
10 we've talked about on this sheet?
11 MR. PETITJEAN: I have.
12 MR. THILL: Can you clarify which
13 sheet?
14 Q On the -- I'm sorry. For the record, the
15 Exhibit 1. Have you -- let's -- taking a look
16 at this exhibit, have you transferred any of
17 these items set forth on here besides the second
18 Kool unit?
19 MR. PETITJEAN: I'll object to the
20 form of the question. There's two separate
21 questions out here. One was about the items
22 that we've talked about, and then the second one
23 was as to the entire sheet.
24 Q Well, let's just start broadly. Taking a look
25 at all of the items listed on this exhibit, have

97

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414 S. Jefferson St., Green Bay, WI

1 you transferred them anyplace beyond --
 2 MR. PETITJEAN: Ron, before you
 3 answer that question, I'm instructing you to go
 4 through the list of assets and detail before you
 5 can -- before you respond, please.
 6 **A John and Brittany, I can't answer that because I**
 7 **can tell you the Green Box NA Green Bay have not**
 8 **moved. I cannot answer to all the rest of the**
 9 **equipment and technologies, whether they were**
 10 **moved daily or not. Because they are moved a**
 11 **lot.**
 12 Q Why are they moved a lot?
 13 **A We are building a billion-dollar company, and we**
 14 **are putting them -- we closed 42 companies**
 15 **because the patent has been put out now. So we**
 16 **closed the 42 companies that held the various**
 17 **parts, and now the assets are all in, as they're**
 18 **labeled here. But they do move. I mean, we**
 19 **license technology weekly. And the second page**
 20 **is all technology. We license that every week.**
 21 Q With regard to all of the items that are set
 22 forth on this, other than you, who would have --
 23 would there be anyone with more knowledge
 24 about -- if you had the opportunity to sit down
 25 and look at the current list, is there anyone

98

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

1 else that would have better knowledge with
 2 regard to all -- review of these items other
 3 than you?
 4 **A Better knowledge, no. But if five or six people**
 5 **were in a room, their consensus would be greater**
 6 **than mine.**
 7 Q And the five or six people are the individuals
 8 you identified previously: Dan Thames,
 9 Laura Pfothenauer, Mike Garsow, Phil Reinhart,
 10 and Tammy Phillips?
 11 **A Yes. But if I was going to answer your**
 12 **question, I'd probably add four more.**
 13 Q And who would you add?
 14 **A I'd add Jeremy.**
 15 Q The IT person, correct?
 16 **A Yeah, I'd add him. I would add Ed Kolasinski,**
 17 **the CFO. I'd add him. Okay? I would add**
 18 **Brian Glime, because I don't know for sure what**
 19 **has come in and out of Eco Fibre. And I would**
 20 **Doug Hanus.**
 21 Q And all of those individuals are presently
 22 residing and working in Green Bay, correct?
 23 **A Yeah. There's 56 employees that work.**
 24 Q And you regularly see them, correct?
 25 **A All 56? No.**

99

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1 Q No, they're --
 2 **A I see Ryan and Doug once a week.**
 3 Q The nine people we talked about that you would
 4 use as a resource to understand this exhibit,
 5 they are all located in Green Bay, and you have
 6 regular contact with them, correct?
 7 **A I don't have regular contact, I'd like to define,**
 8 **but do I talk to them once a month? Yes.**
 9 Q You have no reason to believe you wouldn't be
 10 able to talk to them in the next couple of days,
 11 correct?
 12 **A I have no idea.**
 13 Q You know how to find them if you wanted to speak
 14 with them, correct?
 15 **A I don't know if any of them are on vacation. I**
 16 **wouldn't know that. They wouldn't get permission**
 17 **from me to do that. I can't answer that.**
 18 Q Taking a look at Exhibit 1, Items 30 through 39,
 19 do you see those items?
 20 **A Yes.**
 21 Q And you indicate those are all items that are in
 22 the possession or owned by Green Box Green Bay?
 23 **A These are items that are owned by Green Box NA**
 24 **Green Bay.**
 25 Q And have these been moved since January of 2016?

100

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414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

1 **A Three of them.**
 2 Q What three items have been moved?
 3 **A Varde has asked us to take his two sets of**
 4 **afterdryers and put them in a separate room, and**
 5 **he wanted it with a door with a padlock on it,**
 6 **and we have accomplished that. And the air**
 7 **compressor system has been trashed and a**
 8 **brand-new one put in its place.**
 9 Q And how did the new -- where did the new air
 10 compressor come from?
 11 **A I don't remember what brand it was, but we**
 12 **bought one.**
 13 Q Who's "we"?
 14 **A We bought one.**
 15 Q Who's "we" that bought it?
 16 **A Oh. Earth. Earth would have bought one.**
 17 Q And that's --
 18 **A But it's Green Box Green Bay's air compressor**
 19 **because -- part of the building. Yet we**
 20 **maintain the building. Plow the snow, cut the**
 21 **lawn, all the things we have to do. So --**
 22 Q And when was this new air compressor purchased?
 23 **A Wouldn't be able to tell you. I just know we**
 24 **have one.**
 25 Q Would it have happened since January of 2016?

101

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- 1 **A No.**
 2 Q Would it have happened since the receiver has
 3 been appointed?
 4 **A Yes.**
 5 Q And did you discuss this acquisition of the new
 6 air compressor with the receiver?
 7 **A No.**
 8 Q And how -- where did the money come from for the
 9 purchase of this new compressor?
 10 **A The old unit is sitting there broke.**
 11 Q My question is --
 12 **A We did not take it out.**
 13 Q -- where did the money come from to purchase the
 14 new air compressor?
 15 **A Earth.**
 16 Q And how did Earth pay for it? Did they write
 17 out a check? Did they use cash? Did they use a
 18 credit card?
 19 **A We may have wired, may have checked. I don't**
 20 **know. Sometimes we ACH. I don't know.**
 21 Q Who would you -- how would you find out to
 22 confirm that information?
 23 **A I'd have to dig and look.**
 24 Q Where would you dig and look?
 25 **A I'd go back and look at -- through check**

102

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- 1 registers or however I'd go back and look,
 2 that's what I'd do, I'd find it.
 3 Q And where are these check registers located?
 4 **A At the company.**
 5 Q And these are check registers for Earth?
 6 **A I don't have any check registers prior to**
 7 **July 2nd. They were all taken. Okay? All the**
 8 **way back to 2099 -- I mean 1999. They're all**
 9 **taken. Okay? I would go back and I would look**
 10 **and see when that happened.**
 11 Q And where specifically would you look?
 12 **A It could have been paid by Patriot. It's**
 13 **possible.**
 14 Q Where would you specifically go to look to find
 15 these ledgers?
 16 **A I'd ask somebody to do it. I wouldn't go look.**
 17 Q Who would you ask?
 18 **A I'd probably ask Ed to see if he could find it,**
 19 **I'd ask Phil to see if he could find it, I'd**
 20 **ask, you know, Doug Hanus what brand it was and**
 21 **who he bought it from, and I'd ask Tammy how she**
 22 **paid for it. That's -- I have no idea.**
 23 Q I notice 40 and 41 have no designation under the
 24 grid. Why is that?
 25 **A Well, because on the top, I don't count --**

103

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- 1 **SC Acquisitions is not on the top, and that is**
 2 **who owns those two things. And you can see over**
 3 **there that they are -- have liens on it from**
 4 **Baylake Bank and by VHC.**
 5 Q When was the last time that Green Box Green Bay
 6 made rent payments to Little Rapids Corporation?
 7 **A August of '14. The month before the fire.**
 8 Q Could you describe to me the situation that
 9 involves Green Box NA Green Bay's subleasing
 10 from Little Rapids Corporation for the property
 11 located at 821 Parkview Road, Ashwaubenon,
 12 Wisconsin?
 13 **A It operates as a public warehouse, square foot**
 14 **used, by the month. And trucks and train cars**
 15 **are loaded and unloaded by people. We don't own**
 16 **the building. We had a sublease from a company**
 17 **called Little Rapids Corp. Okay? Little Rapids**
 18 **Corp. hired us to straighten out their warehouse.**
 19 **I and a company called IWC. We took that apart.**
 20 **When Green Box NA Green Bay ran short of funding,**
 21 **couldn't pay our own bills, couldn't pay our own**
 22 **leases, couldn't pay our insurance on all the**
 23 **assets that were inside that building, we**
 24 **switched it to Green Box NA, and it has been**
 25 **invoiced to us, the fire, and everything to do**

104

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 414 S. Jefferson St., Green Bay, WI

- 1 with it is, it's probably in the hole a couple
 2 hundred thousand dollars right now. It does not
 3 make money.
 4 Q When Green Box NA Green Bay was making these
 5 payments, where was that money coming from?
 6 **A We were subleasing until the fire. Then we lost**
 7 **a lot of money in the fire because most of the**
 8 **people that had paper in there claimed smoke**
 9 **damage. So we worked September, October,**
 10 **November, December, January, February, March to**
 11 **get that settled and get Zurich, our insurance**
 12 **company, there. The trouble is, the ruling came**
 13 **down that each one of the various subleases had**
 14 **a \$100,000 deductible from Green Box NA and**
 15 **Earth, because that used to be in this group.**
 16 **So we ended up getting a very unfavorable ruling.**
 17 **Little Rapids Corp. likes us running the**
 18 **warehouse because we're 24/7, and they always**
 19 **have what they have. And they're in the process**
 20 **right now, from what I understand, is finalizing**
 21 **all the documents. We've been running for**
 22 **months, for 18, 19, 20 months, under Green Box NA,**
 23 **and they are finalizing it now. There's a lot**
 24 **of money owed to them. They're probably not**
 25 **going to see it. Nothing we can do. I'd be**

105

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1 **happy to get out of it if I could because we**
 2 **don't make money on it.**
 3 Q When did you last receive any rental income?
 4 A **When you say --**
 5 Q When did Green Box Green Bay last receive any
 6 rental income?
 7 A **Oh, man. We're 75 days with RR Donnelley, so**
 8 **that would be March of '14.**
 9 Q Any other -- are there any other --
 10 A **Two years ago next month.**
 11 Q Are there any other subleases that Green Box NA
 12 Green Bay was a party to?
 13 A **Subleases? No.**
 14 Q What about --
 15 A **IWC was never to them. What's the other guy's**
 16 **name? Varde is a sublease to IWC, RR Donnelley**
 17 **is a sublease to IWC. Sam Bathia (phonetic)**
 18 **has about -- a small, little piece like 10,000**
 19 **square feet, and that's -- that's it. And none**
 20 **of them were to Green Box NA Green Bay except**
 21 **the one to Little Rapids. Little Rapids never**
 22 **paid us because Little Rapids paid Wisconsin**
 23 **Warehousing, WSI, Warehouse Specialists. They**
 24 **paid them, and they would deduct the space. So**
 25 **we basically run about 80,000, 83,000 square**

106

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1 **feet for Little Rapids Corp. as a general**
 2 **warehousing group, and they get invoiced from**
 3 **us, but they offset it against what is owed**
 4 **them. So they haven't paid us in two and a half**
 5 **years.**
 6 Q And where would the documentation that reflects
 7 all of this information you just provided to me
 8 be located?
 9 A **The County has it all.**
 10 Q Anything in your emails or in the cloud?
 11 A **No, I wouldn't have anything. The only thing I**
 12 **would have is a list of invoices, and I've sent**
 13 **it to youse, I believe. If I didn't, I can**
 14 **resend it. But I can resend that to you if you'd**
 15 **like.**
 16 Q You believe you've sent invoices to the receiver?
 17 A **I believe so.**
 18 Q And you're in possession of certain invoices
 19 regarding this?
 20 A **Well, since July of last year we have all the**
 21 **invoices. And we have asked -- they've given us**
 22 **the invoices prior to that. So we have --**
 23 **Green Box NA is preparing a tax return right**
 24 **now, so it has invoices from Little Rapids and**
 25 **from some of the sub -- some of the vendors.**

107

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1 **But the ones that mailed them to us, we don't**
 2 **have any of that.**
 3 Q And where would these invoices be?
 4 A **In the cloud.**
 5 Q Not in hard form?
 6 A **We might have some of them in hard form, but**
 7 **nothing after 2000 -- after July 2nd.**
 8 Q And with regard to this use of those invoices
 9 for the preparation of the tax returns, where
 10 is -- who's playing a role in that?
 11 A **Ed Kolasinski, our CFO, would be playing a role**
 12 **in that.**
 13 Q Anyone else?
 14 A **Tammy, controller, would have, you know --**
 15 Q Anyone else?
 16 A **No one else that I know of. I mean, somebody at**
 17 **Little Rapids may. Somebody at Godfrey & Kahn**
 18 **may. I don't know. I can't answer that.**
 19 Q And who at Little Rapids would be the primary
 20 contact?
 21 MR. PETITJEAN: Carla Andres
 22 represents Little Rapids.
 23 Q If you had to pick an individual, though, from
 24 Little Rapids, not their attorney --
 25 A **I forget their CFO's name. I talked to three or**

108

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414 S. Jefferson St., Green Bay, WI

1 **four people there. But their CFO kind of runs**
 2 **the show as far as the invoicing is.**
 3 Q Referring back to what was previously marked as
 4 Exhibit 4. Taking a look at the second page,
 5 the Product Sales Agreement, if all of the
 6 documentation related to the transactions of
 7 Green Box Green Bay and all of these other
 8 entities have been seized, where did you find
 9 this?
 10 A **Excuse me? Can you --**
 11 Q It's my -- where did you find this Product Sales
 12 Agreement? How did you come about in finding
 13 this to produce this to the receiver? Where was
 14 it located?
 15 A **Two of my computers were with me while I was**
 16 **traveling on business when they took all of the**
 17 **documents, the computer, and the server. But I**
 18 **had two computers with me at the time, and this**
 19 **was on there.**
 20 Q And where are those two computers now?
 21 A **I don't know.**
 22 Q What do you mean you don't know? When did --
 23 where are they? When you had them on your
 24 vacation, you came back from your vacation, they
 25 weren't seized by the government, where are they

109

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1 now?

2 **A I couldn't tell you if I had a dare on it.**

3 **We've switched to a completely different system,**

4 **we've switched to a completely different thing,**

5 **and I wouldn't know compatibility of those two**

6 **computers or laptops if you asked me for a**

7 **hundred years. I wouldn't know the answer.**

8 Q Well, I'm not asking about compatibility. I'm

9 asking where it's located physically. Where are

10 these two computers located physically?

11 **A At one time we had 38 computers. Okay? If you**

12 **asked me where one or two of them are today, I**

13 **couldn't tell you --**

14 Q I'm just asking about specifically, you just

15 told me you had two computers. We're not

16 talking about 35 of them, we're talking about

17 the two computers you just told me you had on a

18 vacation that weren't seized. Where are those

19 two computers today?

20 **A I have no idea.**

21 Q When did you last have possession of these two

22 computers?

23 **A July of 2015. When I came back, I put them in**

24 **the office. Somebody else used them.**

25 Q You returned in July of 2015 and you put them in

110

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414 S. Jefferson St., Green Bay, WI

1 the offices. And somebody else used them. Did

2 you ever turn them over to the government?

3 **A Why would I turn them over to the government?**

4 Q That wasn't -- I'm asking you did you? Yes or

5 no?

6 **A No, I did not.**

7 Q Where did they go after that? What office did

8 you put them in?

9 **A I have no idea. I don't -- it's not my job, and**

10 **I don't do that.**

11 Q Let's back up. You would have come into

12 possession of this sales agreement to produce it

13 to the receiver. How did you get it?

14 **A I came back to an office of search warrants that**

15 **were obtained with --**

16 Q Sir, I'm going to stop you there because I'm not

17 asking about that. I'm asking when did you come

18 into possession of this to produce it to the

19 receiver?

20 **A I told you, in July of 2015.**

21 Q You came into possession of this Product Sales

22 Agreement in July of 2015?

23 **A Oh, it was way before that. But I -- in 2015 is**

24 **when I had it because it was on one of the two**

25 **computers that were traveling with me. I would**

111

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414 S. Jefferson St., Green Bay, WI

1 **have no idea where one of them two laptops are**

2 **today.**

3 Q So why didn't you turn this over to the receiver

4 until January of 2016?

5 **A I didn't even print it till then maybe.**

6 Q Why?

7 **A Why would I?**

8 Q You don't recall the receiver asking you for all

9 documentation related to the items that are

10 owned by Green Box Green Bay?

11 **A And this isn't owned by Green Box Green Bay.**

12 Q Why does it say it in the very first paragraph

13 of the Product Sales Agreement then?

14 **A Because that's the person that the master**

15 **agreement was through, but this is owned by**

16 **Green Box NA Detroit.**

17 Q So you didn't think that that was something that

18 would be responsive that the receiver would be

19 interested in seeing until January of 2016?

20 **A The one purchase agreement to Green Box NA Green**

21 **Bay they have.**

22 Q That's not my question. When did you think that

23 this was important to produce to the receiver?

24 **A When he asked me for Green Box -- for GB Kool**

25 **Unit Number 2.**

112

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414 S. Jefferson St., Green Bay, WI

1 Q But that was in -- that was -- he was asking you

2 about that in November of 2015. Why did you

3 choose not to turn this over until January of

4 2016?

5 **A I didn't choose not to do anything. When we**

6 **found this, I gave it to him. Why is that --**

7 Q Okay. So let's stop there. When did you find

8 this?

9 **A I don't know. But I know it was on one of the**

10 **two computers that were traveling with me. And**

11 **I thank my staff for finding that.**

12 Q But you said you had those computers in July.

13 Did you find this Product Sales Agreement in

14 July of 2015?

15 **A Oh, no. No, no. I would have never went in**

16 **there for that.**

17 MR. PETITJEAN: You can't talk over

18 her, Ron.

19 THE WITNESS: Okay.

20 MR. PETITJEAN: All right?

21 THE WITNESS: Sorry.

22 MR. PETITJEAN: You're going to get a

23 cookie tossed at you. When we're done with

24 this, I need to go.

25 Q When did you come into possession of this

113

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1 document?

2 **A On the 7th day of January of 2016.**

3 Q How did you come into possession of it?

4 **A Somebody found it on one of them two computers.**

5 Q Who found it?

6 **A I don't remember.**

7 Q Can you make your best guess as to who would

8 likely have found it?

9 **A No. Don't know.**

10 Q So someone, you don't know the person, someone

11 found this document on or about January 7th of

12 2016?

13 **A Well, obviously I gave it to you on that date.**

14 **I was asked for it. And we searched and**

15 **scrambled and got it, and somebody came up with**

16 **the idea, I wonder if that would have been on**

17 **one of them two computers, and they found it.**

18 **Okay?**

19 Q And where are those --

20 **A And when that is, I don't know.**

21 Q And where are those two computers?

22 **A One of them --**

23 MR. PETITJEAN: That's been asked and

24 answered.

25 **A One of the nine people that we named before.**

114

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

1 Q And sitting here today, you don't know where

2 those two computers are?

3 **A No. I wouldn't know. I mean, they took my --**

4 **we got -- we had to buy 17 new computers. They**

5 **took them all. Do you understand that? And the**

6 **server. And we had to go to a completely**

7 **different per -- purchasing and completely**

8 **different system. They took everything.**

9 Q But you have --

10 **A You know that.**

11 Q The new system -- you still had the old

12 computers, the old two, right?

13 **A I had two of all of them they took. And**

14 **anything on the server, I couldn't get at**

15 **anymore. It's gone.**

16 MS. OGDEN: I'm just going to ask a

17 few more questions about this and then we'll

18 allow Mr. Petitjean to leave.

19 Q You would have had these two computers in your

20 possession at the time that the receiver was

21 appointed, correct?

22 **A No. No. The --**

23 Q Do you see my -- I'm going to stop you there.

24 But you're telling me someone had these computers

25 as of January of 2016. So where were they

115

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1 between the time the receiver was appointed and

2 January of 2016?

3 **A I get in trouble with your depositions, but now**

4 **that you've asked it, let's be real clear.**

5 Q Okay.

6 **A Everything from my office on July 2nd of 2015**

7 **was taken except those two computers, out of 38,**

8 **that I had with me. Okay? Those computers came**

9 **back. We use a different server system now, so**

10 **they had to be changed out to -- so they could**

11 **Wi-Fi and get into this cloud backup mainframe.**

12 **I don't know that. I'm not the IT person, I'm**

13 **not there. But somebody found this when I asked,**

14 **Do we have anything on GB Kool Unit Number 2?**

15 **And I got you everything I have. Okay? And the**

16 **only thing I got is the stuff that was on one of**

17 **those computers that I had with me. That's all**

18 **I have.**

19 Q And when did you first ask for that?

20 **A I do not know. I think it's probably when --**

21 **when Mr. Murray sent me the request, we started**

22 **hunting for stuff. I wouldn't have thought of**

23 **looking there myself, you know. We were -- we**

24 **had everything taken. I wouldn't have thought**

25 **of looking at it -- looking there for it.**

116

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RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016

1 Q Everything but those two computers that we don't

2 know where they are?

3 MR. PETITJEAN: That's not a

4 question. That's been asked and answered. Are

5 we done?

6 MS. OGDEN: Well, I'm prepared to

7 continue today, but it's my understanding that

8 we're adjourning until 10:00 a.m. on Wednesday;

9 is that correct?

10 MR. PETITJEAN: Correct.

11 MR. THILL: Before we break, sorry,

12 those two computers, do you want to make some

13 sort of instruction regarding what the receiver

14 wants as far as an inquiry or what to happen

15 when they are located?

16 MS. OGDEN: I think the receiver --

17 the receiver would like those produced

18 immediately.

19 MR. PETITJEAN: I'll discuss that

20 with you, Ron.

21 THE WITNESS: It's not Green Box NA

22 Green Bay's so I don't know why you'd want them.

23 I don't even know why he has a right to them,

24 but whatever.

25 (Proceedings concluded at 12:03 p.m.)

117

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1 STATE OF WISCONSIN)

2 COUNTY OF BROWN)

3

4

5 I, CARRIE S. BOHRER, a Notary Public,
6 Registered Professional Reporter, Registered Merit
7 Reporter, and Certified Realtime Reporter, in and
8 for the State of Wisconsin, do hereby certify that
9 the foregoing proceedings were taken at said time
10 and place and is a true and accurate transcript of
11 my original machine shorthand notes.

12 That the appearances were as noted
13 initially.

14 That said witness was first duly
15 sworn/affirmed to testify the truth, the whole truth
16 and nothing but the truth relative to said cause.

17

18 Dated at Green Bay, Wisconsin
19 This 16th day of February, 2016.

20

21

22

23 CARRIE S. BOHRER, RPR, RMR, CRR
24 Notary Public, State of Wisconsin
25 My commission expires 10/30/16
(fc)

26

27

A	address 41:24 42:16 66:23,23 77:20 79:13 addresses 94:16,22 94:23 adjourning 117:8 administrative 14:19 Advance 82:16 Advanced 70:24,24 70:25 71:2 86:15 affidavit 47:2 affiliated 76:21 86:19 afterdryer 59:13 afterdryers 53:25 54:10,13 101:4 agent 2:5 4:13 63:21 76:22,24 77:2,4 86:13 ago 13:6,8 33:4 48:13 73:17 106:10 agree 10:4 39:2 agreement 5:6,8,19 5:20 16:14 61:8,9 61:13 63:11,13 73:25 74:2,6,20 74:22 86:20 87:25 109:5,12 111:12 111:22 112:13,15 112:20 113:13 agreements 75:2 ahead 17:15 air 101:6,9,18,22 102:6,14 alive 52:18 allow 115:18 amended 63:10 America 29:1,3,5 29:11,15,19 34:5 American 41:23,24 42:10,15 66:6 86:2 amount 34:20,21 Andres 108:21 answer 7:9,13,17 12:25 17:20 23:6 32:9,18 33:11,18 33:20 34:3 43:14 43:15,24 44:5,7 44:12,14,17,22,23 44:25 45:2,4,5,5 45:25 47:3,5,18 48:21 49:12,16 52:7 58:13,18 67:16 69:24,25	70:4,17 72:12 89:4 91:25 92:1 98:3,6,8 99:11 100:17 108:18 110:7 answered 64:7 85:15 88:23 114:24 117:4 answering 44:3,4 46:1 answers 42:20,22 anybody 18:6 55:12 84:1 89:5 anymore 115:15 anyplace 98:1 apart 104:19 apiece 61:22 68:25 apologize 85:9 appearances 118:12 appeared 2:5,10,15 2:19,23 appointed 102:3 115:21 116:1 appointment 97:8 appraisal 40:9,21 appraisals 39:18 40:7,17 appraised 38:20 39:5,25 appraiser 41:1 appreciate 30:19 33:21 42:17 49:18 85:20 appropriate 45:3 approximately 14:23 95:21 approximation 13:16 ARAUJO 1:3 Arbor 49:23 50:12 58:4 area 29:4 Arkansas 74:21 ARM 72:13 73:15 77:8,8 82:4,4,16 84:2,2 86:15,16 86:17 87:10 90:7 91:7 93:1 94:5,6 arrived 77:12 Ashwaubenon 104:11 asked 4:22,23 31:7 37:7 43:23 44:8 64:6 85:15 101:3 107:21 110:6,12 112:24 114:14,23 116:4,13 117:4	asking 5:9 9:21 17:17 30:1 35:23 43:11 44:1 49:18 51:6 54:12 67:18 84:1 110:8,9,14 111:4,17,17 112:8 113:1 aspects 69:8 asset 9:7 30:11 52:15 assets 3:5 8:4,23 10:6,22,22 14:4 15:14 16:7 17:10 18:10,12 19:13,25 28:18 30:10 46:6 60:2 98:4,17 104:23 assigned 5:4 assisted 12:4,13 assisting 13:14 assume 21:13 25:23 62:24 79:24 90:1 Atlanta 74:24 94:14 attached 3:6,10 attorney 2:2,7,12,17 2:21 20:2,3 88:3,5 108:24 August 104:7 Avenue 2:8 66:25 67:1,11,15 70:21 72:5 77:14,23 85:12 88:16,21 aware 40:5 43:16 58:24 59:23 77:15 77:22 78:8 84:25 87:23 88:5,14,20 90:1	BAMBERGER 2:7 bank 26:21 27:20 27:24 28:1,1,14 28:19,20,22 29:1 29:3,5,5,7,10,14 29:19 32:3,23 33:7,15,23 34:5 45:20 68:20 69:18 70:1,8 90:20 91:20 104:4 banking 70:8 banks 27:22 33:14 base 59:20 basic 13:2 basically 106:25 basis 20:17 Bathia 106:17 batteries 86:24 Bay 1:7,17,21 2:18 2:22 8:11,17,22 8:24 9:2,9 10:17 12:6,11 13:7,22 13:25 14:1,15,18 14:21 15:2,17,24 16:17 18:7,18 19:4 20:6 21:1,11 21:18,21 22:8,14 22:18,23 23:4,12 23:16 26:13 27:6 27:7,10,11,17,22 28:3,5,6,14,17 29:4,23 30:4,23 31:21 34:8 35:15 35:17 41:5,7 43:21 48:9,12 51:12,12,14 52:3 56:7,24 57:2,6,10 57:13,15,19,22,25 58:7,16 59:8,16 60:9,11 61:19,21 62:3,5,25 63:22 65:15 69:23 70:5 72:14 74:19,20 75:5 76:22 80:21 80:24 81:4 86:19 86:21 87:4,5 91:24 98:7 99:22 100:5,22,24 104:5 104:20 105:4 106:5,12,20 109:7 112:10,11,21 118:18 Bay's 8:20 27:16 101:18 104:9 117:22 Baylake 28:1 32:21 104:4
		B		
		B 83:14 back 7:15 8:9 11:13 14:23 15:20 19:20 20:24 28:12 36:7 50:15 55:18 61:2 89:7 90:25 102:25 103:1,8,9 109:3 109:24 110:23 111:11,14 116:9 backup 116:11 Baisch 40:3 bale 48:15 baled 48:13 baler 41:17 43:1 45:18,23 46:3 57:9,10 balers 47:15,17 48:8 50:21		

117:12	60:11 61:3 63:11	damage 105:9	DESMOND 2:12	25:20 81:11 93:3
concluded 117:25	63:15,17,18 64:5	Dan 11:10,14,22	detail 98:4	93:19 107:6 109:6
condition 93:10	64:14,19,20,21,22	15:11 20:24 21:17	Detroit 60:15,17	112:9
conducting 95:7	67:12,15 68:2,14	79:24 80:2 99:8	71:12,12 73:14	documents 3:9
confirm 5:11 102:22	68:15 73:10,22	dare 110:2	74:15,25 75:5,6	14:16 25:17 26:2
consensus 56:1 99:5	74:8,9,19 79:3,4	date 1:13 13:15	75:15,17 86:1	43:12 81:8,19
contact 13:23 41:4	79:25 82:8 88:12	14:16 34:19,22	87:21 90:21	82:1,18,21,23
43:9 89:10,15	90:3 94:6,22 95:2	77:22 78:5,11	112:16	83:5,8,9,16,20
92:12 100:6,7	95:3 99:15,22,24	114:13	Detroit's 74:9	84:2 87:12,15,19
108:20	100:6,11,14	Dated 118:18	develop 72:19 86:23	87:23 88:4,6,9,11
contacted 41:1	115:21 117:9,10	dates 76:15	Development 1:4	105:21 109:17
contacts 40:4	counsel 4:16 83:22	David 26:3	2:15 31:1,15,18	doing 30:7 44:11
continue 117:7	count 103:25	day 10:1 22:24	31:21 33:7 45:11	56:4 86:3
continues 32:16,25	County 1:1 14:17	72:22 75:19 79:10	69:3,15 70:1,9	dollar 25:14 70:12
contribute 19:12	19:22 25:19 53:10	79:11 96:2 114:2	76:25	dollars 62:9 69:2
39:14 69:16 70:9	81:9 82:20,21	118:18	diabetes 7:20	72:24 105:2
contributed 12:10	93:5 94:24 95:1	days 29:11 100:10	diabetic 7:14	dollars' 50:7
15:1 31:22 50:12	107:9 118:2	106:7	dial 97:2,5	Donnelley 106:7,16
contributing 12:24	couple 100:10 105:1	De 86:6	different 12:20	door 101:5
13:14 14:3 15:18	course 7:7 8:17 27:4	deal 51:12	16:12 20:22,22	double 30:14
16:6 18:15 19:15	49:8	dealing 90:24	29:9 30:22 39:20	doubt 80:5
19:24 39:8	COURT 1:1	debt 34:11,17 35:2	40:10 44:19,20,23	Doug 21:6,7 71:16
controller 23:22	cover 6:16	47:8,11 72:15	48:16 69:9,13	71:19,24 78:15,17
108:14	coverage 91:14,18	December 105:10	74:23 110:3,4	99:20 100:2
convenience 8:12	91:21 92:3,5,13	decided 87:7	115:7,8 116:9	103:20
convert 26:17	92:16,25 93:4	decision 17:19 32:8	difficult 85:23,24	Duces 3:7
Converting 60:2,3	covered 92:21	32:18 33:1,11,17	dig 102:23,24	duly 4:5 118:14
81:6	covering 30:19	34:2 75:4 87:13	dinner 50:23 51:2,3	
CONWAY 1:16	CPA 80:12	deduct 106:24	51:7 56:16	E
2:20	crane 85:2	deductible 105:14	direct 77:6	E 2:1,1 3:1
cookie 113:23	create 10:20 11:7	Defendant 1:8 2:19	directed 38:11,13	E-s-p-p-i 22:21
cooperate 7:22	13:3,9 18:25	define 57:17 100:7	direction 24:3,5	E3 39:15
coordinate 40:16	39:13,24,25 40:8	delivery 78:13	76:17 77:10	earlier 18:20
copies 3:10,10 55:7	40:14	Den 1:11 4:4,10 6:6	directly 41:9	early 9:16
copy 46:11 71:22	created 10:11,23,25	7:3 42:22 56:12	director 17:21,24	Earth 9:8 10:21,24
corner 45:11 75:12	18:12,21 55:2	Department 25:19	disconnect 85:9	11:8,22,24 12:24
Corp 104:17,18	creates 11:2 39:5	Depends 96:15	discuss 102:5	18:21 19:2,6,6,8
105:17 107:1	creating 11:8 13:4,8	deposed 7:3,4	117:19	19:10,13 23:12
corporate 9:7	creation 12:2,5,14	deposit 29:15,16,17	discussed 40:12	27:15 28:13,18,23
Corporation 1:4	18:10 19:24 40:24	29:18,20,23 30:3	41:12	30:6,6,8,9 31:24
2:15 104:6,10	credit 102:18	62:7	discussing 73:20	31:25 36:4,5 43:4
correct 4:19 6:15,16	criminal 43:16	deposited 91:6	Discussion 55:17	43:5 45:12 49:1,3
6:17 7:1,2,4,9	CRR 1:21 118:21	deposition 1:11 6:8	dismissed 9:16	49:5,23 50:11,24
8:10,11,24 11:15	current 34:11 35:10	8:18	dispenser 48:23	51:10 58:4 63:23
13:25 14:1,4,10	35:19,24 36:11	depositions 7:7	51:3 56:15 57:16	63:24 64:8,9,14
15:12,14,25 16:3	37:7,24 47:8,11	44:11 116:3	district 88:2,5	64:15 65:2,8 68:5
16:4 17:6 18:19	98:25	describe 17:7 25:3	document 6:8,10,13	68:14,23 71:6,8
18:20,22,23 21:22	currently 46:19	104:8	8:2,2,3 9:6,7	77:4 89:23 91:16
21:23 23:18 24:13	cut 101:20	described 19:15	36:19,20 37:19	91:19 92:22 93:2
24:18 25:24 28:7	CV 1:6	20:15	43:19 44:13 45:6	101:16,16 102:15
31:13,14,18,19		designate 74:22	45:8 46:3,5,24	102:16 103:5
35:21 36:12 37:14		designated 5:10	52:7 55:19 59:6	105:15
38:4,5,11,20	D	designating 5:1	62:15 70:14,18	Earth's 36:3 49:4
41:14 42:3 44:15	D 3:1	designation 4:18	73:5,24 74:11	71:7
46:6,8 47:8 49:2	D.A.'s 88:10	5:15 103:23	82:25 84:1,8	Easley 71:17 77:17
52:22 54:16,17	DA 53:10 81:9	designee 4:17	87:24 114:1,11	77:18 78:13 86:7
57:1 59:19 60:6	daily 13:9 20:17	designee's 4:23	documentation	86:11 87:8 93:21
	21:4 98:10			

East 2:3,8,8,13 86:6 Eco 12:8,9,12 13:5 14:8 15:2,3,4,5,25 16:1,18,20 18:3,7 18:18 21:8,10 23:13 26:13 30:23 31:21 32:2,3,6,16 66:19,22,24 76:1 76:3,5 80:18 81:4 99:19 Economic 1:4 2:15 Ed 23:10,23 99:16 103:18 108:11 effort 82:19 eight 72:21 eight-minute 56:10 either 42:19 44:21 62:14 90:21 else's 48:6 email 5:1,4,9 6:16 78:21,22,22 79:6 79:7,8,9,9,13,15 79:18 80:4,7 94:21,23 95:7,8 emails 79:12,12 89:7 95:11,12,15 96:2,3 107:10 employed 12:4,14 12:23 14:8,25 15:17,23 16:5,12 16:15,16,16,17,19 16:20 18:1,6,16 19:2,3 20:25 21:7 22:14,22 23:3 31:12,15,17 38:4 75:25 76:2,3 80:17,19,21,23 employee 11:22,24 17:11 21:10 76:6 76:21,24 77:2,4 employees 14:15 15:8,9,10,16 19:15 57:20,24 58:9,16 59:8 80:20 99:23 employer 18:14 employment 14:2 16:25 21:3 ended 105:16 engagement 5:6,7 engineering 39:16 enter 11:4 entered 45:17 entire 97:23 entities 19:14 24:10 26:7,11 27:20 30:22 40:5,8	45:17 77:9 109:8 entity 21:14,15 23:11 26:6 29:24 63:22 74:23 75:13 94:6 96:25,25 entries 20:13 53:18 56:17 entry 64:13 65:22 environmental 68:6 83:2,4 84:2 93:14 equipment 10:17 13:11 19:8 24:24 25:6 26:4,4,5 27:7 27:18 30:15 34:6 34:16,17 35:5 36:5 39:17,20 41:14,20 45:15 50:8 51:22 52:22 53:10 54:11 57:12 57:13 58:5,11,23 63:15 71:25 72:6 90:2 92:9 98:9 equipments 58:22 Equities 1:3 2:5 Ericky 76:10 Esppi 22:21 Everybody 14:5 evident 50:9 exact 18:17 exactly 16:13 62:17 85:21 EXAMINATION 3:2 4:8 examined 4:6 exchange 84:17 Excuse 82:10 109:10 exercise 46:22 Exh 3:5,6,8,9 exhibit 6:7 7:1,25 8:25 20:12 56:13 60:8 65:22 67:7,8 70:14 71:21 73:2 73:3,5,13 75:9 88:9 96:17 97:15 97:16,25 100:4,18 109:4 exhibits 3:4,10 4:2 expertise 44:7 expires 118:22 explain 68:10 85:11 85:21 <hr/> F <hr/> facility 71:19 77:14 77:19 79:2 fact 5:1 72:21	fair 31:23 34:24 36:9 37:20 61:6 67:23 73:18 fall 67:15 far 38:19 109:2 117:14 fc 118:23 February 1:13 105:10 118:18 fee 5:18,20 feet 106:19 107:1 Fibre 66:19,22,24 82:16 86:25 87:10 87:11,13 90:7,22 99:19 Fibre's 89:23 91:16 Fifth 44:3 file 17:12,22 36:3 78:18,23 filings 30:14 fill 72:4 finalizing 105:20,23 finance 25:8 find 17:14,15 94:8 100:13 102:21 103:2,14,18,19 109:8,11 113:7,13 finding 109:12 113:11 finish 42:22 44:21 finishes 42:20 fire 92:10 104:7,25 105:6,7 firm 1:16 2:20 9:20 9:25 10:3 39:16 77:20 firm's 10:4 first 4:5 6:13,20 8:4 9:17 13:13,23 18:15 24:20 60:12 70:6 72:18 73:12 73:18 74:5,10 75:19 77:12 78:7 96:14,19 112:12 116:19 118:14 five 15:11,16 18:24 20:9,15 33:14,23 37:10 38:3,16 40:11 41:11 46:15 54:2,16,18 61:14 61:16 79:10,16,20 79:21 96:11 99:4 99:7 five-minute 46:10 55:16 five-year 21:3 focus 10:9	folder 53:9 folders 53:13 follow 78:25 following 76:17 follows 4:7 foot 104:13 foregoing 118:9 forget 71:1 108:25 form 63:8 72:11 83:17,18 88:7 97:20 108:5,6 forma 24:4 formal 5:7 forth 7:15 57:4 64:15 89:7 90:25 97:17 98:22 Fortune 66:25 67:1 67:11,14,25 70:21 72:4 77:14,23 85:12 88:16,21 found 86:6 113:6 114:4,5,8,11,17 116:13 four 16:8,10,12,15 19:18 20:9 24:8 24:10 26:7,11,12 30:21 31:13 33:13 48:3 49:24 54:3 76:7 79:10,16 86:9,10 87:8 99:12 109:1 four- 21:2 freight 76:19 front 64:2 65:24 71:21 75:8 full 11:14 21:14 fund 61:10 funded 61:18,19 69:1 funding 61:9,12,13 61:14 104:20 funds 61:7 63:5 69:15 further 45:9 86:23 <hr/> G <hr/> gap 72:3 Garson 11:17 14:25 15:23 22:3,7,17 99:9 gas 69:10 71:5 GB 60:5,6,16 61:21 61:25 62:4 64:24 65:18,21,23 67:9 72:20 73:15 77:8 82:4 84:2 93:11 112:24 116:14	GBSA 87:4 gears 24:19 general 20:18 107:1 generally 39:21 47:23 getting 85:18 105:16 give 9:10 11:13 13:16 35:16 36:17 37:15 38:15 45:1 55:12 76:14 given 8:7 15:11 27:25 44:8 50:5,8 80:25 81:13,20 84:8 107:21 gives 47:2 giving 38:22 44:24 Glen 49:23 50:12 58:4 Glime 75:24 99:18 Glime's 77:13 Glimes 75:22,25 76:9,16 77:6,10 90:1 go 17:15 19:20,20 20:13,24 37:1,2,3 37:8 43:17,20 44:10 45:9 46:11 55:15,18 85:19 96:13,14,19 98:3 102:25 103:1,9,14 103:16 111:7 113:24 115:6 Godfrey 108:17 going 7:16 17:16,19 30:17 32:8,9 35:23 43:17,20 44:4,10,14,17 46:13,21 47:3,4,6 55:20,23,24,25 56:2 79:2 87:1 88:18 89:18 91:25 95:6 99:11 105:25 111:16 113:22 115:16,23 good 4:10 75:23 96:6 gotten 36:14 government 109:25 111:2,3 grab 55:15,19 grabbed 82:21 great 44:11 greater 99:5 green 1:7,7,17 2:18 2:22 8:6,11,11,13 8:16,17,20,20,22
---	--	---	--	---

8:22,24,24 9:2,2,9 9:9 10:17,17 12:6 12:6,11,11 13:7,7 13:22,22,24,25 14:1,1,15,15,18 14:18,20,21 15:2 15:2,17,17,24,24 16:17,17 18:7,7 18:18,18 19:4,4 20:6,6 21:1,1,9,10 21:11,18,18,20,21 22:8,8,14,14,18 22:18,23,23 23:4 23:4,12,12,15,16 26:12,13 27:6,6,7 27:7,10,10,11,11 27:14,16,16,17,17 27:22,22 28:2,3,5 28:5,6,6,13,14,16 28:17 29:4,23,23 30:4,4,9,22,23 31:20,21 34:8,8 35:15,15,17,17 41:4,5,7,7 43:21 43:21 48:8,9,11 48:12 51:12,12,12 51:14,14 52:2,3 52:15 56:7,7,19 56:23,24,24 57:2 57:2,6,6,10,10,12 57:13,15,15,18,19 57:21,22,24,25 58:7,7,15,16 59:7 59:8,15,16 60:9,9 60:10,11,11,15,17 61:19,21 62:3,3,4 62:5,25,25 63:5 63:21,22 65:15,15 69:23,23 70:5,5 72:14,14 74:15,19 74:19,20,20,23 75:1,5,5,5,6,12,13 75:15 76:22,22 80:21,21,24,24 81:3,4 86:18,19 86:19,21,21 87:4 87:4,5,5,21 91:23 91:24 98:7,7 99:22 100:5,22,22 100:23,24 101:18 101:18 104:5,5,9 104:9,20,20,24 105:4,4,14,22 106:5,5,11,12,20 106:20 107:23 109:7,7 112:10,10 112:11,11,16,20	112:20,24 117:21 117:22 118:18 grid 103:24 group 105:15 107:2 guess 28:24,25 29:1 51:17 95:6 114:7 guessing 49:13 51:17 52:6 guy 9:24 40:19 guy's 106:15 guys 44:10 <hr/> H H 1:11 4:4 half 50:7 107:4 hand 55:23 handing 6:6 7:24 73:4 handles 38:14 Hanus 21:6,7 99:20 103:20 happen 117:14 happened 82:8 101:25 102:2 103:10 happens 47:1 92:10 92:11 happy 42:24 106:1 hard 23:21 56:4 108:5,6 head 21:25 32:1 91:8 heard 38:17 hearing 44:21 held 24:25 45:10 49:22 50:3 56:11 64:14 87:10 98:16 help 14:19 24:5 30:3 39:8 72:19 96:12 helped 11:7,19 14:22 18:25 39:24 40:14,16 helping 13:3 helps 39:24 96:9 Heuvel 1:11 4:4,10 6:6 7:3 42:22 56:12 Hickerson 71:16,19 71:24 76:18,21,24 78:15,17 79:1,5 81:23,23,24,25 84:15 85:5 86:4 86:13 88:24 89:2 89:6,10 94:10,14 Hickerson's 77:16 78:18 85:12	Hickson 81:23 HINKFUSS 2:16 HIPAA 17:1,5,7,8 17:14 hire 13:15 96:23 hired 13:17,19,24 19:13,16,18 76:19 81:1 104:18 hires 40:8 historic 49:25 history 26:8 hold 19:5 83:16 86:25 holding 9:8 63:24 hole 105:1 home 94:16 house 79:3 housed 20:5 Houston 74:24 HR 38:14 Hub 12:8,12 13:5 15:2,3,4,5,25 16:1 16:18,20 18:3,7 18:18 21:8,10 23:13 26:13 30:23 31:21 32:2,3,16 76:1,3,5 80:18 81:4 Hub's 32:6 hundred 105:2 110:7 hunting 116:22 hypotheticals 47:3 <hr/> I ID'D 3:4 idea 26:24 47:18,19 48:5,7 50:22 52:8 52:9,21 75:21 84:24 100:12 103:22 110:20 111:9 112:1 114:16 identification 4:3 67:8 73:3 identified 6:19 19:3 41:17 53:19 54:19 56:14 57:7,16 96:17 99:8 II 51:22 immediately 37:13 37:20 117:18 impair 7:12,16 important 30:13 112:23 impossible 48:18 in-house 19:23 20:1	20:3 inception 14:2 66:4 66:10 income 106:3,6 independent 39:15 indicate 34:10 55:1 60:17 100:21 indicated 15:13 18:20 23:17 53:1 67:24 indicating 34:16 82:24 83:25 84:7 individual 11:4,6 26:1 108:23 individuals 15:13 18:25 20:15,16 38:3 40:11,16 41:12 99:7,21 indulge 85:20 information 3:12 41:4 47:10 53:12 58:14,21 66:21 93:16 94:1 102:22 107:7 initially 118:13 input 41:13 inquiry 117:14 inside 104:23 install 93:13 installation 66:3 installed 82:12 93:13,15 instructing 98:3 instruction 117:13 insulin 7:14 insurance 2:24 19:7 19:8,9,11 35:22 36:3,6 38:15,23 91:14,17,21 92:2 92:5,10,13,16,22 92:25 93:4 104:22 105:11 insurances 38:14 insure 39:4 insured 38:24 intents 72:17 interact 22:11,13 interacted 24:1 interest 45:18 50:1 interested 46:21 112:19 investigations 43:16 investment 63:10 64:21 65:8 invoiced 104:25 107:2 invoices 107:12,16	107:18,21,22,24 108:3,8 invoicing 109:2 involved 16:10 involves 104:9 It'd 28:24 item 41:16 43:1,20 43:20 45:11 47:7 48:22 50:23 51:21 57:9,12,16 58:6 59:9 60:4,6,17 65:6,18 66:9 67:10 itemized 44:5 items 24:23 26:5 34:6 39:23 40:1 40:22 41:19,22 42:7 54:12 56:14 57:4 59:1 96:16 97:9,17,21,25 98:21 99:2 100:18 100:19,21,23 101:2 112:9 IWC 104:19 106:15 106:16,17 <hr/> J J 2:21 January 83:25 84:5 84:13 100:25 101:25 105:10 112:4,19 113:3 114:2,11 115:25 116:2 Jefferson 2:17 Jeremy 96:19,20,21 97:2 99:14 JERRY 1:16 2:20 Jim 9:19,22 15:9 job 96:6,7 111:9 John 2:17 98:6 jpetitjean@hspwl... 2:19 judge 47:2 July 95:16,20 103:7 107:20 108:7 110:23,25 111:20 111:22 113:12,14 116:6 jurisdiction 32:16 <hr/> K Kahn 108:17 keep 19:7 30:17 53:5,17 71:21 keeps 10:21 kept 10:25 19:10
---	---	---	--	---

Kilbourn 2:8	61:21,25 62:4,7	36:7,7 39:12,22	68:14 76:25 91:24	ma'am 7:6
kind 23:21 109:1	64:24 65:9,18,21	40:22 41:16 43:2	LLP 2:2	machine 57:7 58:1
kinds 39:10 40:10	65:23 67:9 69:5,9	45:9 47:23 55:15	load 85:2	118:11
knew 89:17,23	70:2,10,20 72:10	56:9 60:4,16 61:2	loaded 104:15	machines 56:19
know 7:21 8:7 9:13	72:19,20 73:20	63:9 66:14 67:6	loading 84:19	Madison 2:3,13
9:14 10:2,12 11:7	74:4,8,21,23 75:3	70:13 83:4 97:15	loan 63:10	mail 95:15
11:19 13:15 16:13	77:16 78:9 79:3	97:24 111:11	local 97:6	mailed 41:10 108:1
17:1,21,22 19:20	81:7,22 82:7	113:7 116:4	located 25:18 35:20	Main 2:3,13
26:3,22,22,23	83:21 84:6,11,11	letter 3:6	36:21 41:20 45:23	mainframe 116:11
27:1,14 28:19,21	87:20 88:15 89:13	Levy 26:3	47:17 48:12 49:7	maintain 101:20
31:6 32:10,12,13	90:5,12,25 91:5	liabilities 15:8	49:15 51:16,19	maintained 57:25
33:2,3,3,4 34:4,21	91:15 92:3,3,21	liability 19:7,7,9,11	52:13 58:12 59:11	maintaining 58:3
34:21 35:8 37:3,4	93:7,11 97:18	license 98:19,20	66:5,11,15 67:1	maintenance 93:6
37:6 38:9 40:6	112:24 116:14	lien 45:18,20 47:11	67:10,14,24 68:2	making 24:14 32:22
43:7 44:6,9,18,22	KRUEGER 2:21	50:4,5 65:2 72:14	72:4 82:19 83:8	105:4
45:1,4 46:2,3,18	56:24	86:22,23 87:3	83:11,12 88:15,21	Makool's 72:19
46:20 47:10,13,19	L	lienholders 39:18	93:4 94:13 96:24	man 106:7
47:22 48:21 50:10	labeled 98:18	liens 10:22 19:5	100:5 103:3	managed 77:14
50:13,16 51:9,10	lading 3:8 75:20	24:25 45:10 49:22	104:11 107:8	manager 21:9 76:1
51:11 52:16,17,17	76:16	49:24 50:3 54:11	109:14 110:9,10	managing 77:7
52:18,23 53:4	lady 22:9,10	64:14 104:3	117:15	Maple 86:3
54:2,4,15 55:4	landed 42:10	life 20:8	location 1:16 29:3	March 105:10
56:3 57:11 58:10	laptops 110:6 112:1	light 7:20	66:7 67:18 84:5,7	106:8
58:19 59:5,11,13	larger 55:19	likes 105:17	84:11 88:16,22	MARCO 1:3
61:1,22,24,25	laughing 36:8	limit 81:5	locations 48:15	mark 43:6 51:24
62:1,9 64:2,10	Laura 11:12,16	line 48:23,23 50:24	66:11	67:6 73:1 75:23
65:15 66:16,16,17	12:7,23 13:24	51:2,4,7 56:15,16	log 11:1,2	marked 3:4 4:2 6:7
66:18,20 67:5,13	14:6,7 15:7,12	57:16 65:6 74:12	long 18:11 33:4	7:25 43:2 44:15
68:3,4,7,25 69:25	21:23 22:2 80:3	Lines 25:4	48:13	48:25,25 49:3
70:6,11,20 71:9	99:9	list 3:5 8:4,23 9:1	longer 10:15 11:23	53:19,24 56:13,14
71:17,18 73:11	law 1:16 2:2,7,12,17	10:6,9,11,20,20	16:24 28:17 38:4	58:5 59:18 67:8
75:16,17 77:19	2:20,21 30:15	11:7,9 12:5,10,14	68:2 88:21	70:13 73:3,4 75:9
78:2,2,23 80:1	lawn 101:21	12:15,24 13:1,3,4	look 8:1 41:16 43:1	109:3
83:14 84:22 89:4	lawyer 20:1 43:9	13:8,9,11,14 14:4	43:2 48:22 50:23	marketing 22:11
89:9 91:9,9 92:1,2	lawyers 11:18,19	15:1,11,14,19	51:21 53:18 56:14	MAS 24:6
92:4 93:21,23	19:12,13,16,18,23	16:6 18:10,15,17	60:4,8 64:13 66:9	master 74:20,21
95:13,21 96:8,21	20:8	18:21,24,25 19:13	70:13 73:23 74:10	112:14
97:1,4 99:18	leading 10:13	19:16,24 24:20	91:13 92:5,7,17	Materials 70:25
100:13,15,16	lease 25:8,8,12,18	34:5,5 36:5 38:16	97:15,24 98:25	71:2,3 82:17
101:23 102:20,20	26:19 27:11,21	44:5 46:6,8 52:12	100:18 102:23,24	86:15
103:20 108:14,16	32:2	92:20 98:4,25	102:25 103:1,9,11	matter 4:12,14 5:1
108:18 109:21,22	leaseback 25:11	107:12	103:14,16 109:4	8:6 17:11
110:5,7 113:9,9	leased 25:6 27:6,18	listed 24:23 26:7	looked 59:4	matters 20:19
114:9,10,20 115:1	34:17 42:7,9	34:6 54:6,7,8	looking 5:7 65:22	mean 20:10 26:8
115:3,10 116:12	leases 30:20,21 31:7	64:19,21,23 72:16	116:23,25,25	35:9 43:3 45:12
116:20,23 117:2	31:23 104:22	92:24 97:25	looks 24:23 75:23	49:24 50:2 51:25
117:22,23	leave 115:18	listen 28:8	lost 72:17 105:6	55:2 57:17,23
knowledge 39:24	ledgers 103:15	lithium 86:24	lot 11:4 27:15 40:18	58:19 68:9 89:20
49:14,17,19 51:18	left 15:22 74:18	little 9:9 45:9 61:2	40:18 48:16 81:21	91:7 98:18 103:8
51:20 63:1 66:12	95:4,16	104:6,10,17,17	85:24 89:7 95:14	108:16 109:22
98:23 99:1,4	left-hand 75:11	105:17 106:18,21	95:14 96:2,3,5	115:3
known 91:12	lender 40:18,19	106:21,22 107:1	98:11,12 105:7,23	meaning 50:25
knows 72:13,15,15	let's 8:9 10:9,18,23	107:24 108:17,19	lots 30:10 48:16	Means 52:1
88:11	11:6,13 15:22	108:22,24	Lynch 29:14,14,19	medications 7:11
Kolasinski 23:10,23	20:12,24 28:12	live 94:8	M	meet 92:7
99:16 108:11	30:17,23 31:4,10	lives 94:15	M.D 1:3	mentioned 6:25
Kool 3:9 60:5,6,16		LLC 1:7 64:21 65:8		15:17 75:1

Mercedes 22:10 23:1,1,2	89:18 98:18 moved 42:1,6,11	notify 92:9	39:10 41:19 51:11	ownership 26:8
Merit 118:6	48:16 97:9 98:8	November 67:23	82:9 101:16 106:7	59:21 60:20 82:10
Merrill 29:14,14,16	98:10,10,12	72:5 88:14 105:10	111:23 113:15	87:20
29:16,18	100:25 101:2	113:2	oil 69:11 71:6	owning 90:5
Michael 2:6,11 4:15	movement 72:9	number 41:5,6,16	okay 5:3,17,25 6:4	owns 25:12 26:3
Microsoft 95:22	84:6	43:1 47:7 48:22	7:22 8:9,20 10:10	54:15 60:13,18
mid 81:18	moving 71:12	50:23 51:1,2,6,22	10:18,19,23 11:2	104:2
Mike 11:12,17	MURPHY 2:12	54:3,25,25 58:18	11:6,22 12:16,22	
14:25 15:12,23	Murray 2:7 116:21	58:18,19 59:2,3,7	13:23 15:22 18:4	P
22:2,3,3,7,17 80:3		60:4,5,5,6,16	25:12 27:9 28:11	P 2:1,1,12
99:9	N	64:13,16,17,24	30:10,18,25 31:9	P-h-o-n-t-o-r 11:16
million 34:14,18	N 2:1 3:1	65:4,18,19,21,21	32:11 36:7 37:17	p.m 1:14 117:25
46:17 50:7 52:19	N270 86:24	65:22,23,23 66:9	38:1,6,18 39:22	padlock 101:5
61:10,11,24 62:8	name 9:10,24 10:4	67:9 72:18,20	40:23 41:9 42:17	page 3:2,4,12 6:14
63:16 69:2 72:24	21:14 22:20 23:1	73:8,20 87:17	43:1 44:19 45:9	6:20 7:1 8:4 20:11
Milwaukee 2:9	23:2 36:15 39:10	88:9 97:3,4	46:21 48:2 49:7	24:19,20 56:13
mind 8:1	49:4 66:18 71:1	112:25 116:14	54:12,13,23 56:4	65:24 73:12,18,23
mine 76:5 99:6	80:13 96:21 97:1	numbers 47:21 53:5	61:5,25 64:8	98:19 109:4
mischaracterizes	106:16 108:25	53:7 54:1,14	68:24 71:23 72:15	pages 6:9,13,21,22
42:14	named 9:22 22:9,10	58:20 94:18,19	72:16,22 74:6	88:2
missing 35:4 73:14	114:25	O	83:4 86:2,13,25	paid 5:22 21:17,17
mix 31:5	names 11:14 15:11	object 10:14 28:15	86:25 87:2 95:13	22:17,17 30:21
moment 14:6	24:8 40:4	52:14,24 62:23	95:19 96:4 99:17	31:7 46:20 51:12
money 29:20 30:2,5	napkin 50:24 51:2,3	63:7 72:11 85:14	103:7,9 104:17	60:21,23 62:4
30:8 40:20 45:14	51:4,7 56:16	88:7 91:22 97:19	110:11 113:7,19	68:5,9,23 71:3,5,6
45:21 46:20 47:12	need 7:19 37:12,18	objection 17:10,16	114:18 116:5,8,15	71:8 72:1,19
49:6 50:4,12	53:4 55:11 96:13	32:6,15,24 33:10	old 35:3,4,8 36:10	73:15 76:19 84:18
51:11,13 59:22	113:24	33:16,21,25 42:18	36:13 43:19 44:7	84:19 90:10,16
60:23,24 62:20,22	neighborhood	64:6 69:21 70:3	44:13 45:6,8,8	92:11 103:12,22
63:1,14,21 64:25	85:25	objections 42:18	46:2,24 52:7 59:5	106:22,22,24
65:2,9,16,19 66:1	Neither 56:21,22	obtain 65:8	102:10 115:11,12	107:4
68:20 69:5,7 82:6	Nelson 76:12	obtained 111:15	OLEJNICZAK	paper 48:13 55:3
84:16 90:12,12,13	never 20:1,2,4 27:3	obvious 36:13	1:16 2:20	81:21 83:17,18
90:15,17,18,21,24	28:2 31:17 51:15	obviously 50:14	once 37:25 89:18	105:8
91:4 102:8,13	53:12 57:3,4,21	90:1 114:13	92:7 100:2,8	paragraph 74:10,13
105:3,5,7,24	58:8 61:18,19	occur 14:11	ones 20:22 66:18	112:12
106:2	70:18 78:21,21	occurred 16:2 75:4	71:3 108:1	parent 26:17
monies 68:21,22	79:17 80:20 93:13	78:6 83:6 88:25	operate 48:3	Parking 48:16
monitor 79:15,17	106:15,21 113:15	October 105:9	operated 57:25	Parkview 66:19
92:13	new 53:1 55:9 92:19	office 10:25 14:23	operates 104:13	104:11
monitors 92:15	101:9,9,22 102:5	35:12 83:12 87:16	operating 27:1 58:2	part 45:24 63:13
month 9:17 37:25	102:9,14 115:4,11	88:5,10 89:21,22	operation 34:7,8	65:15 68:21,22
38:7 55:8 62:16	Nicole 80:10,11	89:23 94:19 96:4	opportunity 98:24	72:19 87:6 89:5
62:18 73:17 100:8	81:1,3	110:24 111:7,14	oral 4:18	91:11 101:19
104:7,14 106:10	Nicolet 32:20	116:6	original 3:10,10	particular 21:14
monthly 38:1,2,7	nine 100:3 114:25	offices 89:24 111:1	86:20 90:15	40:4 89:24
62:1	Nods 21:25 32:1	offset 107:3	118:11	parties 39:7,8 68:5
months 20:9 21:2	91:8	Ogden 2:2 3:3 4:9	outside 19:17 43:21	68:9 72:8
43:19 44:6 45:8	North 93:17,20	4:11 5:2,5,14,17	48:6	partner 70:23 77:7
46:24 52:11 82:8	Notary 118:5,22	5:20,24 6:1,4	owed 61:8 105:24	77:7,8 86:5
82:22 83:6 105:22	note 32:5 33:9	17:13 30:1 42:17	107:3	partners 94:3,4
105:22	63:23 64:8	42:24 53:3 56:9	owned 9:8 10:17	parts 20:22 73:14
Moore 86:4 94:12	noted 17:16 33:16	57:1 67:6 73:1	20:6 25:6 29:14	98:17
94:13	118:12	88:12 115:16	43:18 52:1 57:3,4	party 34:1 96:22
morning 4:10	notes 118:11	117:6,16	60:9,10,14 69:9	106:12
move 13:11 15:10	notice 47:7 103:23	Oh 20:14 27:4 35:9	100:22,23 112:10	patent 86:25 87:10
			112:11,15	87:18 98:15

Patriot 21:8,9,12,16 59:24 60:1 80:19 80:20 103:12 pay 19:11 24:10 25:13,14 65:9 84:21 85:3,4 90:11 91:20 102:16 104:21,21 104:22 paycheck 76:5 paychecks 21:20 24:7 76:4 paying 62:8 85:7 payment 27:17 29:9 29:20 59:25 payments 24:15 26:19 27:11,16,21 28:12 30:3 31:22 32:2,4,22 33:8 62:17 92:6 104:6 105:5 pays 76:3 91:17 92:2 PC 77:8 82:4,16 84:2 86:25 87:10 87:11,13 89:23 90:7,22 91:16 93:1 PCDI 15:21 16:16 18:18 23:12 26:12 26:19,20 27:1 30:22 31:20 43:3 43:5 44:15,25 45:12 51:25 52:1 53:19,24 60:14,19 64:15,19 65:8 68:6,14,20 71:4 77:2 81:1 PCDI's 26:22 pending 8:10 people 11:4,14 37:10,21 39:16,20 39:20 40:10 65:12 68:11 78:24 79:10 79:16,20,21 80:5 85:2,24 86:17 88:17 89:8 96:2,5 96:11 99:4,7 100:3 104:15 105:8 109:1 114:25 Pere 86:6 performed 93:6 period 76:13,14 95:23 Periodically 23:19 permission 100:16	permit 68:7 71:13 71:15,16 82:11,14 83:3,5 85:23 86:8 93:14,17 permitted 71:20 75:18 86:12 89:18 permitting 77:21 person 9:22 14:22 14:24 24:6 37:5 52:18 96:23 99:15 112:14 114:10 116:12 personnel 17:12,21 17:24 Peters 76:13 Petitjean 2:16,17 4:16,22 5:3,13,16 5:18,22,25 6:3,5 6:18,23 9:13 10:2 10:12,14 17:9,18 25:9 28:4,8,15 29:22 32:5,11,15 32:24 33:9,16,25 42:13,21 52:14,24 55:14 56:8 62:23 63:7 64:6 69:21 70:3,15 72:11 85:14 88:7 91:22 97:11,19 98:2 108:21 113:17,20 113:22 114:23 115:18 117:3,10 117:19 Pfotenbauer 11:16 12:7 21:23 99:9 Phil 11:12,17 15:12 15:20 16:5,8 18:11,17 22:2,5,5 23:5 31:12 37:11 37:12 38:10,13 46:7 76:8 80:3 92:14,15 99:9 103:19 Phillips 11:17 18:9 23:20,20 24:9 31:17 37:17 38:10 80:23 99:10 phone 89:5 94:18 94:19 97:3,4 phonetic 76:10 106:17 photo 79:2,5 photograph 77:17 photos 78:14 physically 110:9,10 pick 15:22 108:23 picked 79:10	pictures 78:10,12 78:16 88:24 piece 41:14 45:14 52:19,21 53:9 58:20 71:5,25 90:2 106:18 pieces 16:14 19:8 24:24 35:4 42:2 58:23 59:24 63:14 place 16:3 86:7,8 101:8 118:10 places 48:13,17 49:9 66:16,19 plain 50:9 plaintiffs 1:5 4:12 Plant 76:1 play 18:9 63:4 played 11:8 12:1 14:3 15:13 72:7,9 75:4 playing 108:10,11 Plaza 2:8 pleading 44:3 please 7:19 8:1 11:13 66:18 73:1 98:5 Plow 101:20 plus 31:24,25 96:11 point 43:10 81:2 pointed 6:12 Polsky 2:6,7,11 4:15 pool 69:8 pooled 69:6,7 portion 71:4 position 14:18,20 possession 35:20,25 36:1,2 40:8 41:3 42:10 71:24 77:16 78:20 82:1,3 85:13 87:22 88:4 88:10 100:22 107:18 110:21 111:12,18,21 113:25 114:3 115:20 possible 81:19 103:13 possibly 39:10 46:9 59:10 80:22 prefer 8:16 premium 19:11 preparation 108:9 prepared 76:16 117:6 preparing 107:23 presently 99:21 previously 6:7,25	7:4,5,25 19:14 26:7 31:12 40:12 44:20 56:13 68:12 73:6 79:22 83:24 87:25 99:8 109:3 primary 89:10,15 108:19 print 37:1,8,19 55:4 55:5 112:5 prior 12:11 82:4 93:7,11 95:9 103:6 107:22 pro 24:4 probably 50:6,7 88:2 96:19 99:12 103:18 105:1,24 116:20 problem 54:8 proceed 17:16 47:6 proceedings 4:1 117:25 118:9 process 105:19 produce 8:22 109:13 111:12,18 112:23 produced 8:5 9:1 10:11 35:13 43:12 73:6,9 74:7 87:25 117:17 product 57:22 73:24 74:2,6 109:5,11 111:21 112:13 113:13 production 3:13 Professional 118:6 pronunciation 21:24 proof 55:24 property 104:10 protected 38:24 provide 41:11 61:7 65:1 provided 65:2 67:21 83:22 84:16 91:4 107:7 provides 55:10 91:14 providing 67:17 public 104:13 118:5 118:22 pull 95:23 pulp 77:14 purchase 45:14,21 46:20 49:6 50:4 50:13 51:11 59:22 63:14 64:25 68:21 68:22,23 69:5,16	69:18 74:7,22 87:24 102:9,13 112:20 purchased 50:10,11 52:6,16 53:1 59:24 60:3 68:13 81:5 101:22 purchasing 115:7 purification 69:12 71:7 87:5 purpose 8:12 38:25 purposes 72:17 put 17:9,22 29:10 47:11 53:7,12 61:23 62:2 68:7 72:23 75:18 78:20 78:23 86:10 87:8 98:15 101:4,8 110:23,25 111:8 puts 47:1 putting 54:11 87:1 98:14
Q				
QUARLES 2:2 question 7:8 9:21 12:13,18,21 13:2 17:17,20 20:14 25:10 28:9,16 30:6,8 35:24 36:8 36:9,18 41:19 42:23 43:13,15 44:1,14 52:15,25 53:16 62:20,24 63:8,25 71:15 72:6,12 75:7 84:9 88:8 91:11,23 95:6 96:9 97:20 98:3 99:12 102:11 112:22 117:4 questions 5:15 6:2 7:13,17 10:15 30:17 31:8 43:10 43:11,24 44:5,9 47:4 69:22 70:17 97:21 115:17 quick 20:14 quit 22:24 quite 9:16 22:12,13 85:18 Quotient 49:23 58:4				
R				
R 2:1,17 R-a-b-e 80:14 Rabe 80:11,16 ran 104:20				

Randy 86:4 94:12 94:13 Rapids 104:6,10,17 104:17 105:17 106:21,21,22 107:1,24 108:17 108:19,22,24 read 6:11 56:5 75:23 readable 55:6 real 50:6 56:2 116:4 really 23:23 50:13 85:9 Realtime 118:7 reappraisal 25:15 reason 45:2,25 93:18 100:9 recall 8:21 9:18,21 9:22 62:6,10 67:17,21 78:6 83:19 84:4 112:8 receipt 63:4 receivable 95:14 receive 24:7 62:20 62:22 64:9 69:15 78:21 79:12 83:21 106:3,5 received 8:7 62:13 64:12 84:10 91:1 95:14 receiver 2:5,10 3:13 4:14 5:11,19,23 8:5,8 9:2 27:25,25 35:14,16 43:10,13 43:23 52:8 67:18 72:13 73:6,10 74:7 86:22 88:1 97:8 102:2,6 107:16 109:13 111:13,19 112:3,8 112:18,23 115:20 116:1 117:13,16 117:17 receivership 8:5,10 8:13,21 9:12 16:2 32:7,17 43:8,24 56:6 91:12 receiving 62:10 63:20 64:1 83:19 84:4 91:1 recess 56:11 recitation 73:19 reclamation 85:23 88:18 recognize 6:8 8:3,25 9:5 70:14 73:5 recollect 66:14	recollection 28:22 33:20 39:13 46:23 46:25 47:14 48:19 77:25 record 4:21 6:12 31:2 33:10 55:17 55:18 97:14 Red 86:3 refer 8:12 75:9 referred 66:23 67:10 93:20 referring 59:2 62:19 68:17,19 74:15 75:14 109:3 refers 93:19 reflect 81:8 reflects 87:19 107:6 refuse 47:6 refusing 43:15 regard 8:20 20:14 24:9 25:20 44:1 44:25 57:9 59:7 65:18 73:19 81:7 81:12 89:11,15 98:21 99:2 108:8 regarding 5:15 83:5 83:24 84:5,10 94:1 107:19 117:13 Registered 118:6,6 registers 103:1,3,5 103:6 regular 100:6,7 regularly 99:24 Reinhart 11:17 16:5 18:17 19:19 22:5 23:5,5,6 24:9 31:2 31:4,12 37:11 38:10 92:15 99:9 relate 25:17 82:1,18 87:12 96:16 related 70:5 83:20 91:23 93:3 109:6 112:9 relates 74:7 87:24 relating 3:9 93:16 relative 118:16 relevancy 33:22 relevant 33:19 remaining 3:13 remarkable 96:7 remember 9:15 13:18 14:12 17:2 23:2 33:24 36:15 62:8,14 77:24 78:11 84:1,14 89:1 101:11 114:6	remove 14:14 rent 104:6 rental 106:3,6 replacement 38:20 39:5,25 report 20:19 23:25 REPORTED 1:20 Reporter 118:6,7,7 reporting 1:21 23:7 represent 4:11 representation 35:1 representative 86:14 representing 9:25 25:4 represents 108:22 request 8:22 40:19 83:19 84:4,13 116:21 REQUESTED 3:12 requests 3:13 46:16 83:21,23 84:10 require 40:21 requires 38:15 resend 107:14,14 residing 99:22 resource 70:24,24 71:2 82:16 86:15 100:4 respond 98:5 responding 67:17 response 42:20 responsive 112:18 rest 21:5 98:8 retrieve 95:12 return 56:12 107:23 returned 110:25 returns 108:9 review 46:14 99:2 reviewing 6:10 8:2 70:16,18 right 5:13 6:23 19:21 23:23 28:24 46:4 49:22 54:8 62:12,12 65:14,14 65:22 68:8 82:20 84:7 89:17 105:2 105:20 107:23 113:20 115:12 117:23 right-hand 34:11 38:19 45:10 rights 61:17,18 RMR 1:21 118:21 ROAD 86:3 104:11 role 11:8 12:1 14:3 15:13 18:9 63:4	72:7,9 75:4 108:10,11 rolls 26:17 Ron 6:19 10:2 17:18 28:8 32:7,17,25 33:10,17,25 55:14 69:23 70:4,16 98:2 113:18 117:20 RONALD 1:11 4:4 room 46:15 99:5 101:4 RPR 1:21 118:21 RR 106:7,16 ruling 105:12,16 run 34:19,23,25 106:25 running 105:17,21 runs 19:9 109:1 RVDH 31:1,15,18 31:21 33:7,13 45:11 49:23 58:4 64:21 65:8 68:14 68:21 69:3,15 70:1,9 71:5 72:23 76:25 rvdh@greenboxn... 79:14 Ryan 100:2 S S 1:21 2:1 118:5,21 S.C 1:16 2:7,12,20 salary 24:11 sale 25:11 57:22 58:8 sales 73:24 74:2,6 109:5,11 111:12 111:21 112:13 113:13 Sam 106:17 saying 10:6 31:20 44:2 55:21 62:2 says 34:14 45:10,11 47:7 49:22 50:3 60:5,6 64:14 74:11 75:11 SC 104:1 scan 95:17 scrambled 114:15 search 22:24 82:5 111:14 searched 114:14 SEC 54:9 second 6:13,25 20:11 24:19 52:21 60:13,14 65:9	67:9 70:2,10,20 72:10 73:23 74:2 74:4,8 75:3 77:16 78:8 79:3 81:7,22 82:7 83:20 84:6 84:11 87:20 88:15 89:13 90:5 91:5 91:15 92:3,21 93:7 97:17,22 98:19 109:4 second-to-last 34:10 Secondly 70:6 see 24:21 25:1 30:5 34:11,15,19,22 36:8 38:20 41:17 43:6 46:11 47:9 48:23,24 49:1 51:22,23 52:4 53:4,18,20,23 54:1,8,25,25 56:16 59:3,4 65:23 70:16 71:11 73:25 82:24 83:23 99:24 100:2,19 103:10,18,19 104:2 105:25 115:23 seeing 84:14 112:19 seen 4:25 6:10,24 8:2 21:4 70:18 88:19 90:17 93:19 seized 109:8,25 110:18 seizures 95:10 sell 13:11 send 55:25 62:15,18 78:21 79:11,11 90:13 sent 63:5 77:17 78:12,14,17,19,22 79:1,5,8 83:25 90:12,12,17,18,21 95:15 107:12,16 116:21 sent-out 95:15 separate 97:20 101:4 September 50:20 90:23 105:9 serial 47:21 53:5,7 54:1,14 58:20 served 20:21 22:7 server 94:25 95:11 95:12 109:17 115:6,14 116:9 servers 53:15 81:15 SERVICE 1:21
---	---	---	---	--

serving 2:5 4:13 set 57:4 59:3,14 64:15 97:17 98:21 sets 53:25 54:5,8,10 54:13,16,18 59:13 101:3 setting 89:16 settled 105:11 setup 78:13 seven 43:19 44:6 45:8 46:24 52:11 53:25 54:3,5,7,10 54:13 59:14 Sharie 22:10,20,20 22:21 sheet 6:16 30:14 97:10,13,23 sheets 92:8 Sheriff's 25:19 shifting 24:19 shipper 75:11,13 shipping 82:25 shit 44:12 short 62:8 104:20 shorthand 118:11 show 109:2 shows 62:16 sic 11:16 SICKEL 2:16 signature 73:12 signed 61:9 72:1 73:16 86:20 Silverman 36:14,16 simple 35:24 44:16 simply 4:24 simultaneously 49:25 sir 7:24 13:2 31:8 35:23 44:1 111:16 sit 70:7 98:24 sitting 28:21 50:14 54:4 61:1 69:17 82:12 87:3 89:1 90:6 91:10 102:10 115:1 situation 104:8 six 21:2 38:16 50:7 54:2,8 99:4,7 sjk@lcoj.com 2:23 slow 85:19 small 50:6 56:5 106:18 smoke 105:8 snow 101:20 sold 37:22 somebody 37:7 47:1 48:5 50:5 55:25	56:3 60:23 64:10 71:11 85:3,4 92:20 103:16 108:16,17 110:24 111:1 114:4,15 116:13 someplace 35:20 36:19 37:1 sorry 16:9 41:19 43:4 46:18 93:23 97:14 113:21 117:11 sort 50:1 117:13 sorting 51:21 52:1,2 52:4,10 57:12,13 58:5,11,22,23 sources 81:11 South 1:17 2:17,21 68:8 71:18 72:6 86:7,11 93:17,21 space 20:7 106:24 speak 41:21 96:18 100:13 speaking 9:22 Specialists 106:23 specific 94:16 specifically 33:3 47:20 60:24 79:21 96:10 103:11,14 110:14 speed 97:2,5 spent 20:9 68:22 spreadsheet 35:25 36:10 37:13 41:13 53:8 54:6,19 59:15 73:21 square 104:13 106:19,25 staff 89:21 113:11 standing 46:1 standpoint 92:17 stands 50:14 start 13:13 42:23 97:24 started 116:21 starts 18:15 state 1:1 29:5 47:24 47:25 71:10 93:22 118:1,8,22 stated 4:20 35:22 statement 44:20 62:1 statements 44:23 73:19 Stepanek 9:19,23 10:7,16 14:14 15:9	Steve 76:13 STEVEN 2:21 stock 63:23 Stonehill 60:1,3 81:6 stop 10:13,23 35:23 111:16 113:7 115:23 Stopping 27:9 storage 71:6 straighten 104:18 street 1:17 2:3,13 2:17,21 66:22 strike 63:9 studied 26:25 stuff 46:18 52:19 56:6 81:14 96:3 116:16,22 sub 107:25 subject 32:6 sublease 104:16 106:16,17 subleases 105:13 106:11,13 subleasing 104:9 105:6 subpoena 3:6 6:20 sued 61:4,5 suing 72:20 Suite 2:3,8,13,17 summer 67:11 supervise 20:16,18 supervised 23:5,18 23:20 supervises 76:9 supervisor 20:25 22:1,7 23:22 supervisors 20:21 supposed 61:15 sure 7:24 11:12 18:5 25:25 27:19 34:4 37:22 38:23 40:3,3 41:23 42:24 44:13 45:6 45:7,7,25 49:11 49:21 61:22 62:9 75:10 83:7 85:3 87:14 90:22 92:18 92:19 93:1,1,2 94:7,23 99:18 switched 15:8,9 24:13 104:24 110:3,4 sworn/affirmed 4:6 118:15 system 51:21 52:1,2 52:10 57:12,13	58:5,11,23 87:16 88:18 101:7 110:3 115:8,11 116:9 systems 52:4 <hr/> T <hr/> take 7:14 24:3,5 26:17 46:10 55:15 55:16 56:9 60:4 66:11 70:13,15 73:23 75:7 77:10 95:18 101:3 102:12 taken 14:17 28:1 36:16 103:7,9 116:7,24 118:9 talk 10:18 11:6 30:23 40:22 60:16 100:8,10 113:17 talked 15:7 21:4 24:2 59:14 68:12 79:21 90:25 97:10 97:22 100:3 108:25 talking 9:18 14:6 17:10,11 28:5,16 28:17 29:22,25 39:23 51:4 52:25 62:25 82:9 88:8 94:9 95:7 110:16 110:16 Tammy 11:17 15:12 15:20 18:9,11 19:19 23:20 31:17 37:17,18 38:10 46:7 76:7 80:4,8 80:18,23 99:10 103:21 108:14 tarped 48:7 tax 107:23 108:9 tear 55:8 technologies 69:13 98:9 technology 69:10 70:23 71:7 86:10 98:19,20 Tecum 3:7 tell 11:21 30:11 33:12 48:17 64:11 64:11 65:14 69:17 69:19 70:7 80:2 81:9 89:17 90:22 98:7 101:23 110:2 110:13 telling 36:9 79:1 115:24 ten 61:17	terminate 17:24 terminated 16:25 17:1,5,23 18:2 testified 4:6 testify 118:15 testimony 42:14 Thames 11:10,14 11:22 16:20 20:24 21:17 38:4 79:24 99:8 Thames' 14:20 thank 7:23 38:19 71:22 113:11 they'd 32:13 83:12 THILL 2:12 4:20 4:25 10:13 97:12 117:11 thing 10:25 44:11 51:9 72:22 83:1 107:11 110:4 116:16 things 43:20 48:7 61:14,16 86:18 101:21 104:2 think 4:25 9:10 13:16 20:12 33:19 36:8 40:2 54:10 63:25 93:20 112:17,22 116:20 117:16 third 6:20 7:1 39:7 39:8 59:3 96:22 third-party 96:23 96:25 97:6 thought 6:19 82:9 116:22,24 thousand 105:2 three 6:9 37:23 45:21,22,24 47:15 49:11 52:4 54:3 58:25 69:13 83:6 101:1,2 108:25 till 112:5 time 1:14 12:1,9,23 13:1,4,11 14:25 15:7,7,18 16:6,19 18:2,14 21:5 23:7 24:14 27:8,9 33:4 34:7,23,24,25 40:19 43:11 45:13 45:16 46:14 48:13 49:5 56:8 57:20 70:2,6,8,15 75:1 78:4,7 81:2 84:9 88:25 93:11 95:9 95:22,23 104:5 109:18 110:11
--	---	---	---	--

115:20 116:1 118:9 times 20:8 24:2 38:16 40:18 tire 85:23 87:16 tissue 21:16 26:18 80:19,20 today 5:24 7:5,13 7:17 28:21 30:7 30:11 37:1,11,18 41:21 43:18 45:23 46:13,22 51:16,19 59:11 64:3,11 76:4,5 78:17 87:7 90:6 91:10 110:12 110:19 112:2 115:1 117:7 today's 6:7 told 14:14 15:9 55:18 84:18 110:15,17 111:20 tomorrow 13:5 tons 72:21 top 103:25 104:1 tossed 113:23 total 63:16 70:11 totally 43:7 TPIC 16:19 18:18 23:13 26:13 30:23 30:23 31:21 32:22 track 10:21 53:5 train 104:14 transaction 72:2,8 94:2 transactions 109:6 transcript 3:10,10 4:1 118:10 transfer 77:15,23 78:4,8 81:22,25 82:2,7,9,10 83:20 84:3,11,17,19 85:10 89:3,11,16 90:2 93:7,12 transferred 70:21 71:9 84:15 85:8 85:11 97:16 98:1 transition 14:11 15:5 16:1 75:3 transported 41:6 trashed 101:7 traveling 109:16 111:25 113:10 treatment 7:12 tried 71:11,12,13 85:25 86:1,3,5 87:1 trouble 105:12	116:3 Truckers 85:1 trucks 104:14 true 25:8 118:10 trustee 4:14 truth 118:15,15,16 try 7:21 trying 9:10 17:13 17:14 30:5 68:6 72:4 75:18 78:25 82:11,14 83:2 turn 20:11 111:2,3 112:3 113:3 two 2:8 3:13 6:13,20 6:22 12:20 29:11 32:12,14 34:4 37:23 44:23 49:9 54:3,6,13 59:24 61:19,20,21,24 66:19 69:1 73:20 74:1 89:24 97:20 101:3 104:2 106:10 107:4 109:15,18,20 110:5,10,12,15,17 110:19,21 111:24 112:1 113:10 114:4,17,21 115:2 115:12,13,19 116:7 117:1,12 type 7:14 17:20 U UCC 11:1,2 30:14 Um-hmm 51:8 umbrella 19:6 underneath 80:18 understand 7:7,19 8:9 25:9 30:13 54:9 61:3 62:19 63:9 64:4 90:5,9 94:21 100:4 105:20 115:5 understanding 26:15 35:1 45:16 50:17,25 59:20 60:9 61:12 68:13 85:10 93:10 95:1 117:7 undertaking 96:5 unfavorable 105:16 unit 60:5,6,12,13,14 60:16 62:4,7 64:24 65:9,18,21 65:23 66:2 67:9 67:19 69:5,9,11 69:14 70:2,10,20	71:4,6,20 72:10 72:18,20,21 73:8 74:4,8 75:3 77:16 78:9 79:3 81:8,22 81:25 82:6,7,11 83:21 84:6,12 85:24 87:2,6,20 88:15 89:13 90:6 90:16 91:5,15 92:3,3,21 93:7,11 97:18 102:10 112:25 116:14 units 3:9 60:10 61:17,19,20,21,25 72:24 73:20 86:10 unloaded 104:15 unsure 42:15 untrue 95:2 update 37:25 updated 35:6 36:18 37:12,18 38:1,2,6 38:8 46:5,7 55:20 92:8,18 use 32:23 33:8 49:8 57:15,17 70:9 71:20 84:23 88:18 100:4 102:17,17 108:8 116:9 uses 26:13 usually 47:1 Utica 24:25 25:6,13 25:23 26:1,3 30:20 40:25 41:6 50:9 V vacation 100:15 109:24,24 110:18 vague 52:25 valuation 38:25 39:1,9 value 25:14 38:20 38:22,24 39:2,3,4 39:6,13,25 Van 1:11 4:4,10 6:6 7:3 42:22 56:12 Varde 50:10,11,12 50:19 60:1 101:3 106:16 various 98:16 105:13 vendors 107:25 version 35:6,19,24 36:10,19,20,21 37:12,19 VHC 104:4 viable 30:9	violate 17:14 violation 17:2,5,7,8 visit 77:18 vs- 1:6 W wait 7:8 42:19,20 walk 36:25 want 23:24 43:14 44:12,22,24 45:1 45:25 46:15 49:12 49:16,18 51:17 83:10 85:25 86:17 92:19 117:12,22 wanted 57:1 100:13 101:5 wants 117:14 warehouse 14:22,24 104:13,18 105:18 106:23 warehousing 106:23 107:2 warrant 22:25 95:10 warrants 111:14 wasn't 12:17,19 37:22 43:5 44:8,8 50:8 78:2 90:23 91:10 111:4 way 40:6 41:15 54:1 62:14 103:8 111:23 we'll 7:21 8:12 10:15 46:22 55:16 115:17 we're 17:10 21:12 28:16,17 30:7 47:6 105:18 106:7 110:15,16 113:23 117:8 we've 18:24 23:12 39:22 41:12 59:13 73:20 82:11 87:7 97:10,22 105:21 110:3,4 Wednesday 117:8 week 78:1,2 98:20 100:2 weekly 98:19 weeks 37:23,23 welcome 43:9 went 14:23 91:10 113:15 weren't 90:24 109:25 110:18 whatsoever 81:12 Wi-Fi 95:13 116:11	WIETING 2:16 Willihnganz 20:2 Willis 19:9 wire 62:10 91:1 wired 62:20,22 63:2 63:14,16,18 64:1 64:4 102:19 wiring 62:6 Wisconsin 1:1,4,17 2:3,9,13,15,18,22 12:8,9,12 13:6 14:9 15:2,3,4,6,25 16:2,18,21 18:3 21:10 29:6 45:13 47:24 48:1 71:15 76:1,3,5 80:18 81:4 104:12 106:22 118:1,8,18 118:22 wish 81:9 witness 4:5 6:22,24 10:13 28:6,11 113:19,21 117:21 118:14 wonder 114:16 word 62:24 95:3 work 7:21 8:14 20:2 20:10 29:11 72:25 85:1 96:6,22 99:23 worked 9:16 12:19 19:19 40:24 57:20 57:23 58:9,15,16 59:8 76:12,13,15 77:20 105:9 working 12:19 23:13 24:4 31:3 62:3 99:22 works 16:24 80:18 worth 46:17 50:8 52:19 wouldn't 7:25 12:25 28:19,20 30:11 32:13 33:2,3,4,12 34:21 37:3,15 40:6 42:11 48:21 51:9 52:17 61:1 66:13 67:16 69:17 69:19 70:7 76:14 80:2 91:2,2,9,11 91:12 92:1,4 100:9,16,16 101:23 103:16 107:11 110:5,7 115:3 116:22,24 write 102:16 writing 4:18,23,23
--	--	--	---	--

5:2,10 written 5:5,20 wrong 18:20 30:24 37:5 WSI 106:23 www.bayreportin... 1:22	11-by-17-size 55:3 11-by-17s 54:24 55:1 117 3:13 12 41:16 43:1 45:11 47:7 48:14 57:9 12:03 1:14 117:25 125 2:17 13 48:14,22 50:20 56:15 57:4,16 14 24:12 50:23 51:2 51:5,6 56:15 57:4 81:18 90:14 104:7 106:8 15 1:6,13 51:21,22 57:12 58:6,18,19 59:1 95:16 16 53:18,21 54:12 58:18 16th 90:23 118:18 17 53:18,21 54:12 115:4 18 60:4,5,17 64:13 64:17,18 66:9 67:10 73:20 105:22 19 105:22 1999 103:8	20th 88:14 2103 41:23 42:10 231 1:17 2:21 24/7 105:18 25 54:22 26 54:22 270 46:17 278 52:19 28 59:2,3,7 2nd 95:16 103:7 108:7 116:6	7 7 3:5 54:25,25 70 3:8 73 3:9 75 106:7 750,000 61:22 769 1:6 7th 83:25 84:5,13 114:2,11
X X 3:1 43:2,6 49:1 51:24	3 3 3:8 67:7,8 70:14 75:9 30 60:4,5,6,8 65:6 65:18,21,23 73:21 100:18 300,000 62:2,6,11 63:18 64:1,4,9 31 54:24 59:18 32 54:24 59:18 33 2:3,13 330 2:8 35 110:16 38 110:11 116:7 380 96:2 39 100:18	4 4 3:3,9 73:2,3,5,13 88:9 109:4 4.5 61:10 63:16 4.6 61:10 40 103:23 41 103:23 414-273-4200 2:9 42 24:21 98:14,16	8 80,000 106:25 800-424-2224 1:23 821 104:11 83,000 106:25 830,000 68:25 70:11
Y yeah 26:10 35:3 38:17 41:18 51:3 53:23 57:2 59:3 65:4 74:1,3 80:25 90:19 99:16,23 year 13:6,8 14:13 14:23 17:3 42:1 82:12,13 90:14 92:7 107:20 years 12:15 24:12 24:12 106:10 107:5 110:7 Yep 69:4 87:18 yes-or-no 53:16 youse 107:13	2 2 1:1 3:6 4:2 6:7 7:1 8:25 56:13 60:5 60:16 64:24 65:19 65:22 67:9 73:8 112:25 116:14 2/4/16 3:6 20 41:23 105:22 20-year 76:6 200 88:2 200,000 72:14,16 86:23 2000 18:12 108:7 2003 42:6,7 2007 18:13 2013 23:9,15 2015 67:12,15,24 72:5 88:14 110:23 110:25 111:20,22 111:23 113:2,14 116:6 2016 1:13 84:5 100:25 101:25 112:4,19 113:4 114:2,12 115:25 116:2 118:18 2077-A 83:14 2099 103:8	5 5 61:9 500 2:13 66:25 67:1 67:11,14,25 70:21 72:4 77:14,23 85:12 88:21 53202 2:9 53701 2:13 53703 2:3 54301 2:18,22 56 99:23,25 57 87:17	9 9:17 1:14 90 24:6 900 2:3 920-432-5662 1:22 920-432-7716 2:18 920-437-0466 2:22
Z zero 47:8,11 Zurich 105:11	0 1 1 3:5,13 4:2 7:14,25 24:20,23 25:4 26:5 34:6,9 39:23 40:1,22 41:19,22 45:6 56:13 60:6 65:4,21,23 72:18 72:20 96:17 97:15 100:18 1.4 34:14,18 10,000 106:18 10/30/16 118:22 10:00 117:8 10:22 56:9 100,000 105:14 101 2:17 1085 2:8 11 12:15 24:23 25:5 26:5 34:6,9 39:23 40:1,22 41:20,22 42:2 45:6 48:14 11-by-17 55:6	6 6 3:7 600,000 72:23 608-257-7181 2:14 608-283-2457 2:4	

1 STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY
2 BRANCH 2

3 -----

4 MARCO ARAUJO, M.D.,
5 CLIFFTON EQUITIES, INC.
6 and WISCONSIN ECONOMIC
7 DEVELOPMENT CORPORATION,

8 Plaintiffs,

9 -vs-

Case No.: 15 CV 769

10 GREEN BOX NA GREEN BAY, LLC,

11 Defendant.

12 -----

13

14

DEPOSITION OF: RONALD H. VAN DEN HEUVEL
(Volume II)

15

DATE: February 17, 2016

16

17

TIME: 10:03 a.m. - 11:45 a.m.

18

19

LOCATION: LAW FIRM OF CONWAY,
OLEJNICZAK & JERRY, S.C.
231 South Adams Street
Green Bay, Wisconsin

20

21

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120

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 10
 11 * * * * *
 12
 13 I N D E X
 14
 15 EXAMINATION BY: PAGE
 16 Ms. Ogden 123
 17
 18 EXHIBITS MARKED: PAGE ID'D
 19 Ex. 5 Bill of lading128
 20 Ex. 6 Text message printout129
 21 Ex. 7 Email exchange, Subject:
 22 821 Parkview information Green Box ..130
 23
 24 Ex. 8 Amended Loan and Investment
 25 Agreement131
 Ex. 9 Amended and Restated Promissory
 Note132
 Ex. 10 Amended and Restated Security
 Agreement133
 Ex. 11 UCC Financing Statement Amendment ...134
 Ex. 12 11/13/14 Wire Activity - Summary
 Report135
 Ex. 13 Emails regarding \$300,000 wire136
 Ex. 14 Evidence of Property Insurance136
 Ex. 15 2/11/15 email re: Kool Unit Arrival
 and attached photos137

121

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
 414 S. Jefferson St., Green Bay, WI

1 EXHIBITS MARKED (continued): PAGE ID'D
 2 Ex. 16 3/20/15 letter to Mr. Van Den Heuvel,
 3 EARTH, WTRT, Green Box NA Green Bay,
 4 and Oconto Falls Tissue from
 5 Brittany S. Ogden139
 6
 7 Ex. 17 4/15/15 letter to Mr. Van Den Heuvel,
 8 EARTH, WTRT, Green Box NA Green Bay,
 9 and Oconto Falls Tissue from
 10 Brittany S. Ogden139
 11 Ex. 18 1/14/16 letter to John R. Petitjean
 12 from Brittany S. Ogden140
 13
 14 Ex. 19 Order Appointing Receiver141
 15
 16 (Original exhibits were attached to original
 17 transcript; copies to transcript copies.)
 18
 19 REQUESTED INFORMATION: PAGE
 20 NONE
 21
 22
 23
 24
 25

122

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
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1 TRANSCRIPT OF PROCEEDINGS
 2 (Exhibits 5 through 19 pre-marked for
 3 identification.)
 4 RONALD H. VAN DEN HEUVEL, called as a
 5 witness herein, having been first duly
 6 sworn/affirmed, was examined and testified as
 7 follows:
 8 EXAMINATION
 9 BY MS. OGDEN:
 10 Q Good morning, Mr. Van Den Heuvel. This is
 11 Attorney Brittany Ogden. We discussed the rules
 12 and procedure, the process, regarding depositions
 13 at Monday's hearing. Are you still familiar
 14 with that discussion?
 15 A Yes.
 16 Q And are you under no other medication or
 17 treatment that would compromise your ability to
 18 answer today?
 19 A No.
 20 Q Mr. Van Den Heuvel, is it -- am I correct in my
 21 understanding that you intend to plead the Fifth
 22 to each and every question that's asked of you
 23 today?
 24 A On my counsel's advice, I invoke the right under
 25 the Fifth not to answer on the grounds I may

123

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- 1 **incriminate myself.**
 2 Q And are you going to invoke that privilege with
 3 each and every question that is asked of you at
 4 this deposition today, sir?
 5 A Yes.
 6 Q I'm just going to run through a few questions
 7 with you. I understand you intend to invoke the
 8 privilege. We certainly take the position that
 9 that is not a privilege that is to be asserted
 10 in the -- in the -- this proceeding, and it's
 11 not applicable, but we are going to continue and
 12 ask a few questions and then try to wrap up.
 13 Mr. Van Den Heuvel, isn't it true that you
 14 are an officer, director, or manager of EARTH?
 15 A On counsel's advice I invoke my right under the
 16 Fifth Amendment not to answer on the grounds I
 17 may incriminate myself.
 18 Q Isn't it true that you are an officer, director
 19 or, manager of Green Box NA Green Bay?
 20 A On counsel's advice I invoke my right under the
 21 Fifth Amendment not to answer on the grounds I
 22 may incriminate myself.
 23 Q Isn't it true that you are an officer, director,
 24 or manager of PCDI?
 25 A On counsel's advice I invoke my right under the

124

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- 1 **Fifth Amendment not to answer on the grounds I**
 2 **may incriminate myself.**
 3 Q Isn't it true that you are an officer, director,
 4 or manager of Eco Hub?
 5 A On counsel's advice I invoke my right under the
 6 Fifth Amendment not to answer on the grounds I
 7 may incriminate myself.
 8 Q Isn't it true you are an officer, director, or
 9 manager of Green Box NA?
 10 MR. PETITJEAN: Objection. Relevance.
 11 Go ahead and answer.
 12 A On counsel's advice I invoke my right under the
 13 Fifth Amendment not to answer on the grounds I
 14 may incriminate myself.
 15 Q Isn't it true you are an officer, director, or
 16 manager of Green Box NA Detroit?
 17 MR. PETITJEAN: Objection. Relevance.
 18 Go ahead.
 19 A On counsel's advice I invoke my right under the
 20 Fifth Amendment not to answer on the grounds I
 21 may incriminate myself.
 22 Q Isn't it true you are the officer, director, or
 23 manager of Waste Tire Recovery Technology?
 24 MR. PETITJEAN: Objection. Relevance.
 25 A On counsel's advice I invoke my right under the

125

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- 1 **Fifth Amendment not to answer on the grounds I**
 2 **may incriminate myself.**
 3 Q Isn't it true you are an officer, director, or
 4 manager of Patriot Tissue?
 5 MR. PETITJEAN: Objection. Relevance.
 6 A On counsel's advice I invoke my right under the
 7 Fifth Amendment not to answer on the grounds I
 8 may incriminate myself.
 9 Q Isn't it true you are an officer, director,
 10 manager, or agent of Advanced Resource Materials?
 11 MR. PETITJEAN: Objection. Relevance.
 12 A On counsel's advice I invoke my right under the
 13 Fifth Amendment not to answer on the grounds I
 14 may incriminate myself.
 15 Q Isn't it true that there are two computers that
 16 are in your possession that were not seized by
 17 the Brown County Sheriff's Department?
 18 MR. PETITJEAN: Objection -- well, go
 19 ahead, answer.
 20 A No.
 21 Q Where are these computers today?
 22 A On counsel's advice I invoke my right under the
 23 Fifth Amendment not to answer on the grounds I
 24 may incriminate myself.
 25 Q Isn't it true that you have removed these

126

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- 1 computers from your possession?
 2 A On counsel's advice I invoke my right under the
 3 Fifth Amendment not to answer on the grounds I
 4 may incriminate myself.
 5 Q If I could direct your attention to what was
 6 previously marked as Exhibit 1 at Monday's
 7 deposition. It's the list of assets. Do you
 8 have that before you, sir?
 9 MR. PETITJEAN: We have the exhibit.
 10 Q Isn't it true, sir, that this is the -- this is
 11 a copy of the document that you provided and
 12 filed with the Court in connection with the
 13 present receivership matter?
 14 A On counsel's advice I invoke my right under the
 15 Fifth Amendment not to answer on the grounds I
 16 may incriminate myself.
 17 Q Isn't it true that you do not have any documents
 18 that support your positions regarding the
 19 ownerships of the liens held with regard to the
 20 assets set forth in this list?
 21 A On counsel's advice I invoke my right under the
 22 Fifth Amendment not to answer on the grounds I
 23 may incriminate myself.
 24 Q Isn't it true that you have not produced any
 25 supporting documents regarding this list of

127

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 assets to the receiver?

2 **A On counsel's advice I invoke my right under the**

3 **Fifth Amendment not to answer on the grounds I**

4 **may incriminate myself.**

5 Q If I could direct your attention to what has now

6 been previously marked as Exhibit 5. This is a

7 document that you did not have -- this particular

8 exhibit was not provided to you on Monday but is

9 very similar to Exhibit 3 that was presented to

10 you. Do you have Exhibit 5 before you, sir?

11 MR. PETITJEAN: I have Exhibit 5. Do

12 we have Exhibit 3 or -- are you referring to

13 them both? You said they're similar.

14 MS. OGDEN: I would like the witness

15 to have Exhibit 5 before him, please.

16 MR. PETITJEAN: You're the one who

17 told me 3 and 5 are similar, so I'm looking at

18 them.

19 MS. OGDEN: Okay. I would like the

20 witness to be handed Exhibit 5, please.

21 MR. PETITJEAN: We're getting there.

22 MR. KRUEGER: He does have the exhibit

23 now.

24 MS. OGDEN: Thank you.

25 Q Mr. Van Den Heuvel, isn't it true that this is

128

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 the document that relates to Green Box's

2 transfer of the second Kool unit?

3 **A On counsel's advice I invoke my right under the**

4 **Fifth Amendment not to answer on the ground I**

5 **may incriminate myself.**

6 Q Isn't it true that Green Box transferred the

7 second Kool unit without the permission and

8 authority of the receiver in this matter?

9 **A On counsel's advice I invoke my right under the**

10 **Fifth Amendment not to answer on the grounds I**

11 **may incriminate myself.**

12 Q Isn't it true that Green Box Green Bay

13 transferred the second Kool unit unbeknownst to

14 and without the authorization of Clifton

15 Equities?

16 **A On counsel's advice I invoke my right under the**

17 **Fifth Amendment not to answer on the grounds I**

18 **may incriminate myself.**

19 Q If I could direct your attention to Exhibit 6.

20 Do you have that before you, sir?

21 MR. PETITJEAN: We're getting there.

22 MS. OGDEN: Would you kindly let me

23 know when you're ready to discuss this exhibit?

24 MR. PETITJEAN: Yes.

25 **A (Reviewing document.)**

129

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 MR. PETITJEAN: We're ready.

2 Q Sir, isn't it true that this is an -- this

3 exhibit relates to communications that were made

4 on behalf of Green Box Green Bay regarding the

5 transfer of the second Kool unit?

6 **A On counsel's advice I invoke my right under the**

7 **Fifth Amendment not to answer on the grounds I**

8 **may incriminate myself.**

9 Q Isn't it true that you have not produced any

10 documents related to the transfer of the second

11 Kool unit and communications by Green Bay with

12 Advanced Resource Materials?

13 MR. PETITJEAN: Object to the form of

14 the question. Go ahead and answer.

15 **A On counsel's advice I invoke my right under the**

16 **Fifth Amendment not to answer on the grounds I**

17 **may incriminate myself.**

18 Q If I could direct your attention to what's been

19 marked as Exhibit 7, please. Let me know when

20 you have that before you and are ready to discuss

21 it.

22 **A (Reviewing document.)**

23 MR. PETITJEAN: Proceed.

24 Q Sir, isn't it true that Exhibit 7 is a true and

25 correct copy of the email exchange your counsel

130

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 had with the receiver in connection with this

2 matter?

3 **A On counsel's advice I invoke my right under the**

4 **Fifth Amendment not to answer on the grounds I**

5 **may incriminate myself.**

6 Q Isn't it true as of Friday, November 20th, 2015,

7 you confirmed with the receiver that the location

8 of the second Kool unit was located at

9 500 Fortune Avenue, De Pere, Wisconsin?

10 **A On counsel's advice I invoke my right under the**

11 **Fifth Amendment not to answer on the ground I**

12 **may incriminate myself.**

13 Q If I could direct your attention to Exhibit 8,

14 please.

15 MR. PETITJEAN: Do you want him to

16 review the document? It's very long.

17 MS. OGDEN: If he believes he needs

18 to, you may take a few minutes to review the

19 document. I believe he has seen it before. Let

20 me know when you're ready to discuss it.

21 **A (Reviewing document.)**

22 MR. PETITJEAN: We're ready.

23 **A Ready.**

24 Q Thank you. Isn't it true that this is the

25 Amended Loan and Investment Agreement that was

131

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 entered by and among Green Bay NA Green Bay, LLC,
2 EARTH, WTRT, and Mr. Ron Van Den Heuvel with
3 Clifton?

4 **A On counsel's advice I invoke my right under the**
5 **Fifth Amendment not to answer on the ground I**
6 **may incriminate myself.**

7 Q If I could direct you to Page 15 of the document.
8 There are three pages of 15. Those are signature
9 pages. Could you turn to the second 15. And let
10 me know when you're there.

11 MR. PETITJEAN: Just so that we're
12 clear, is this the one that's missing the
13 signature of Clifton Equities? That 15?

14 MS. OGDEN: Correct. That Page 15.
15 You're there?

16 MR. PETITJEAN: Yes.

17 Q Isn't it true, Mr. Van Den Heuvel, those are
18 your signatures on that page?

19 **A On counsel's advice I invoke my right under the**
20 **Fifth Amendment not to answer on the grounds I**
21 **may incriminate myself.**

22 Q If I could direct your attention to what has
23 been previously marked as Exhibit 9, please.

24 MR. PETITJEAN: We're reviewing the
25 document. We'll let you know when we're ready.

132

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 MS. OGDEN: Okay. Thank you.

2 **A (Reviewing document.) Ready.**

3 Q Isn't it true that this is the Amended and
4 Restated Promissory Note that EARTH, Green Box
5 NA Green Bay, and Waste Tire Recovery Technology
6 entered into with Clifton?

7 **A On counsel's advice I invoke my right under the**
8 **Fifth Amendment not to answer on the grounds I**
9 **may incriminate myself.**

10 Q If I could refer to you that -- refer you to the
11 very last page of this exhibit, please. Let me
12 know when you're there.

13 MR. PETITJEAN: Is that the signature
14 page?

15 MS. OGDEN: Correct.

16 MR. PETITJEAN: We're there.

17 Q Isn't it true that those are your signatures on
18 that signature page, sir?

19 **A On counsel's advice I invoke my right under the**
20 **Fifth Amendment not to answer on the grounds I**
21 **may incriminate myself.**

22 Q If I could direct your attention to Exhibit 10,
23 please. Let me know when you're ready to talk
24 about it.

25 **A (Reviewing document.) Ready.**

133

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 MR. PETITJEAN: Proceed.

2 Q Isn't it true -- thank you. Isn't it true that
3 this is the Amended and Restated Security
4 Agreement entered into by EARTH, Green Box NA
5 Green Bay, and Waste Tire Recovery Technology
6 with Clifton?

7 **A On counsel's advice I invoke my right under the**
8 **Fifth Amendment not to answer on the grounds I**
9 **may incriminate myself.**

10 Q If I could direct you to the last page of that
11 exhibit, Page 9, the signature page, please.
12 Let me know when you're there.

13 MR. PETITJEAN: We're there.

14 Q Isn't it true that those are your signatures on
15 this signature page, sir?

16 **A On counsel's advice I invoke my right under the**
17 **Fifth Amendment not to answer on the grounds I**
18 **may incriminate myself.**

19 Q If I could direct your attention to what has
20 been marked as Exhibit 11. Kindly let me know
21 when that's before you and you're ready to
22 discuss it.

23 **A (Reviewing document.) Ready.**

24 MR. PETITJEAN: Proceed.

25 Q Isn't it true that this is a true and correct

134

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 copy of the UCC Financing Statement Amendment as
2 it relates to the Kool unit and Green Box
3 Green Bay?

4 **A On counsel's advice I invoke my right under the**
5 **Fifth Amendment not to answer on the grounds I**
6 **may incriminate myself.**

7 Q If I could direct you to what has been marked as
8 Exhibit 12, please. Once you're ready to
9 discuss it, please let me know.

10 **A (Reviewing document.)**

11 MR. PETITJEAN: Proceed.

12 Q Isn't it true that Green Box Green Bay received
13 a wire of \$300,000 for the purchase of the
14 second Kool unit?

15 **A On counsel's advice I invoke my right under the**
16 **Fifth Amendment not to answer on the grounds I**
17 **may incriminate myself.**

18 Q Isn't it a correct -- isn't it true that
19 Exhibit 12 reflects the receipt of that payment
20 of \$300,000 for Green Box Green Bay to use
21 towards the purchase of the second Kool unit?

22 **A On counsel's advice I invoke my right under the**
23 **Fifth Amendment not to answer on the grounds I**
24 **may incriminate myself.**

25 Q If I could direct your attention to what has

135

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 been previously marked as Exhibit 13, please.
 2 **A (Reviewing document.)**
 3 MR. PETITJEAN: Proceed.
 4 Q Please let me know when you're ready to -- thank
 5 you.
 6 Isn't it true that this is a true and
 7 correct copy of the email exchanges you had with
 8 Clifton Equities regarding the receipt of the
 9 \$300,000 for the purchase of the second Kool
 10 unit?
 11 **A On counsel's advice I invoke my right under the**
 12 **Fifth Amendment not to answer on the grounds I**
 13 **may incriminate myself.**
 14 Q If I could direct your attention to Exhibit 14,
 15 please.
 16 **A (Reviewing document.)**
 17 MR. PETITJEAN: Proceed.
 18 Q Isn't it true that Green Box Green Bay provided
 19 certificates of insurance for the insurance of
 20 the Kool units to Clifton?
 21 MR. PETITJEAN: Objection as to form.
 22 Go ahead.
 23 **A On counsel's advice I invoke my right under the**
 24 **Fifth Amendment not to answer on the grounds I**
 25 **may incriminate myself.**

136

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 Q Isn't it true that Exhibit 14 is the proof of
 2 insurance that you provided to Clifton to
 3 reflect Green Box Green Bay's insurance coverage
 4 of the second Kool unit?
 5 **A On counsel's advice I invoke my right under the**
 6 **Fifth Amendment not to answer on the grounds I**
 7 **may incriminate myself.**
 8 Q If I could direct your attention to Exhibit 15,
 9 please. And let me know when you're ready to
 10 discuss it.
 11 **A (Reviewing document.)**
 12 MR. PETITJEAN: Proceed.
 13 Q Isn't it true that on February 11th, 2015
 14 Green Box Green Bay confirmed its receipt of the
 15 second Kool unit with Clifton?
 16 **A On counsel's advice I invoke my right under the**
 17 **Fifth Amendment not to answer on the grounds I**
 18 **may incriminate myself.**
 19 Q And isn't it true on February 11th, 2015, when
 20 Green Box confirmed the receipt of the second
 21 Kool unit, it provided Clifton with photographs
 22 of the second Kool unit?
 23 **A On counsel's advice I invoke my right under the**
 24 **Fifth Amendment not to answer on the grounds I**
 25 **may incriminate myself.**

137

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 Q Isn't it true that Exhibit 15 is a true and
 2 correct copy of the email, that included the
 3 photos, confirming the receipt of the second
 4 Kool unit by Green Box to Clifton?
 5 MR. PETITJEAN: Objection as to form.
 6 Go ahead.
 7 **A On counsel's advice I invoke my right under the**
 8 **Fifth Amendment not to answer on the grounds I**
 9 **may incriminate myself.**
 10 Q Isn't it true that you confirmed the receipt of
 11 the second Kool unit with pictures?
 12 **A On counsel's advice I invoke my right under the**
 13 **Fifth Amendment not to answer on the grounds I**
 14 **may incriminate myself.**
 15 Q Isn't it true that the Kool units that were
 16 purchased with Clifton's money by Green Box
 17 Green Bay have the serial numbers of
 18 8TKM0630NG03 and 8TKM111414NG04?
 19 MR. PETITJEAN: Objection. Lack of
 20 foundation. Go ahead.
 21 **A On counsel's advice I invoke my right under the**
 22 **Fifth Amendment not to answer on the grounds I**
 23 **may incriminate myself.**
 24 Q Isn't it true that you have not produced for the
 25 receiver's benefit any documents relating to the

138

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 Kool units purchased by Green Box Green Bay?
 2 **A On counsel's advice I invoke my right under the**
 3 **Fifth Amendment not to answer on the grounds I**
 4 **may incriminate myself.**
 5 Q If I could please direct your attention to what
 6 has been marked as Exhibit 16. Kindly let me
 7 know when you're ready to discuss this exhibit.
 8 **A (Reviewing document.) Ready.**
 9 MR. PETITJEAN: Proceed.
 10 Q Isn't it true that this is a true and correct
 11 copy of a letter that was sent to you as well as
 12 EARTH, Waste Tire Recovery Technology, Green Box
 13 NA Green Bay, and Oconto Falls Tissue?
 14 **A On counsel's advice I invoke my right under the**
 15 **Fifth Amendment not to answer on the grounds I**
 16 **may incriminate myself.**
 17 Q If I could direct your attention to Exhibit 17,
 18 please.
 19 **A (Reviewing document.) Ready.**
 20 MR. PETITJEAN: Proceed.
 21 Q Isn't it true that this is a true and correct
 22 copy of a letter that was provided to you,
 23 EARTH, Waste Tire Recovery Technology, Green Box
 24 NA Green Bay, and Oconto Falls Tissue Inc. on
 25 April 15th, 2015?

139

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 **A On counsel's advice I invoke my right under the**
 2 **Fifth Amendment not to answer on the grounds I**
 3 **may incriminate myself.**
 4 Q Isn't it true that the second Kool unit is worth
 5 more than \$650,000?
 6 **A On counsel's advice I invoke my right under the**
 7 **Fifth Amendment not to answer on the grounds it**
 8 **may incriminate myself.**
 9 Q Isn't it true that you have not produced records
 10 that are maintained in cloud servers to the
 11 receiver?
 12 **A On counsel's advice I invoke my right under the**
 13 **Fifth Amendment not to answer on the grounds I**
 14 **may incriminate myself.**
 15 Q If I could direct your attention to Exhibit 18,
 16 please.
 17 **A (Reviewing document.) Proceed.**
 18 MR. PETITJEAN: Proceed.
 19 Q Isn't it true that this is the order appointing
 20 the receiver in this matter that was provided to
 21 you?
 22 MR. PETITJEAN: Exhibit 18 we have
 23 here is a letter dated -- a letter from your
 24 office dated January 14th, 2016.
 25 MS. OGDEN: I'm sorry.

140

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 Q Isn't it true that Exhibit 18 was provided to
 2 you, Mr. Van Den Heuvel?
 3 **A On counsel's advice I invoke my right under the**
 4 **Fifth Amendment not to answer on the grounds I**
 5 **may incriminate myself.**
 6 Q Turning your attention to what should be marked
 7 as Exhibit 19. That would be the Order
 8 Appointing Receiver. Do you have that in front
 9 of you?
 10 **A (Reviewing document.)**
 11 MR. PETITJEAN: Ready.
 12 Q Isn't it true that you received this signed
 13 order appointing the receiver in this matter?
 14 **A On counsel's advice I invoke my right under the**
 15 **Fifth Amendment not to answer on the grounds I**
 16 **may incriminate myself.**
 17 Q Isn't it true since the execution of this order
 18 you have destroyed computer records?
 19 **A On counsel's advice I invoke my right under the**
 20 **Fifth Amendment not to answer on the grounds I**
 21 **may incriminate myself.**
 22 Q Isn't it true that you have not produced any
 23 minutes regarding meetings held by Green Box
 24 Green Bay to the receiver?
 25 **A On counsel's advice I invoke my right under the**

141

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 **Fifth Amendment not to answer on the grounds I**
 2 **may incriminate myself.**
 3 Q Isn't it true that you have not provided any
 4 ledgers or accounting records by -- of EARTH to
 5 the receiver?
 6 **A On counsel's advice I invoke my right under the**
 7 **Fifth Amendment not to answer on the grounds I**
 8 **may incriminate myself.**
 9 Q Isn't it true that you have not provided any
 10 ledgers or other accounting records of Green Box
 11 Green Bay to the receiver?
 12 **A On counsel's advice I invoke my right under the**
 13 **Fifth Amendment not to answer on the grounds I**
 14 **may incriminate myself.**
 15 Q Isn't it true that you have not produced any
 16 ledgers or accounting records of Eco Hub to the
 17 receiver?
 18 MR. PETITJEAN: Objection. Relevance.
 19 Go ahead.
 20 **A On counsel's advice I invoke my right under the**
 21 **Fifth Amendment not to answer on the grounds I**
 22 **may incriminate myself.**
 23 Q Isn't it true that you have not produced any
 24 ledgers or accounting records for Green Box NA
 25 to the receiver?

142

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 MR. PETITJEAN: Objection. Relevance.
 2 Go ahead.
 3 **A On counsel's advice I invoke my right under the**
 4 **Fifth Amendment not to answer on the grounds I**
 5 **may incriminate myself.**
 6 Q Isn't it true that you have not provided any
 7 accounting records or ledgers related to
 8 Green Box NA Detroit to the receiver?
 9 MR. PETITJEAN: Objection. Relevance.
 10 Go ahead.
 11 **A On counsel's advice I invoke my right under the**
 12 **Fifth Amendment not to answer on the grounds I**
 13 **may incriminate myself.**
 14 Q Isn't it true that you have refused to produce
 15 computer records maintained by Patriot Tissue
 16 and not produced those to the receiver?
 17 MR. PETITJEAN: Objection. Relevance.
 18 Go ahead.
 19 **A On counsel's advice I invoke my right under the**
 20 **Fifth Amendment not to answer on the grounds I**
 21 **may incriminate myself.**
 22 Q Isn't it true that you have not produced any
 23 organizational documents related to Advanced
 24 Resource Materials to the receiver?
 25 MR. PETITJEAN: Objection. Relevance.

143

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 Go ahead.

2 **A On counsel's advice I invoke my right under the**
3 **Fifth Amendment not to answer on the grounds I**
4 **may incriminate myself.**

5 Q Isn't it true that you have not provided any
6 accounting records or ledgers maintained by
7 Advanced Resource Materials --

8 MR. PETITJEAN: Objection.

9 Q -- to the receiver?

10 MR. PETITJEAN: Objection. Relevance.

11 **A On counsel's advice I invoke my right under the**
12 **Fifth Amendment not to answer on the grounds I**
13 **may incriminate myself.**

14 Q Isn't it true that you have not disclosed the
15 full identity of the IT personnel utilized by
16 Green Box Green Bay to the receiver?

17 **A On counsel's advice I invoke my right under the**
18 **Fifth Amendment not to answer on the grounds I**
19 **may incriminate myself.**

20 MS. OGDEN: I would like to take a
21 very quick break.
22 (Brief recess held.)

23 MR. KRUEGER: We're ready when you
24 are.

25 MS. OGDEN: Okay. Thank you.

144

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

1 Q Mr. Van Den Heuvel, if I could direct your
2 attention to what has been marked as Exhibit 1,
3 the list of assets, please. Let me know when
4 you're ready to speak about this.

5 **A (Reviewing document.)**

6 MR. PETITJEAN: Proceed.

7 Q Isn't it true that all of the items set forth in
8 this list of assets were pledged to creditors of
9 Green Box NA Green Bay?

10 **A No.**

11 Q Isn't it true that you have provided the
12 receiver with no documentation that supports
13 that position?

14 **A On counsel's advice I invoke my right under the**
15 **Fifth Amendment not to answer on the grounds I**
16 **may incriminate myself.**

17 Q Isn't it true that Green Box Green Bay pledged
18 to Ability Insurance Company all interests in
19 Green Box's elevated machinery, inventory,
20 equipment, general intangibles, accounts, and
21 other business collateral as described in its
22 security agreement and blanket filing?

23 MR. PETITJEAN: Hang on. Are you
24 talking about -- which Green Box? I'm just
25 asking for it to be clarified.

145

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 MS. OGDEN: Green Box Green Bay.

2 **A On counsel's advice I invoke my right under the**
3 **Fifth Amendment not to answer on the grounds I**
4 **may incriminate myself.**

5 Q Isn't it true that Green Box Green Bay provided
6 Clifton with a security interest in its Kool
7 units?

8 **A On counsel's advice I invoke my right under the**
9 **Fifth Amendment not to answer on the grounds I**
10 **may incriminate myself.**

11 Q Isn't it true that Green Box Green Bay pledged
12 the pellet processing unit to Clifton?

13 **A On counsel's advice I invoke my right under the**
14 **Fifth Amendment not to answer on the grounds I**
15 **may incriminate myself.**

16 Q Isn't it true that Green Box Green Bay pledged
17 the sorting unit equipment to Clifton?

18 **A On counsel's advice I invoke my right under the**
19 **Fifth Amendment not to answer on the grounds I**
20 **may incriminate myself.**

21 Q Isn't it true that Green Box Green Bay pledged
22 all raw materials, work in process, and finished
23 goods relating to the use of the collateral
24 pledged by Green Box Green Bay?

25 **A On counsel's advice I invoke my right under the**

146

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

1 **Fifth Amendment not to answer on the grounds I**
2 **may incriminate myself.**

3 Q Isn't it true that Green Box Green Bay pledged
4 to Clifton all accounts receivable generated
5 from the use of the collateral?

6 **A On counsel's advice I invoke my right under the**
7 **Fifth Amendment not to answer on the grounds I**
8 **may incriminate myself.**

9 Q Isn't it true that Green Box Green Bay pledged
10 any proceeds of the collateral to Clifton?

11 **A On counsel's advice I invoke my right under the**
12 **Fifth Amendment not to answer on the grounds I**
13 **may incriminate myself.**

14 Q Isn't it true that Green Box Green Bay pledged
15 the proceeds from any repayment of the principal
16 and interest of -- in favor of Oconto Falls to
17 Clifton?

18 **A On counsel's advice I invoke my right under the**
19 **Fifth Amendment not to answer on the grounds I**
20 **may incriminate myself.**

21 Q Isn't it true that Green Box Green Bay has not
22 produced any documents related to the note in
23 favor of Oconto Falls?

24 **A On counsel's advice I invoke my right under the**
25 **Fifth Amendment not to answer on the grounds I**

147

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 **may incriminate myself.**
- 2 Q Isn't it true that Green Box Green Bay pledged
- 3 to Wisconsin Economic Development Corporation
- 4 assets described in a GBSA, including all of its
- 5 equipment, fixtures, inventory, documents,
- 6 general intangibles, accounts, deposit accounts,
- 7 contract rights, chattel paper, patents,
- 8 trademarks and copyrights, instruments, letter
- 9 of credit rights, and investment property now
- 10 owned or ever after owned by Green Box Green Bay,
- 11 as well as all additions, successions to, all
- 12 spare and repair parts, special tools, equipment
- 13 and replacements for, software used in, all
- 14 returned or repossessed goods, the sale of which
- 15 gave rise to any of those proceeds?
- 16 MR. PETITJEAN: Could you repeat
- 17 that? I'm joking. I apologize. Go ahead.
- 18 **A A subordinated GBSA.**
- 19 Q Is that yes, that it's true?
- 20 **A A subordinated GBSA is my answer.**
- 21 Q Isn't it true that Green Box Green Bay pledged
- 22 to Dr. Marco Araujo certain equipment, including
- 23 a Mayfran Conveyor, an Action Tapor Slot, a
- 24 suspended magnet, an Eriez Eddie Current, an Air
- 25 Classifier, a Thrash Exit Conveyor, a Glass Sort

148

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 Conveyor, Lights Sort Belt, a 19-inch Fines Belt,
- 2 24-inch Trough Belt, a 36-inch Trough Belt, a
- 3 24-inch Trough Belt, a 5 Bunker Door Winches
- 4 Dalton, Bunker Walls, and bins?
- 5 **A On counsel's advice I invoke my right under the**
- 6 **Fifth Amendment not to answer on the grounds I**
- 7 **may incriminate myself.**
- 8 Q And isn't it true that Green Box Green Bay also
- 9 pledged to Dr. Araujo a perforated screen, an
- 10 aluminum can blower, a ferrous exit conveyor, a
- 11 REM fiber infeed, a REM transition belt, control
- 12 panel, electronic and other miscellaneous items
- 13 including supports, structures, catwalks,
- 14 handrails, chutes, floor plates, ladders and
- 15 guards that may be part of a commingled system?
- 16 **A On counsel's advice I invoke my right under the**
- 17 **Fifth Amendment not to answer on the grounds I**
- 18 **may incriminate myself.**
- 19 Q And isn't it true that Green Box Green Bay
- 20 pledged to Maple Bridge Funding, LLC certain
- 21 material represented by UCC Filing 13001597334?
- 22 **A Can't answer that.**
- 23 Q Why can't you answer it?
- 24 **A On grounds of -- counsel's advice I invoke my**
- 25 **right under the Fifth Amendment not to answer on**

149

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 **the grounds I may incriminate myself.**
- 2 Q Isn't it true that Green Box Green Bay pledged
- 3 to Paper Holdco LLC two high-bulk afterdryer
- 4 systems and proceeds?
- 5 **A On counsel's advice I can't -- I invoke my right**
- 6 **under the Fifth Amendment not to answer on the**
- 7 **grounds I may incriminate myself.**
- 8 Q Isn't it true that Green Box Green Bay pledged
- 9 to Crossgate Partners LLC a Kool Nexgen 8-ton
- 10 batch system?
- 11 **A On counsel's advice I invoke my right under the**
- 12 **Fifth Amendment not to answer on the grounds I**
- 13 **may incriminate myself.**
- 14 Q Isn't it true that Green Box Green Bay pledged
- 15 to Alex Nichols a Voith afterdryer?
- 16 **A On counsel's advice I invoke my right under the**
- 17 **Fifth Amendment not to answer on the grounds I**
- 18 **may incriminate myself.**
- 19 Q Isn't it true that Green Box Green Bay pledged
- 20 to Quotient Partners a Bretting 8-web napkin
- 21 folder and a Bretting 6-web napkin folder?
- 22 MR. PETITJEAN: Could you please
- 23 repeat the question?
- 24 Q Yes. Isn't it true that Green Box Green Bay
- 25 pledged to Quotient Partners a Bretting 8-web

150

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 napkin folder and a Bretting 6-web napkin folder?
- 2 **A On counsel's advice I invoke my right under the**
- 3 **Fifth Amendment not to answer on the grounds I**
- 4 **may incriminate myself.**
- 5 Q Isn't it true that Green Box Green Bay pledged
- 6 collateral to Utica Leaseco LLC?
- 7 **A No.**
- 8 Q Isn't it true you've provided no documentation
- 9 that supports that statement to the receiver?
- 10 **A On counsel's advice I invoke my right under the**
- 11 **Fifth Amendment not to answer on the grounds I**
- 12 **may incriminate myself.**
- 13 Q How was Green Box NA Green Bay capitalized?
- 14 **A On counsel's advice I invoke my right under the**
- 15 **Fifth Amendment not to answer on the grounds I**
- 16 **may incriminate myself.**
- 17 Q What functions did Green Box NA Green Bay
- 18 perform?
- 19 **A On counsel's advice I invoke my right under the**
- 20 **Fifth Amendment not to answer on the grounds I**
- 21 **may incriminate myself.**
- 22 Q Identify the employees of Green Box Green Bay
- 23 since 2013.
- 24 **A On counsel's advice I invoke my right under the**
- 25 **Fifth Amendment not to answer on the grounds I**

151

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 **may incriminate myself.**
 2 Q Identify the organizational structure of
 3 Green Box Green Bay since 2013.
 4 **A On counsel's advice I invoke my right under the**
 5 **Fifth Amendment not to answer on the grounds I**
 6 **may incriminate myself.**
 7 Q Identify the positions held by each employee of
 8 Green Box Green Bay since 2013.
 9 **A On counsel's advice I invoke my right under the**
 10 **Fifth Amendment not to answer on the grounds I**
 11 **may incriminate myself.**
 12 Q Identify what other companies employed
 13 Green Box Green Bay employees since 2013.
 14 **A On counsel's advice I invoke my right underneath**
 15 **the Fifth Amendment not to answer on grounds I**
 16 **may incriminate myself.**
 17 Q Describe the tasks of the -- each employee
 18 category of Green Box Green Bay.
 19 MR. PETITJEAN: Objection as to the
 20 form of the question. There hasn't been any
 21 discussion or any information as to any employees
 22 or as any function or any form. Go ahead.
 23 MS. OGDEN: Well, then -- when I'm
 24 not receiving any answers to lay any further
 25 foundation, I'm going to proceed with the

152

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
 414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

1 questions. Your objection is noted. I ask the
 2 witness to proceed with answering as best as he
 3 can or is willing to do so.
 4 **A On counsel's advice I invoke my right under the**
 5 **Fifth Amendment not to answer on the grounds I**
 6 **may incriminate myself.**
 7 Q Identify who paid the wages or salaries of each
 8 Green Box Green Bay employee.
 9 **A On counsel's advice I invoke my right under the**
 10 **Fifth Amendment not to answer on grounds it**
 11 **might incriminate me -- myself.**
 12 Q Isn't it true that you have not provided the
 13 receiver with any documents related to the
 14 payment of wages and salaries of all the
 15 Green Box Green Bay employees?
 16 **A No.**
 17 Q What is the basis for your statement of "no"?
 18 **A On counsel's advice I invoke my right under the**
 19 **Fifth Amendment not to answer on the grounds I**
 20 **may incriminate myself.**
 21 Q Identify all of the sources of funds used to pay
 22 each and every Green Box Green Bay employee.
 23 MR. PETITJEAN: Objection. Lack of
 24 foundation. Go ahead.
 25 **A On counsel's advice I invoke my right under the**

153

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
 414 S. Jefferson St., Green Bay, WI

1 **Fifth Amendment not to answer on grounds I may**
 2 **incriminate myself.**
 3 Q Identify all assets of Green Box Green Bay.
 4 MR. PETITJEAN: Objection. Asked and
 5 answered. Go ahead.
 6 **A On counsel's advice I invoke my right under the**
 7 **Fifth Amendment not to answer on the grounds I**
 8 **may incriminate myself.**
 9 Q Identify the location of all of Green Box's
 10 assets.
 11 **A On --**
 12 MR. PETITJEAN: Could you identify
 13 which Green Box?
 14 MS. OGDEN: Green Box Green Bay.
 15 **A On counsel's advice I invoke my right under the**
 16 **Fifth Amendment not to answer on the grounds I**
 17 **may incriminate myself.**
 18 Q Where are all documents reflecting the ownership
 19 of Green Box Green Bay's assets, such as
 20 purchase agreement, invoices, payments, security
 21 agreements?
 22 **A Most are at the sheriff's office.**
 23 Q Where are the documents that are not in
 24 possession of the sheriff's office?
 25 **A On counsel's advice I invoke my right under the**

154

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
 414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

1 **Fifth Amendment not to answer on the grounds I**
 2 **may incriminate myself.**
 3 Q What documents are not in possession of the
 4 sheriff's office?
 5 **A On counsel's advice I invoke my right under the**
 6 **Fifth Amendment not to answer on the grounds I**
 7 **may incriminate myself.**
 8 Q On Monday you indicated that over 30 computers
 9 had to be purchased to replace those that were
 10 seized. Who provided the funding for the
 11 purchase of those computers?
 12 **A On counsel's --**
 13 MR. PETITJEAN: Objection. Relevance.
 14 Go ahead and answer.
 15 **A On counsel's advice I invoke my right under the**
 16 **Fifth Amendment not to answer on the grounds I**
 17 **may incriminate myself.**
 18 Q What data of Green Box Green Bay is stored in
 19 the cloud service?
 20 **A On counsel's advice I invoke my right under the**
 21 **Fifth Amendment not to answer on the grounds I**
 22 **may incriminate myself.**
 23 Q Who has access to all cloud service data stored
 24 in relation to Green Box Green Bay?
 25 **A It was taken during the search warrant.**

155

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
 414 S. Jefferson St., Green Bay, WI

- 1 Q Do you still have access to cloud service for
2 Green Box Green Bay's information today?
- 3 **A On counsel's advice I invoke my right under the
4 Fifth Amendment not to answer on the grounds I
5 may incriminate myself.**
- 6 Q Identify all liabilities of Green Box Green Bay.
- 7 **A On counsel's advice I invoke my right under the
8 Fifth Amendment not to answer on the grounds I
9 may incriminate myself.**
- 10 Q Identify all sources of income for Green Box
11 Green Bay.
- 12 **A On counsel's advice I invoke my right under the
13 Fifth Amendment not to answer on the grounds I
14 may incriminate myself.**
- 15 Q Identify all expenses of Green Box Green Bay.
- 16 **A On counsel's advice I invoke my right under the
17 Fifth Amendment not to answer on grounds I may
18 incriminate myself.**
- 19 Q Identify all liabilities of Eco Hub.
- 20 MR. PETITJEAN: Objection. Relevance.
- 21 **A On counsel's advice I invoke my right under the
22 Fifth Amendment not to answer on the grounds I
23 may incriminate myself.**
- 24 Q Identify all sources of income for Eco Hub.
- 25 MR. PETITJEAN: Objection. Relevance.

156

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 **A On counsel's advice I invoke my right under the
2 Fifth Amendment not to answer on the grounds I
3 may incriminate myself.**
- 4 Q Identify all expenses of Eco Hub.
- 5 MR. PETITJEAN: Objection. Relevance.
- 6 **A On counsel's advice I invoke my right under the
7 Fifth Amendment not to answer on the grounds I
8 may incriminate myself.**
- 9 Q Identify all organizational documents related to
10 Eco Hub.
- 11 MR. PETITJEAN: Objection. Relevance.
- 12 **A On counsel's advice I invoke my right under the
13 Fifth Amendment not to answer on the grounds I
14 may incriminate myself.**
- 15 Q Identify all ledgers, bookkeeping, and accounting
16 records for Eco Hub.
- 17 MR. PETITJEAN: Objection. Relevance.
- 18 **A On counsel's advice I invoke my right under the
19 Fifth Amendment not to answer on the grounds I
20 may incriminate myself.**
- 21 Q Identify all banking records related to Eco Hub.
- 22 MR. PETITJEAN: Objection. Relevance.
- 23 **A On counsel's advice I invoke my right under the
24 Fifth Amendment not to answer on the grounds I
25 may incriminate myself.**

157

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 Q Isn't it true that assets of Green Box Green Bay
2 were pledged more than once to different
3 creditors?
- 4 **A On counsel's advice I invoke my right under the
5 Fifth Amendment not to answer on the grounds I
6 may incriminate myself.**
- 7 Q Does Green Box Green Bay have the same ownership
8 or leadership as any other companies?
- 9 MR. PETITJEAN: Objection. Relevance.
- 10 Go ahead.
- 11 **A On counsel's advice I invoke my right under the
12 First -- Fifth Amendment not to answer on the
13 grounds I may incriminate myself.**
- 14 Q Does Green Box Green Bay have the same assets as
15 any other company or companies?
- 16 MR. PETITJEAN: Objection. Relevance.
- 17 **A On counsel's advice I invoke my right under the
18 Fifth Amendment not to answer on the grounds I
19 may incriminate myself.**
- 20 Q Were there regular meetings held by Green Box
21 Green Bay?
- 22 **A On counsel's advice I invoke my right under the
23 Fifth Amendment not to answer on the grounds I
24 may incriminate myself.**
- 25 Q Identify all individuals or entities that have

158

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 authority to act on behalf of Green Box
2 Green Bay.
- 3 **A On counsel's advice I invoke my right under the
4 Fifth Amendment not to answer on the grounds I
5 may incriminate myself.**
- 6 Q Did Green Box Green Bay file all required
7 governmental reports?
- 8 **A On counsel's advice I invoke my right under the
9 Fifth Amendment not to answer on the grounds I
10 may incriminate myself.**
- 11 Q Who signed any government reports filed by
12 Green Box Green Bay?
- 13 **A On counsel's advice I invoke my right under the
14 Fifth Amendment not to answer on the grounds I
15 may incriminate myself.**
- 16 Q Who reviews government reports filed by
17 Green Box Green Bay?
- 18 **A On counsel's advice I invoke my right under the
19 Fifth Amendment not to answer on the grounds I
20 may incriminate myself.**
- 21 Q Who assisted with the preparation of government
22 reports filed by Green Box Green Bay?
- 23 **A On counsel's advice I invoke my right under the
24 Fifth Amendment not to answer on the grounds I
25 may incriminate myself.**

159

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 Q Who assisted in the preparation of financial
2 statements by Green Box Green Bay?
3 **A On counsel's advice I invoke my right under the**
4 **Fifth Amendment not to answer on the grounds I**
5 **may incriminate myself.**
6 Q What property has been transferred by Green Box
7 Green Bay within the past three years?
8 **A On counsel's advice I invoke my right under the**
9 **Fifth Amendment not to answer on the grounds I**
10 **may incriminate myself.**
11 Q Has Green Box Green Bay made any payments to any
12 individuals, owners, officers, directors, or
13 members?
14 **A On counsel's advice I invoke my right under the**
15 **Fifth Amendment not to answer on the grounds I**
16 **may have -- incriminate myself.**
17 Q When did Green Box Green Bay stop making
18 payments on its obligations?
19 **A On counsel's advice I invoke my right under the**
20 **Fifth Amendment not to answer on the grounds I**
21 **may incriminate myself.**
22 Q Isn't it true that you have refused to produce
23 all documents that relate to the organizational
24 structure and documents regarding the creation
25 of Eco Hub?

160

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

1 MR. PETITJEAN: Objection. Relevance.
2 **A On counsel's advice I invoke my right under the**
3 **Fifth Amendment not to answer on the grounds I**
4 **may incriminate myself.**
5 MS. OGDEN: I do not have any other
6 questions at this time, but I would like to be
7 able to continue this deposition to another
8 date. Does anybody else have any questions at
9 this time?
10 MR. THILL: I have a few questions.
11 MR. PETITJEAN: This is a receiver's
12 deposition. I'm not prepared or I don't believe
13 it's proper for anyone to ask any other
14 questions. I was -- there's been a designee
15 appointed, and that's whose deposition this is.
16 MR. MURRAY: This is C.J. Murray,
17 counsel for the receiver. I believe the receiver
18 can designate whoever he'd like at any different
19 time, and at this point we'll designate
20 Attorney Thill to ask questions on behalf of the
21 receiver.
22 MR. PETITJEAN: Listen, I'm willing
23 to leave the room, but I'm not going to sit here
24 and let other counsel ask questions. I'll leave
25 and come back and have Brittany ask what she

161

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 wants. I'm not playing tag team.
2 MR. THILL: For the record, WEDC is a
3 plaintiff and a party in this case. We've got a
4 party being deposed. I think we have the right
5 to ask any sort of follow-up questions based
6 upon what's already been asked. We're a party
7 to the case.
8 MR. PETITJEAN: There's also a stay in
9 effect as to bringing actions against Green Box.
10 I'm willing to leave the room and let you guys
11 talk about questions and come back. I think
12 that's a simpler way of doing this.
13 MR. THILL: We're not commencing --
14 MS. OGDEN: We'll take a 5-minute --
15 MR. THILL: We're not commencing an
16 action. We're asking questions. But sure,
17 we'll take the break.
18 (Brief recess held.)
19 MR. PETITJEAN: We're back.
20 MS. OGDEN: Mr. Petitjean, it is the
21 receiver's position that WEDC and Dr. Araujo's
22 counsel and any other counsel that's present
23 today should have the ability to follow up with
24 any other questions. We believe that any
25 concerns regarding that should be addressed and

162

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

1 continued at another deposition. I will be happy
2 to ask some follow-up questions as well, but we
3 are asking that Green Box Green Bay produce other
4 witnesses beyond Mr. Van Den Heuvel that would
5 be ready and prepared to answer the questions
6 that are being asked by the receiver and be
7 prepared to answer any follow-up questions by
8 other counsel and parties that are present at
9 the deposition.
10 MR. PETITJEAN: That may be. I fully
11 expect not to be the counsel for Green Box as of
12 Tuesday.
13 MS. OGDEN: Well, we kindly ask that
14 you pass this message on to all Green Box
15 Green Bay representatives, agents, officers, and
16 directors prior to Tuesday. In fact, we ask
17 that you do so immediately.
18 MR. PETITJEAN: I note your request.
19 MS. OGDEN: And we kindly ask that
20 they provide us with their availability for
21 taking of additional depositions prior to
22 Tuesday.
23 MR. PETITJEAN: You state --
24 MS. OGDEN: Actually, prior to Monday.
25 MR. PETITJEAN: Well, you've stated

163

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 your request.
- 2 MS. OGDEN: I have a few follow-up
- 3 questions at this time.
- 4 Q (By Ms. Ogden:) Mr. Van Den Heuvel, isn't it
- 5 true that when Green Box Green Bay pledged
- 6 assets, they were assets that were owned by
- 7 Green Box Green Bay?
- 8 A On counsel's advice I invoke my right under the
- 9 Fifth Amendment not to answer on the grounds I
- 10 may incriminate myself.
- 11 Q Isn't it true that Green Box Green Bay has not
- 12 provided any documents related to Patriot
- 13 Tissue's leasing of employees of Green Box
- 14 Green Bay?
- 15 A On counsel's advice I invoke my right under the
- 16 Fifth Amendment not to answer on the grounds I
- 17 may incriminate myself.
- 18 Q Isn't it true that Green Box Green Bay has not
- 19 produced any documentation or information related
- 20 to Patriot Tissue's leasing of the real estate
- 21 owned by Green Box Green Bay?
- 22 A On counsel's advice I invoke my right under the
- 23 Fifth Amendment not to answer on the grounds I
- 24 may incriminate myself.
- 25 Q Isn't it true that Green Box Green Bay was never

164

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 funded with sufficient capital to fulfill its
- 2 purposes for which it was formed?
- 3 A On counsel's advice I invoke my right under the
- 4 Fifth Amendment not to answer on the grounds I
- 5 may incriminate myself.
- 6 Q Isn't it true that Green Box Green Bay never
- 7 performed all of the functions for which the
- 8 entity was formed?
- 9 MR. PETITJEAN: Objection as to form.
- 10 Go ahead.
- 11 A On counsel's --
- 12 MR. PETITJEAN: And foundation. Go
- 13 ahead.
- 14 A On counsel's advice I invoke my right under the
- 15 Fifth Amendment not to answer on the grounds I
- 16 may incriminate myself.
- 17 Q Isn't it true that Green Box Green Bay employees
- 18 were simultaneously and jointly employed by
- 19 other companies owned, operated, or controlled
- 20 by you, Mr. Van Den Heuvel?
- 21 A No.
- 22 Q What is your basis for that statement of "no"?
- 23 A On counsel's advice I invoke my right under the
- 24 Fifth Amendment not to answer on the grounds I
- 25 may incriminate myself.

165

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 Q Isn't it true that the employees of Green Box
- 2 Green Bay were employed in substantially the
- 3 same capacity as other companies of which you
- 4 are a director, officer, or member?
- 5 MR. PETITJEAN: Objection as to
- 6 foundation and form. Go ahead.
- 7 A On counsel's advice I invoke my right under the
- 8 Fifth Amendment not to answer on the grounds I
- 9 may incriminate myself.
- 10 Q Isn't it true that Green Box Green Bay never
- 11 paid any of its employees with funding of
- 12 Green Box Green Bay?
- 13 A On counsel's advice I invoke my right under the
- 14 Fifth Amendment not to answer on the grounds I
- 15 may incriminate myself.
- 16 Q Isn't it true that Green Box Green Bay has failed
- 17 to disclose all of its assets of Green Box
- 18 Green Bay to the receiver in this case?
- 19 A No.
- 20 Q What is your basis in support to your statement
- 21 of "no," sir?
- 22 A On counsel's advice I invoke my right under the
- 23 Fifth Amendment not to answer on the grounds I
- 24 may incriminate myself.
- 25 Q Isn't it true that Green Box Green Bay has

166

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016

- 1 failed to disclose the location of all of
- 2 Green Box assets to the receiver in this case?
- 3 A No.
- 4 Q What is your basis for saying "no" to that
- 5 question?
- 6 A On counsel's advice I invoke my right under the
- 7 Fifth Amendment not to answer on the grounds I
- 8 may incriminate myself.
- 9 Q What documents do you have to support your
- 10 statement of "no"?
- 11 A On counsel's advice I invoke my right under the
- 12 Fifth Amendment not to answer on the grounds I
- 13 may incriminate myself.
- 14 Q What witnesses would you rely upon to support
- 15 your statement of "no"?
- 16 A On counsel's advice I invoke my right under the
- 17 Fifth Amendment not to answer on the grounds I
- 18 may incriminate myself.
- 19 Q Isn't it true that Green Box Green Bay has
- 20 failed to deliver all of Green Box Green Bay's
- 21 documents to the receiver?
- 22 A On counsel's advice I invoke my right under the
- 23 Fifth Amendment not to answer on the grounds I
- 24 may incriminate myself.
- 25 Q Isn't it true that Green Box Green Bay has

167

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 failed to produce the two computers that were in
2 your possession at the time of the seizure by
3 the Brown County Sheriff's Department to the
4 receiver in this case?
- 5 **A They don't exist.**
- 6 Q When did they cease existing?
- 7 **A On counsel's advice I invoke my right under the**
8 **Fifth Amendment not to answer on the grounds I**
9 **may incriminate myself.**
- 10 Q Identify all witnesses that would have knowledge
11 relating to the ceasing of existence of these
12 two computers.
- 13 **A On counsel's advice I invoke my right under the**
14 **Fifth Amendment not to answer on the grounds I**
15 **may incriminate myself.**
- 16 Q Isn't it true that you played a role in the
17 destruction of these two computers after the
18 appointment of the receiver in this case?
- 19 **A No.**
- 20 Q Identify all information relating to your
21 position of "no."
- 22 **A On counsel's advice I invoke my right under the**
23 **Fifth Amendment not to answer on the grounds I**
24 **may incriminate myself.**
- 25 Q Why did this computer cease existence?

168

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 **A On counsel's advice I invoke my right under the**
2 **Fifth Amendment not to answer on grounds I may**
3 **incriminate myself.**
- 4 Q Isn't it true that Green Box Green Bay has
5 failed to disclose all of its liabilities to the
6 receiver in this case?
- 7 **A On counsel's advice I invoke my right under the**
8 **Fifth Amendment not to answer on the grounds I**
9 **may incriminate myself.**
- 10 Q Isn't it true that Green Box Green Bay has failed
11 to disclose all information and documents related
12 to sources of income of Green Box Green Bay to
13 the receiver?
- 14 **A On counsel's advice I invoke my right under the**
15 **Fifth Amendment not to answer on the grounds I**
16 **may incriminate myself.**
- 17 Q Isn't it true that Green Box Green Bay has
18 failed to disclose all information and documents
19 related to the expenses of Green Box Green Bay
20 to the receiver?
- 21 **A On counsel's advice I invoke my right under the**
22 **Fifth Amendment not to answer on the grounds I**
23 **may incriminate myself.**
- 24 Q Isn't it true that Green Box Green Bay has
25 pledged its assets to more than one creditor

169

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 without the permission of any existing creditors
2 of Green Box Green Bay?
- 3 MR. PETITJEAN: Objection. Asked and
4 answered.
- 5 **A On counsel's advice I invoke my right under the**
6 **Fifth Amendment not to answer on the grounds I**
7 **may incriminate myself.**
- 8 Q Isn't it true that Green Box Green Bay failed to
9 hold all meetings and draft, sign, and file all
10 minutes as required by its operating agreement?
- 11 **A On counsel's advice I invoke my right under the**
12 **Fifth Amendment not to answer on the grounds I**
13 **may incriminate myself.**
- 14 Q Isn't it true that you, Mr. Van Den Heuvel, at
15 all times had unilateral authority to act and
16 bind Green Box Green Bay?
- 17 **A No.**
- 18 Q What is your basis for that statement of "no"?
- 19 **A On counsel's advice I invoke my right under the**
20 **Fifth Amendment not to answer on the grounds I**
21 **may incriminate myself.**
- 22 Q Isn't it true that you acted on behalf of
23 Green Box Green Bay?
- 24 **A On counsel's advice I invoke my right under the**
25 **Fifth Amendment not to answer on the grounds I**

170

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

- 1 **may incriminate myself.**
- 2 Q Isn't it true that you, Mr. Van Den Heuvel,
3 signed government reports filed by Green Box
4 Green Bay?
- 5 **A On counsel's advice I invoke my right under the**
6 **Fifth Amendment not to answer on the grounds I**
7 **may incriminate myself.**
- 8 Q Isn't it true that you, Mr. Van Den Heuvel,
9 reviewed all government filed reports? I will
10 repeat it.
- 11 Isn't it true that you, Mr. Van Den Heuvel,
12 reviewed all government reports filed by
13 Green Box Green Bay?
- 14 **A On counsel's advice I invoke my right under the**
15 **Fifth Amendment not to answer on the grounds I**
16 **may incriminate myself.**
- 17 Q Isn't it true that you, Mr. Van Den Heuvel,
18 assisted in the preparation of all government
19 reports filed by Green Box Green Bay?
- 20 **A On counsel's advice I invoke my right under the**
21 **Fifth Amendment not to answer on the grounds I**
22 **may incriminate myself.**
- 23 Q Isn't it true that Green Box Green Bay has
24 transferred property in title and in physical
25 location since the appointment of the receiver

171

902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224
414 S. Jefferson St., Green Bay, WI

1 in this case?

2 MR. PETITJEAN: Objection. Asked and

3 answered.

4 **A No.**

5 Q Isn't it true that it has transferred some

6 property in possession of Green Box Green Bay

7 since the appointment of the receiver?

8 **A No.**

9 Q Identify all documents and witnesses that support

10 your position.

11 **A On counsel's advice I invoke my right under the**

12 **Fifth Amendment not to answer on the grounds I**

13 **may incriminate myself.**

14 Q Isn't it true that in the past four years

15 Green Box Green Bay has transferred one or more

16 items of its property, whether by title or

17 physical location, to an insider as would be

18 defined by Chapter 242?

19 MR. PETITJEAN: Objection. Lack of

20 foundation. Are you anticipating that he would

21 know what Chapter 242 is?

22 MS. OGDEN: I'm asking the question.

23 If he knows the answer or can answer it, I ask

24 that he do so, please.

25 **A On counsel's advice I invoke my right under the**

172

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414 S. Jefferson St., Green Bay, WI

1 **Fifth Amendment not to answer on grounds I may**

2 **incriminate myself.**

3 Q Isn't it true that in the past four years

4 Green Box Green Bay has transferred one or more

5 items of its property or assets, whether by

6 title or physical location, in an amount lower

7 than its fair market value?

8 **A On counsel's advice I invoke my right under the**

9 **Fifth Amendment not to answer on grounds I may**

10 **incriminate myself.**

11 Q Isn't it true that in the past four years you,

12 Mr. Ron Van Den Heuvel, have taken one or more

13 personal monetary draws from Green Box Green Bay?

14 **A No.**

15 Q Identify all information, documents, and

16 witnesses that support that statement of "no."

17 **A On counsel's advice I invoke my right under the**

18 **Fifth Amendment not to answer on the grounds I**

19 **may incriminate myself.**

20 Q I believe you previously indicated that there

21 was a subordination with regard to WEDC. Could

22 you please clarify your position regarding the

23 subordination and to whom it was made?

24 **A On counsel's advice I invoke my right under the**

25 **Fifth Amendment not to answer on the grounds I**

173

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414 S. Jefferson St., Green Bay, WI

1 **may incriminate myself.**

2 Q Could you identify all documentation that relates

3 to your position that there's a subordination?

4 **A On counsel's advice I invoke my right under the**

5 **Fifth Amendment not to answer on the grounds I**

6 **may incriminate myself.**

7 Q Who are the other officers, directors, members,

8 agents, or individuals that would have knowledge

9 regarding the assets and liabilities of Green Box

10 Green Bay?

11 **A On counsel's advice I invoke my right under the**

12 **Fifth Amendment not to answer on the grounds I**

13 **may incriminate myself.**

14 MS. OGDEN: I would like to continue

15 this deposition at a time that all counsel can

16 confer and come up with a date later on in a --

17 sometime within the next several weeks.

18 MR. THILL: Mr. Petitjean, at the

19 same time that you pass along word regarding the

20 availability of other Green Box representatives

21 following today's recess, can you also pass

22 along the terms of the proposed receiver order

23 to the extent that has not already been received

24 by other representatives of Green Box as well as

25 emphasis on the instruction that no other

174

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414 S. Jefferson St., Green Bay, WI

1 property transfers, document -- information

2 destruction, et cetera, takes place?

3 MR. PETITJEAN: I hear your request.

4 I don't know that I have the ability to do what

5 you've asked.

6 MR. THILL: To the extent you are

7 able and to the extent Mr. Van Den Heuvel is

8 able.

9 MR. PETITJEAN: I've heard your

10 request. I don't know what else I can say.

11 There's an order -- there's a Court order that's

12 out there.

13 MS. OGDEN: Well, we look forward to

14 receiving a communication from you,

15 Mr. Petitjean, regarding other individuals who

16 are going to make themselves available as

17 representative agents to be deposed on behalf of

18 Green Box Green Bay.

19 MR. PETITJEAN: I heard your

20 statement.

21 MS. OGDEN: Okay. Well, thank you.

22 We'll recess this and adjourn this deposition

23 until that other information can be provided to

24 us.

25 (Proceedings concluded at 11:45 a.m.)

175

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414 S. Jefferson St., Green Bay, WI

1 STATE OF WISCONSIN)

2 COUNTY OF BROWN)

3

4

5 I, CARRIE S. BOHRER, a Notary Public,
6 Registered Professional Reporter, Registered Merit
7 Reporter, and Certified Realtime Reporter, in and for
8 the State of Wisconsin, do hereby certify that the
9 foregoing proceedings were taken at said time and
10 place and is a true and accurate transcript of my
11 original machine shorthand notes.

12 That the appearances were as noted
13 initially.

14 That said witness was first duly
15 sworn/affirmed to testify the truth, the whole truth
16 and nothing but the truth relative to said cause.

17

18 Dated at Green Bay, Wisconsin
19 This 19th day of February, 2016.

20

21

22

23 CARRIE S. BOHRER, RPR, RMR, CRR
24 Notary Public, State of Wisconsin
25 My commission expires 10/30/16
(fc)

26

27

A	157:1,6,12,18,23 158:4,11,17,22 159:3,8,13,18,23 160:3,8,14,19 161:2 164:8,15,22 165:3,14,23 166:7 166:13,22 167:6 167:11,16,22 168:7,13,22 169:1 169:7,14,21 170:5 170:11,19,24 171:5,14,20 172:11,25 173:8 173:17,24 174:4 174:11	144:12,18 145:15 146:3,9,14,19 147:1,7,12,19,25 149:6,17,25 150:6 150:12,17 151:3 151:11,15,20,25 152:5,10,15 153:5 153:10,19 154:1,7 154:16 155:1,6,16 155:21 156:4,8,13 156:17,22 157:2,7 157:13,19,24 158:5,12,18,23 159:4,9,14,19,24 160:4,9,15,20 161:3 164:9,16,23 165:4,15,24 166:8 166:14,23 167:7 167:12,17,23 168:8,14,23 169:2 169:8,15,22 170:6 170:12,20,25 171:6,15,21 172:12,23,23 173:1,9,18,25 174:5,12	159:4,9,14,19,24 160:4,9,15,20 161:3 163:5,7 164:9,16,23 165:4 165:15,24 166:8 166:14,23 167:7 167:12,17,23 168:8,14,23 169:2 169:8,15,22 170:6 170:12,20,25 171:6,15,21 172:12,23,23 173:1,9,18,25 174:5,12	130:18 131:13 132:22 133:22 134:19 135:25 136:14 137:8 139:5,17 140:15 141:6 145:2 Attorney 120:2,7,12 120:17,17,22 121:2 123:11 161:20 authority 129:8 159:1 170:15 authorization 129:14 availability 163:20 174:20 available 175:16 Avenue 120:13 131:9
a.m 119:15,15 175:25 ability 121:5 123:17 145:18 162:23 175:4 able 161:7 175:7,8 access 155:23 156:1 accounting 142:4 142:10,16,24 143:7 144:6 157:15 accounts 145:20 147:4 148:6,6 accurate 176:10 act 159:1 170:15 acted 170:22 action 148:23 162:16 actions 162:9 Activity 121:21 Adams 119:17 121:3 additional 163:21 additions 148:11 addressed 162:25 adjourn 175:22 Advanced 126:10 130:12 143:23 144:7 advice 123:24 124:15,20,25 125:5,12,19,25 126:6,12,22 127:2 127:14,21 128:2 129:3,9,16 130:6 130:15 131:3,10 132:4,19 133:7,19 134:7,16 135:4,15 135:22 136:11,23 137:5,16,23 138:7 138:12,21 139:2 139:14 140:1,6,12 141:3,14,19,25 142:6,12,20 143:3 143:11,19 144:2 144:11,17 145:14 146:2,8,13,18,25 147:6,11,18,24 149:5,16,24 150:5 150:11,16 151:2 151:10,14,19,24 152:4,9,14 153:4 153:9,18,25 154:6 154:15,25 155:5 155:15,20 156:3,7 156:12,16,21	afterdryer 150:3,15 agent 120:10 126:10 agents 163:15 174:8 175:17 agreement 121:16 121:19 131:25 134:4 145:22 154:20 170:10 agreements 154:21 ahead 125:11,18 126:19 130:14 136:22 138:6,20 142:19 143:2,10 143:18 144:1 148:17 152:22 153:24 154:5 155:14 158:10 165:10,13 166:6 Air 148:24 Alex 150:15 aluminum 149:10 Amended 121:15,17 121:18 131:25 133:3 134:3 Amendment 121:20 124:16,21 125:1,6 125:13,20 126:1,7 126:13,23 127:3 127:15,22 128:3 129:4,10,17 130:7 130:16 131:4,11 132:5,20 133:8,20 134:8,17 135:1,5 135:16,23 136:12 136:24 137:6,17 137:24 138:8,13 138:22 139:3,15 140:2,7,13 141:4 141:15,20 142:1,7 142:13,21 143:4 143:12,20 144:3	amount 173:6 answer 123:18,25 124:16,21 125:1,6 125:11,13,20 126:1,7,13,19,23 127:3,15,22 128:3 129:4,10,17 130:7 130:14,16 131:4 131:11 132:5,20 133:8,20 134:8,17 135:5,16,23 136:12,24 137:6 137:17,24 138:8 138:13,22 139:3 139:15 140:2,7,13 141:4,15,20 142:1 142:7,13,21 143:4 143:12,20 144:3 144:12,18 145:15 146:3,9,14,19 147:1,7,12,19,25 148:20 149:6,17 149:22,23,25 150:6,12,17 151:3 151:11,15,20,25 152:5,10,15 153:5 153:10,19 154:1,7 154:16 155:1,6,14 155:16,21 156:4,8 156:13,17,22 157:2,7,13,19,24 158:5,12,18,23	answered 154:5 170:4 172:3 answering 153:2 answers 152:24 anticipating 172:20 anybody 161:8 apologize 148:17 appearances 176:12 appeared 120:5,9 120:15,20,25 121:5 applicable 124:11 appointed 161:15 appointing 122:8 140:19 141:8,13 appointment 168:18 171:25 172:7 April 139:25 Araujo 119:3 148:22 149:9 Araujo's 162:21 Arrival 121:24 asked 123:22 124:3 154:4 162:6 163:6 170:3 172:2 175:5 asking 145:25 162:16 163:3 172:22 asserted 124:9 assets 127:7,20 128:1 145:3,8 148:4 154:3,10,19 158:1,14 164:6,6 166:17 167:2 169:25 173:5 174:9 assisted 159:21 160:1 171:18 attached 121:25 122:9 attention 127:5 128:5 129:19	B back 161:25 162:11 162:19 BAMBERGER 120:11 banking 157:21 based 162:5 basis 153:17 165:22 166:20 167:4 170:18 batch 150:10 Bay 119:7,18,21 120:4,23 121:3 122:2,5 124:19 129:12 130:4,11 132:1,1 133:5 134:5 135:3,12,20 136:18 137:14 138:17 139:1,13 139:24 141:24 142:11 144:16 145:9,17 146:1,5 146:11,16,21,24 147:3,9,14,21 148:2,10,21 149:8 149:19 150:2,8,14 150:19,24 151:5 151:13,17,22 152:3,8,13,18 153:8,15,22 154:3 154:14 155:18,24 156:6,11,15 158:1 158:7,14,21 159:2 159:6,12,17,22 160:2,7,11,17 163:3,15 164:5,7 164:11,14,18,21

164:25 165:6,17 166:2,10,12,16,18 166:25 167:19,25 169:4,10,12,17,19 169:24 170:2,8,16 170:23 171:4,13 171:19,23 172:6 172:15 173:4,13 174:10 175:18 176:18 Bay's 137:3 154:19 156:2 167:20 BECK 120:11 behalf 120:5,9,15 120:20,25 121:5 130:4 159:1 161:20 170:22 175:17 believe 131:19 161:12,17 162:24 173:20 believes 131:17 belt 149:1,1,2,2,3,11 benefit 138:25 best 153:2 beyond 163:4 Bill 121:12 bind 170:16 bins 149:4 blanket 145:22 blower 149:10 BOHRER 119:21 176:5,21 bookkeeping 157:15 Box 119:7 121:14 122:2,5 124:19 125:9,16 129:6,12 130:4 133:4 134:4 135:2,12,20 136:18 137:3,14 137:20 138:4,16 139:1,12,23 141:23 142:10,24 143:8 144:16 145:9,17,24 146:1 146:5,11,16,21,24 147:3,9,14,21 148:2,10,21 149:8 149:19 150:2,8,14 150:19,24 151:5 151:13,17,22 152:3,8,13,18 153:8,15,22 154:3 154:13,14,19 155:18,24 156:2,6 156:10,15 158:1,7	158:14,20 159:1,6 159:12,17,22 160:2,6,11,17 162:9 163:3,11,14 164:5,7,11,13,18 164:21,25 165:6 165:17 166:1,10 166:12,16,17,25 167:2,19,20,25 169:4,10,12,17,19 169:24 170:2,8,16 170:23 171:3,13 171:19,23 172:6 172:15 173:4,13 174:9,20,24 175:18 Box's 129:1 145:19 154:9 BRADY 120:6 BRANCH 119:1 break 144:21 162:17 Bretting 150:20,21 150:25 151:1 BRIAN 120:17 Bridge 149:20 Brief 144:22 162:18 bringing 162:9 Brittany 120:7 122:3,6,7 123:11 161:25 brittany.ogden@... 120:9 Brown 119:1 126:17 168:3 176:2 bthill@murphyde... 120:19 Bunker 149:3,4 business 145:21	cease 168:6,25 ceasing 168:11 certain 148:22 149:20 certainly 124:8 certificates 136:19 Certified 176:7 certify 176:8 cetera 175:2 CHAET 120:11 Chapter 172:18,21 chattel 148:7 chutes 149:14 CIRCUIT 119:1 cjmurray@bcbla... 120:14 clarified 145:25 clarify 173:22 Classifier 148:25 clear 132:12 Cliffon 119:3 120:10 129:14 132:3,13 133:6 134:6 136:8,20 137:2,15,21 138:4 146:6,12,17 147:4 147:10,17 Cliffon's 138:16 cloud 140:10 155:19 155:23 156:1 collateral 145:21 146:23 147:5,10 151:6 come 161:25 162:11 174:16 commencing 162:13 162:15 commingled 149:15 commission 176:22 communication 175:14 communications 130:3,11 companies 152:12 158:8,15 165:19 166:3 company 121:5 145:18 158:15 compromise 123:17 computer 141:18 143:15 168:25 computers 126:15 126:21 127:1 155:8,11 168:1,12 168:17 concerns 162:25 concluded 175:25	confer 174:16 confirmed 131:7 137:14,20 138:10 confirming 138:3 connection 127:12 131:1 continue 124:11 161:7 174:14 continued 121:1 122:1 163:1 contract 148:7 control 149:11 controlled 165:19 conveyor 148:23,25 149:1,10 CONWAY 119:16 121:2 copies 122:10,10 copy 127:11 130:25 135:1 136:7 138:2 139:11,22 copyrights 148:8 Corporation 119:4 120:21 148:3 correct 123:20 130:25 132:14 133:15 134:25 135:18 136:7 138:2 139:10,21 counsel 130:25 159:8 161:17,24 162:22,22 163:8 163:11 170:11 174:15 counsel's 123:24 124:15,20,25 125:5,12,19,25 126:6,12,22 127:2 127:14,21 128:2 129:3,9,16 130:6 130:15 131:3,10 132:4,19 133:7,19 134:7,16 135:4,15 135:22 136:11,23 137:5,16,23 138:7 138:12,21 139:2 139:14 140:1,6,12 141:3,14,19,25 142:6,12,20 143:3 143:11,19 144:2 144:11,17 145:14 146:2,8,13,18,25 147:6,11,18,24 149:5,16,24 150:5 150:11,16 151:2 151:10,14,19,24 152:4,9,14 153:4	153:9,18,25 154:6 154:15,25 155:5 155:12,15,20 156:3,7,12,16,21 157:1,6,12,18,23 158:4,11,17,22 159:3,13,18,23 160:3,8,14,19 161:2 164:8,15,22 165:3,11,14,23 166:7,13,22 167:6 167:11,16,22 168:7,13,22 169:1 169:7,14,21 170:5 170:19,24 171:5 171:14,20 172:11 172:25 173:8,17 173:24 174:4,11 County 119:1 126:17 168:3 176:2 Court 119:1 127:12 175:11 coverage 137:3 creation 160:24 credit 148:9 creditor 169:25 creditors 145:8 158:3 170:1 Crossgate 150:9 CRR 119:21 176:21 Current 148:24 CV 119:6
D				
D 121:7 Dalton 149:4 data 155:18,23 date 119:13 161:8 174:16 dated 140:23,24 176:18 day 176:18 De 131:9 Defendant 119:8 120:25 defined 172:18 deliver 167:20 Den 119:11 122:2,4 123:4,10,20 124:13 128:25 132:2,17 141:2 145:1 163:4 164:4 165:20 170:14 171:2,8,11,17 173:12 175:7 Department 126:17				

168:3	documentation	148:22	ferrous 149:10	floor 149:14
deposed 162:4	145:12 151:8	Equities 119:3	fiber 149:11	folder 150:21,21
175:17	164:19 174:2	120:10 129:15	Fifth 123:21,25	151:1,1
deposit 148:6	documents 127:17	132:13 136:8	124:16,21 125:1,6	follow 162:23
deposition 119:11	127:25 130:10	Eriez 148:24	125:13,20 126:1,7	follow-up 162:5
124:4 127:7 161:7	138:25 143:23	estate 164:20	126:13,23 127:3	163:2,7 164:2
161:12,15 163:1,9	147:22 148:5	et 175:2	127:15,22 128:3	following 174:21
174:15 175:22	153:13 154:18,23	Evidence 121:23	129:4,10,17 130:7	follows 123:7
depositions 123:12	155:3 157:9	EXAMINATION	130:16 131:4,11	foregoing 176:9
163:21	160:23,24 164:12	121:8 123:8	132:5,20 133:8,20	form 130:13 136:21
Describe 152:17	167:9,21 169:11	examined 123:6	134:8,17 135:5,16	138:5 152:20,22
described 145:21	169:18 172:9	exchange 121:14	135:23 136:12,24	165:9 166:6
148:4	173:15	130:25	137:6,17,24 138:8	formed 165:2,8
designate 161:18,19	doing 162:12	exchanges 136:7	138:13,22 139:3	forth 127:20 145:7
designee 161:14	Door 149:3	execution 141:17	139:15 140:2,7,13	Fortune 131:9
DESMOND 120:16	Dr 148:22 149:9	Exh 121:12,13,14	141:4,15,20 142:1	forward 175:13
destroyed 141:18	162:21	121:15,17,18,20	142:7,13,21 143:4	foundation 138:20
destruction 168:17	draft 170:9	121:21,22,23,24	143:12,20 144:3	152:25 153:24
175:2	draws 173:13	122:2,4,7,8	144:12,18 145:15	165:12 166:6
Detroit 125:16	duly 123:5 176:14	exhibit 127:6,9	146:3,9,14,19	172:20
143:8		128:6,8,9,10,11	147:1,7,12,19,25	four 172:14 173:3
Development 119:4	E	128:12,15,20,22	149:6,17,25 150:6	173:11
120:21 148:3	E 120:1,1 121:1,1,7	129:19,23 130:3	150:12,17 151:3	Friday 131:6
different 158:2	EARTH 122:2,5	130:19,24 131:13	151:11,15,20,25	front 141:8
161:18	124:14 132:2	132:23 133:11,22	152:5,10,15 153:5	fulfill 165:1
direct 127:5 128:5	133:4 134:4	134:11,20 135:8	153:10,19 154:1,7	full 144:15
129:19 130:18	139:12,23 142:4	135:19 136:1,14	154:16 155:1,6,16	fully 163:10
131:13 132:7,22	East 120:7,12,13,18	137:1,8 138:1	155:21 156:4,8,13	function 152:22
133:22 134:10,19	Eco 125:4 142:16	139:6,7,17 140:15	156:17,22 157:2,7	functions 151:17
135:7,25 136:14	156:19,24 157:4	140:22 141:1,7	157:13,19,24	165:7
137:8 139:5,17	157:10,16,21	145:2	158:5,12,18,23	funded 165:1
140:15 145:1	160:25	exhibits 121:11	159:4,9,14,19,24	funding 149:20
director 124:14,18	Economic 119:4	122:1,9 123:2	160:4,9,15,20	155:10 166:11
124:23 125:3,8,15	120:21 148:3	exist 168:5	161:3 164:9,16,23	funds 153:21
125:22 126:3,9	Eddie 148:24	existence 168:11,25	165:4,15,24 166:8	further 152:24
166:4	effect 162:9	existing 168:6 170:1	166:14,23 167:7	
directors 160:12	electronic 149:12	exit 148:25 149:10	167:12,17,23	G
163:16 174:7	elevated 145:19	expect 163:11	168:8,14,23 169:2	GBSA 148:4,18,20
disclose 166:17	email 121:14,24	expenses 156:15	169:8,15,22 170:6	general 145:20
167:1 169:5,11,18	130:25 136:7	157:4 169:19	170:12,20,25	148:6
disclosed 144:14	138:2	expires 176:22	171:6,15,21	generated 147:4
discuss 129:23	Emails 121:22	extent 174:23 175:6	172:12 173:1,9,18	getting 128:21
130:20 131:20	emphasis 174:25	175:7	173:25 174:5,12	129:21
134:22 135:9	employed 152:12		file 159:6 170:9	Glass 148:25
137:10 139:7	165:18 166:2		filed 127:12 159:11	go 125:11,18 126:18
discussed 123:11	employee 152:7,17	F	159:16,22 171:3,9	130:14 136:22
discussion 123:14	153:8,22	fact 163:16	171:12,19	138:6,20 142:19
152:21	employees 151:22	failed 166:16 167:1	filing 145:22 149:21	143:2,10,18 144:1
document 127:11	152:13,21 153:15	167:20 168:1	financial 160:1	148:17 152:22
128:7 129:1,25	164:13 165:17	169:5,10,18 170:8	Financing 121:20	153:24 154:5
130:22 131:16,19	166:1,11	fair 173:7	135:1	155:14 158:10
131:21 132:7,25	entered 132:1 133:6	Falls 122:3,5 139:13	Fines 149:1	165:10,12 166:6
133:2,25 134:23	134:4	139:24 147:16,23	finished 146:22	GODFREY 120:2
135:10 136:2,16	entities 158:25	familiar 123:13	FIRM 119:16 121:2	going 124:2,6,11
137:11 139:8,19	entity 165:8	favor 147:16,23	first 123:5 158:12	152:25 161:23
140:17 141:10	equipment 145:20	fe 176:23	176:14	175:16
145:5 175:1	146:17 148:5,12	February 119:13	fixtures 148:5	Good 123:10
		137:13,19 176:18		

goods 146:23 148:14 government 159:11 159:16,21 171:3,9 171:12,18 governmental 159:7 Green 119:7,7,18 120:4,23 121:3,14 122:2,2,5,5 124:19,19 125:9 125:16 129:1,6,12 129:12 130:4,4,11 132:1,1 133:4,5 134:4,5 135:2,3 135:12,12,20,20 136:18,18 137:3,3 137:14,14,20 138:4,16,17 139:1 139:1,12,13,23,24 141:23,24 142:10 142:11,24 143:8 144:16,16 145:9,9 145:17,17,19,24 146:1,1,5,5,11,11 146:16,16,21,21 146:24,24 147:3,3 147:9,9,14,14,21 147:21 148:2,2,10 148:10,21,21 149:8,8,19,19 150:2,2,8,8,14,14 150:19,19,24,24 151:5,5,13,13,17 151:17,22,22 152:3,3,8,8,13,13 152:18,18 153:8,8 153:15,15,22,22 154:3,3,9,13,14 154:14,19,19 155:18,18,24,24 156:2,2,6,6,10,11 156:15,15 158:1,1 158:7,7,14,14,20 158:21 159:1,2,6 159:6,12,12,17,17 159:22,22 160:2,2 160:6,7,11,11,17 160:17 162:9 163:3,3,11,14,15 164:5,5,7,7,11,11 164:13,14,18,18 164:21,21,25,25 165:6,6,17,17 166:1,2,10,10,12 166:12,16,16,17 166:18,25,25 167:2,19,19,20,20	167:25,25 169:4,4 169:10,10,12,12 169:17,17,19,19 169:24,24 170:2,2 170:8,8,16,16,23 170:23 171:3,4,13 171:13,19,19,23 171:23 172:6,6,15 172:15 173:4,4,13 173:13 174:9,10 174:20,24 175:18 175:18 176:18 ground 129:4 131:11 132:5 grounds 123:25 124:16,21 125:1,6 125:13,20 126:1,7 126:13,23 127:3 127:15,22 128:3 129:10,17 130:7 130:16 131:4 132:20 133:8,20 134:8,17 135:5,16 135:23 136:12,24 137:6,17,24 138:8 138:13,22 139:3 139:15 140:2,7,13 141:4,15,20 142:1 142:7,13,21 143:4 143:12,20 144:3 144:12,18 145:15 146:3,9,14,19 147:1,7,12,19,25 149:6,17,24 150:1 150:7,12,17 151:3 151:11,15,20,25 152:5,10,15 153:5 153:10,19 154:1,7 154:16 155:1,6,16 155:21 156:4,8,13 156:17,22 157:2,7 157:13,19,24 158:5,13,18,23 159:4,9,14,19,24 160:4,9,15,20 161:3 164:9,16,23 165:4,15,24 166:8 166:14,23 167:7 167:12,17,23 168:8,14,23 169:2 169:8,15,22 170:6 170:12,20,25 171:6,15,21 172:12 173:1,9,18 173:25 174:5,12 guards 149:15 guys 162:10	H H 119:11 123:4 handed 128:20 handrails 149:14 Hang 145:23 happy 163:1 hear 175:3 heard 175:9,19 hearing 123:13 held 127:19 141:23 144:22 152:7 158:20 162:18 Heuvel 119:11 122:2,4 123:4,10 123:20 124:13 128:25 132:2,17 141:2 145:1 163:4 164:4 165:20 170:14 171:2,8,11 171:17 173:12 175:7 high-bulk 150:3 HINKFUSS 120:22 hold 170:9 Holdco 150:3 Hub 125:4 142:16 156:19,24 157:4 157:10,16,21 160:25	134:9,18 135:6,17 135:24 136:13,25 137:7,18,25 138:9 138:14,23 139:4 139:16 140:3,8,14 141:5,16,21 142:2 142:8,14,22 143:5 143:13,21 144:4 144:13,19 145:16 146:4,10,15,20 147:2,8,13,20 148:1 149:7,18 150:1,7,13,18 151:4,12,16,21 152:1,6,11,16 153:6,11,20 154:2 154:8,17 155:2,7 155:17,22 156:5,9 156:14,18,23 157:3,8,14,20,25 158:6,13,19,24 159:5,10,15,20,25 160:5,10,16,21 161:4 164:10,17 164:24 165:5,16 165:25 166:9,15 166:24 167:8,13 167:18,24 168:9 168:15,24 169:3,9 169:16,23 170:7 170:13,21 171:1,7 171:16,22 172:13 173:2,10,19 174:1 174:6,13 indicated 155:8 173:20 individuals 158:25 160:12 174:8 175:15 infeed 149:11 information 121:14 122:12 152:21 156:2 164:19 168:20 169:11,18 173:15 175:1,23 initially 176:13 insider 172:17 instruction 174:25 instruments 148:8 insurance 121:5,23 136:19,19 137:2,3 145:18 intangibles 145:20 148:6 intend 123:21 124:7 interest 146:6 147:16	interests 145:18 inventory 145:19 148:5 investment 121:15 131:25 148:9 invoices 154:20 invoke 123:24 124:2 124:7,15,20,25 125:5,12,19,25 126:6,12,22 127:2 127:14,21 128:2 129:3,9,16 130:6 130:15 131:3,10 132:4,19 133:7,19 134:7,16 135:4,15 135:22 136:11,23 137:5,16,23 138:7 138:12,21 139:2 139:14 140:1,6,12 141:3,14,19,25 142:6,12,20 143:3 143:11,19 144:2 144:11,17 145:14 146:2,8,13,18,25 147:6,11,18,24 149:5,16,24 150:5 150:11,16 151:2 151:10,14,19,24 152:4,9,14 153:4 153:9,18,25 154:6 154:15,25 155:5 155:15,20 156:3,7 156:12,16,21 157:1,6,12,18,23 158:4,11,17,22 159:3,8,13,18,23 160:3,8,14,19 161:2 164:8,15,22 165:3,14,23 166:7 166:13,22 167:6 167:11,16,22 168:7,13,22 169:1 169:7,14,21 170:5 170:11,19,24 171:5,14,20 172:11,25 173:8 173:17,24 174:4 174:11 items 145:7 149:12 172:16 173:5
		I ID'D 121:11 122:1 identification 123:3 identify 151:22 152:2,7,12 153:7 153:21 154:3,9,12 156:6,10,15,19,24 157:4,9,15,21 158:25 168:10,20 172:9 173:15 174:2 identity 144:15 II 119:12 immediately 163:17 included 138:2 including 148:4,22 149:13 income 156:10,24 169:12 incriminate 124:1 124:17,22 125:2,7 125:14,21 126:2,8 126:14,24 127:4 127:16,23 128:4 129:5,11,18 130:8 130:17 131:5,12 132:6,21 133:9,21	J J 121:2 January 140:24 Jefferson 120:23 JERRY 119:17 121:2	

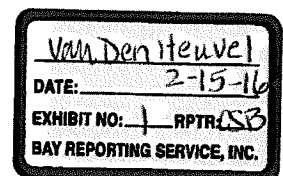
John 120:22 122:7 jointly 165:18 joking 148:17 JONATHAN 120:2 jp Petitjean@hspwl... 120:24 jsmies@gklaw.com 120:5	liens 127:19 Lights 149:1 list 127:7,20,25 145:3,8 Listen 161:22 LLC 119:7 132:1 149:20 150:3,9 151:6 LLP 120:6 Loan 121:15 131:25 located 131:8 location 119:16 131:7 154:9 167:1 171:25 172:17 173:6 long 131:16 look 175:13 looking 128:17 lower 173:6	Merit 176:6 message 121:13 163:14 Michael 120:10,15 Milwaukee 120:13 minutes 131:18 141:23 170:10 miscellaneous 149:12 missing 132:12 Monday 128:8 155:8 163:24 Monday's 123:13 127:6 monetary 173:13 money 138:16 morning 123:10 MURPHY 120:16 Murray 120:12 161:16,16	154:24 155:4 officer 124:14,18,23 125:3,8,15,22 126:3,9 166:4 officers 160:12 163:15 174:7 Ogden 120:7 121:9 122:3,6,7 123:9 123:11 128:14,19 128:24 129:22 131:17 132:14 133:1,15 140:25 144:20,25 146:1 152:23 154:14 161:5 162:14,20 163:13,19,24 164:2,4 172:22 174:14 175:13,21 Okay 128:19 133:1 144:25 175:21 OLEJNICZAK 119:17 121:2 once 135:8 158:2 operated 165:19 operating 170:10 order 122:8 140:19 141:7,13,17 174:22 175:11,11 organizational 143:23 152:2 157:9 160:23 original 122:9,9 176:11 owned 148:10,10 164:6,21 165:19 owners 160:12 ownership 154:18 158:7 ownerships 127:19	150:25 parts 148:12 party 162:3,4,6 PASCH 120:17 pass 163:14 174:19 174:21 patents 148:7 Patriot 126:4 143:15 164:12,20 pay 153:21 payment 135:19 153:14 payments 154:20 160:11,18 PCDI 124:24 pellet 146:12 Pere 131:9 perforated 149:9 perform 151:18 performed 165:7 permission 129:7 170:1 personal 173:13 personnel 144:15 Petitjean 120:22,22 122:7 125:10,17 125:24 126:5,11 126:18 127:9 128:11,16,21 129:21,24 130:1 130:13,23 131:15 131:22 132:11,16 132:24 133:13,16 134:1,13,24 135:11 136:3,17 136:21 137:12 138:5,19 139:9,20 140:18,22 141:11 142:18 143:1,9,17 143:25 144:8,10 145:6,23 148:16 150:22 152:19 153:23 154:4,12 155:13 156:20,25 157:5,11,17,22 158:9,16 161:1,11 161:22 162:8,19 162:20 163:10,18 163:23,25 165:9 165:12 166:5 170:3 172:2,19 174:18 175:3,9,15 175:19 photographs 137:21 photos 121:25 138:3 physical 171:24
K KAHN 120:2 Kilbourn 120:13 kindly 129:22 134:20 139:6 163:13,19 know 129:23 130:19 131:20 132:10,25 133:12,23 134:12 134:20 135:9 136:4 137:9 139:7 145:3 172:21 175:4,10 knowledge 168:10 174:8 knows 172:23 Kool 121:24 129:2,7 129:13 130:5,11 131:8 135:2,14,21 136:9,20 137:4,15 137:21,22 138:4 138:11,15 139:1 140:4 146:6 150:9 KRUEGER 121:2 128:22 144:23	M M.D 119:3 machine 176:11 machinery 145:19 Madison 120:8,18 magnet 148:24 Main 120:7,18 maintained 140:10 143:15 144:6 making 160:17 manager 124:14,19 124:24 125:4,9,16 125:23 126:4,10 Maple 149:20 Marco 119:3 148:22 marked 121:11 122:1 127:6 128:6 130:19 132:23 134:20 135:7 136:1 139:6 141:6 145:2 market 173:7 material 149:21 materials 126:10 130:12 143:24 144:7 146:22 matter 127:13 129:8 131:2 140:20 141:13 Mayfran 148:23 medication 123:16 meetings 141:23 158:20 170:9 member 166:4 members 160:13 174:7	N N 120:1 121:1,7 napkin 150:20,21 151:1,1 needs 131:17 never 164:25 165:6 166:10 Nexgen 150:9 Nichols 150:15 Notary 176:5,22 note 121:17 133:4 147:22 163:18 noted 153:1 176:12 notes 176:11 November 131:6 numbers 138:17	P P 120:1,1,17 121:1 121:1 page 121:8,11 122:1 122:12 132:7,14 132:18 133:11,14 133:18 134:10,11 134:11,15 pages 132:8,9 paid 153:7 166:11 panel 149:12 paper 148:7 150:3 Parkview 121:14 part 149:15 particular 128:7 parties 163:8 Partners 150:9,20	150:25 parts 148:12 party 162:3,4,6 PASCH 120:17 pass 163:14 174:19 174:21 patents 148:7 Patriot 126:4 143:15 164:12,20 pay 153:21 payment 135:19 153:14 payments 154:20 160:11,18 PCDI 124:24 pellet 146:12 Pere 131:9 perforated 149:9 perform 151:18 performed 165:7 permission 129:7 170:1 personal 173:13 personnel 144:15 Petitjean 120:22,22 122:7 125:10,17 125:24 126:5,11 126:18 127:9 128:11,16,21 129:21,24 130:1 130:13,23 131:15 131:22 132:11,16 132:24 133:13,16 134:1,13,24 135:11 136:3,17 136:21 137:12 138:5,19 139:9,20 140:18,22 141:11 142:18 143:1,9,17 143:25 144:8,10 145:6,23 148:16 150:22 152:19 153:23 154:4,12 155:13 156:20,25 157:5,11,17,22 158:9,16 161:1,11 161:22 162:8,19 162:20 163:10,18 163:23,25 165:9 165:12 166:5 170:3 172:2,19 174:18 175:3,9,15 175:19 photographs 137:21 photos 121:25 138:3 physical 171:24

172:17 173:6 pictures 138:11 place 175:2 176:10 plaintiff 120:5 162:3 Plaintiffs 119:5 plates 149:14 played 168:16 playing 162:1 Plaza 120:3,12 plead 123:21 please 128:15,20 130:19 131:14 132:23 133:11,23 134:11 135:8,9 136:1,4,15 137:9 139:5,18 140:16 145:3 150:22 172:24 173:22 pledged 145:8,17 146:11,16,21,24 147:3,9,14 148:2 148:21 149:9,20 150:2,8,14,19,25 151:5 158:2 164:5 169:25 point 161:19 Polsky 120:10,11,15 position 124:8 145:13 162:21 168:21 172:10 173:22 174:3 positions 127:18 152:7 possession 126:16 127:1 154:24 155:3 168:2 172:6 pre-marked 123:2 preparation 159:21 160:1 171:18 prepared 161:12 163:5,7 present 127:13 162:22 163:8 presented 128:9 previously 127:6 128:6 132:23 136:1 173:20 principal 147:15 printout 121:13 prior 163:16,21,24 privilege 124:2,8,9 procedure 123:12 proceed 130:23 134:1,24 135:11 136:3,17 137:12 139:9,20 140:17	140:18 145:6 152:25 153:2 proceeding 124:10 proceedings 123:1 175:25 176:9 proceeds 147:10,15 148:15 150:4 process 123:12 146:22 processing 146:12 produce 143:14 160:22 163:3 168:1 produced 127:24 130:9 138:24 140:9 141:22 142:15,23 143:16 143:22 147:22 164:19 Professional 176:6 Promissory 121:17 133:4 proof 137:1 proper 161:13 property 121:23 148:9 160:6 171:24 172:6,16 173:5 175:1 proposed 174:22 provide 163:20 provided 127:11 128:8 136:18 137:2,21 139:22 140:20 141:1 142:3,9 143:6 144:5 145:11 146:5 151:8 153:12 155:10 164:12 175:23 Public 176:5,22 purchase 135:13,21 136:9 154:20 155:11 purchased 138:16 139:1 155:9 purposes 165:2	163:2,5,7 164:3 quick 144:21 Quotient 150:20,25 <hr/> R R 120:1,22 121:1 122:7 raw 146:22 ready 129:23 130:1 130:20 131:20,22 131:23 132:25 133:2,23,25 134:21,23 135:8 136:4 137:9 139:7 139:8,19 141:11 144:23 145:4 163:5 real 164:20 Realtime 176:7 receipt 135:19 136:8 137:14,20 138:3,10 receivable 147:4 received 135:12 141:12 174:23 receiver 120:10,15 122:8 128:1 129:8 131:1,7 140:11,20 141:8,13,24 142:5 142:11,17,25 143:8,16,24 144:9 144:16 145:12 151:9 153:13 161:17,17,21 163:6 166:18 167:2,21 168:4,18 169:6,13,20 171:25 172:7 174:22 receiver's 138:25 161:11 162:21 receivership 127:13 receiving 152:24 175:14 recess 144:22 162:18 174:21 175:22 record 162:2 records 140:9 141:18 142:4,10 142:16,24 143:7 143:15 144:6 157:16,21 Recovery 125:23 133:5 134:5 139:12,23 refer 133:10,10	referring 128:12 reflect 137:3 reflecting 154:18 reflects 135:19 refused 143:14 160:22 regard 127:19 173:21 regarding 121:22 123:12 127:18,25 130:4 136:8 141:23 160:24 162:25 173:22 174:9,19 175:15 Registered 176:6,6 regular 158:20 relate 160:23 related 130:10 143:7,23 147:22 153:13 157:9,21 164:12,19 169:11 169:19 relates 129:1 130:3 135:2 174:2 relating 138:25 146:23 168:11,20 relation 155:24 relative 176:16 Relevance 125:10 125:17,24 126:5 126:11 142:18 143:1,9,17,25 144:10 155:13 156:20,25 157:5 157:11,17,22 158:9,16 161:1 rely 167:14 REM 149:11,11 removed 126:25 repair 148:12 repayment 147:15 repeat 148:16 150:23 171:10 replace 155:9 replacements 148:13 Report 121:21 REPORTED 119:20 Reporter 176:6,7,7 REPORTING 119:21 reports 159:7,11,16 159:22 171:3,9,12 171:19 repossessed 148:14 representative	175:17 representatives 163:15 174:20,24 represented 149:21 request 163:18 164:1 175:3,10 REQUESTED 122:12 required 159:6 170:10 Resource 126:10 130:12 143:24 144:7 Restated 121:17,18 133:4 134:3 returned 148:14 review 131:16,18 reviewed 171:9,12 reviewing 129:25 130:22 131:21 132:24 133:2,25 134:23 135:10 136:2,16 137:11 139:8,19 140:17 141:10 145:5 reviews 159:16 right 123:24 124:15 124:20,25 125:5 125:12,19,25 126:6,12,22 127:2 127:14,21 128:2 129:3,9,16 130:6 130:15 131:3,10 132:4,19 133:7,19 134:7,16 135:4,15 135:22 136:11,23 137:5,16,23 138:7 138:12,21 139:2 139:14 140:1,6,12 141:3,14,19,25 142:6,12,20 143:3 143:11,19 144:2 144:11,17 145:14 146:2,8,13,18,25 147:6,11,18,24 149:5,16,25 150:5 150:11,16 151:2 151:10,14,19,24 152:4,9,14 153:4 153:9,18,25 154:6 154:15,25 155:5 155:15,20 156:3,7 156:12,16,21 157:1,6,12,18,23 158:4,11,17,22 159:3,8,13,18,23 160:3,8,14,19
--	--	---	--	---

161:2 162:4 164:8 164:15,22 165:3 165:14,23 166:7 166:13,22 167:6 167:11,16,22 168:7,13,22 169:1 169:7,14,21 170:5 170:11,19,24 171:5,14,20 172:11,25 173:8 173:17,24 174:4 174:11 rights 148:7,9 rise 148:15 Riverwalk 120:3 RMR 119:21 176:21 ROBERT 120:17 role 168:16 Ron 132:2 173:12 RONALD 119:11 123:4 room 161:23 162:10 rpasch@murphy... 120:20 RPR 119:21 176:21 rules 123:11 run 124:6	155:19,23 156:1 serving 120:10 set 127:20 145:7 sheriff's 126:17 154:22,24 155:4 168:3 shorthand 176:11 SICKEL 120:22 sign 170:9 signature 132:8,13 133:13,18 134:11 134:15 signatures 132:18 133:17 134:14 signed 141:12 159:11 171:3 similar 128:9,13,17 simpler 162:12 simultaneously 165:18 sir 124:4 127:8,10 128:10 129:20 130:2,24 133:18 134:15 166:21 sit 161:23 sjk@lcoj.com 121:4 Slot 148:23 SMIES 120:2 software 148:13 sorry 140:25 sort 148:25 149:1 162:5 sorting 146:17 sources 153:21 156:10,24 169:12 South 119:17 120:3 120:23 121:3 spare 148:12 speak 145:4 special 148:12 state 119:1 163:23 176:1,8,22 stated 163:25 statement 121:20 135:1 151:9 153:17 165:22 166:20 167:10,15 170:18 173:16 175:20 statements 160:2 stay 162:8 STEVEN 121:2 stop 160:17 stored 155:18,23 Street 119:17 120:3 120:7,18,23 121:3 structure 152:2	160:24 structures 149:13 Subject 121:14 subordinated 148:18,20 subordination 173:21,23 174:3 substantially 166:2 successions 148:11 sufficient 165:1 Suite 120:3,7,12,18 120:23 Summary 121:21 support 127:18 166:20 167:9,14 172:9 173:16 supporting 127:25 supports 145:12 149:13 151:9 sure 162:16 suspended 148:24 sworn/affirmed 123:6 176:15 system 149:15 150:10 systems 150:4	think 162:4,11 Thrash 148:25 three 132:8 160:7 time 119:15 161:6,9 161:19 164:3 168:2 174:15,19 176:9 times 170:15 Tire 125:23 133:5 134:5 139:12,23 Tissue 122:3,5 126:4 139:13,24 143:15 Tissue's 164:13,20 title 171:24 172:16 173:6 today 123:18,23 124:4 126:21 156:2 162:23 today's 174:21 told 128:17 tools 148:12 trademarks 148:8 transcript 122:10 122:10 123:1 176:10 transfer 129:2 130:5,10 transferred 129:6 129:13 160:6 171:24 172:5,15 173:4 transfers 175:1 transition 149:11 treatment 123:17 Trough 149:2,2,3 true 124:13,18,23 125:3,8,15,22 126:3,9,15,25 127:10,17,24 128:25 129:6,12 130:2,9,24,24 131:6,24 132:17 133:3,17 134:2,2 134:14,25,25 135:12,18 136:6,6 136:18 137:1,13 137:19 138:1,1,10 138:15,24 139:10 139:10,21,21 140:4,9,19 141:1 141:12,17,22 142:3,9,15,23 143:6,14,22 144:5 144:14 145:7,11 145:17 146:5,11 146:16,21 147:3,9	147:14,21 148:2 148:19,21 149:8 149:19 150:2,8,14 150:19,24 151:5,8 153:12 158:1 160:22 164:5,11 164:18,25 165:6 165:17 166:1,10 166:16,25 167:19 167:25 168:16 169:4,10,17,24 170:8,14,22 171:2 171:8,11,17,23 172:5,14 173:3,11 176:10 truth 176:15,15,16 try 124:12 Tuesday 163:12,16 163:22 turn 132:9 Turning 141:6 two 120:12 126:15 150:3 168:1,12,17
S S 119:21 120:1 121:1 122:3,6,7 176:5,21 S.C 119:17 120:2,11 120:16 121:2 salaries 153:7,14 sale 148:14 saying 167:4 screen 149:9 search 155:25 second 129:2,7,13 130:5,10 131:8 132:9 135:14,21 136:9 137:4,15,20 137:22 138:3,11 140:4 security 121:18 134:3 145:22 146:6 154:20 seen 131:19 seized 126:16 155:10 seizure 168:2 sent 139:11 serial 138:17 servers 140:10 service 119:21	S S 119:21 120:1 121:1 122:3,6,7 176:5,21 S.C 119:17 120:2,11 120:16 121:2 salaries 153:7,14 sale 148:14 saying 167:4 screen 149:9 search 155:25 second 129:2,7,13 130:5,10 131:8 132:9 135:14,21 136:9 137:4,15,20 137:22 138:3,11 140:4 security 121:18 134:3 145:22 146:6 154:20 seen 131:19 seized 126:16 155:10 seizure 168:2 sent 139:11 serial 138:17 servers 140:10 service 119:21	T T 120:2 tag 162:1 take 124:8 131:18 144:20 162:14,17 taken 155:25 173:12 176:9 takes 175:2 talk 133:23 162:11 talking 145:24 Tapor 148:23 tasks 152:17 team 162:1 Technology 125:23 133:5 134:5 139:12,23 telephonically 120:9,15,20 terms 174:22 testified 123:6 testify 176:15 Text 121:13 thank 128:24 131:24 133:1 134:2 136:4 144:25 175:21 Thill 120:17 161:10 161:20 162:2,13 162:15 174:18 175:6	U UCC 121:20 135:1 149:21 unbeknownst 129:13 underneath 152:14 understand 124:7 understanding 123:21 unilateral 170:15 unit 121:24 129:2,7 129:13 130:5,11 131:8 135:2,14,21 136:10 137:4,15 137:21,22 138:4 138:11 140:4 146:12,17 units 136:20 138:15 139:1 146:7 use 135:20 146:23 147:5 Utica 151:6 utilized 144:15	U UCC 121:20 135:1 149:21 unbeknownst 129:13 underneath 152:14 understand 124:7 understanding 123:21 unilateral 170:15 unit 121:24 129:2,7 129:13 130:5,11 131:8 135:2,14,21 136:10 137:4,15 137:21,22 138:4 138:11 140:4 146:12,17 units 136:20 138:15 139:1 146:7 use 135:20 146:23 147:5 Utica 151:6 utilized 144:15
				V value 173:7 Van 119:11 122:2,4 123:4,10,20 124:13 128:25 132:2,17 141:2 145:1 163:4 164:4 165:20 170:14 171:2,8,11,17

173:12 175:7	years 160:7 172:14	2	8-web 150:20,25
Voith 150:15	173:3,11	2 119:1	800-424-2224
Volume 119:12		2/11/15 121:24	119:23
vs- 119:6	Z	200 120:3	821 121:14
		2013 151:23 152:3,8	8TKM0630NG03
W	0	152:13	138:18
wages 153:7,14		2015 131:6 137:13	8TKM111414NG...
Walls 149:4	1	137:19 139:25	138:18
want 131:15	1 127:6 145:2	2016 119:13 140:24	
wants 162:1	1/14/16 122:7	176:18	9
warrant 155:25	10 121:18 133:22	20th 131:6	9 121:17 132:23
Washington 120:3	10/30/16 176:22	231 119:17 121:3	134:11
Waste 125:23 133:5	10:03 119:15	24-inch 149:2,3	900 120:7
134:5 139:12,23	100 120:3	242 172:18,21	920-432-5662
way 162:12	101 120:23		119:22
we'll 132:25 161:19	1085 120:12	3	920-432-7716
162:14,17 175:22	11 121:20 134:20	3 128:9,12,17	120:24
we're 128:21 129:21	11/13/14 121:21	3/20/15 122:2	920-436-7667 120:4
130:1 131:22	11:45 119:15	30 155:8	920-437-0466 121:4
132:11,24,25	175:25	300,000 121:22	
133:16 134:13	11th 137:13,19	135:13,20 136:9	
144:23 162:6,13	12 121:21 135:8,19	33 120:7,18	
162:15,16,19	123 121:9	330 120:13	
We've 162:3	125 120:23	36-inch 149:2	
WEDC 162:2,21	128 121:12		
173:21	129 121:13	4	
weeks 174:17	13 121:22 136:1	4/15/15 122:4	
WIETING 120:22	130 121:14	414-273-4200	
willing 153:3 161:22	13001597334	120:14	
162:10	149:21		
Winches 149:3	131 121:16	5	
wire 121:21,22	132 121:17	5 121:12 123:2	
135:13	133 121:19	128:6,10,11,15,17	
Wisconsin 119:1,4	134 121:20	128:20 149:3	
119:18 120:4,8,13	135 121:21	5-minute 162:14	
120:18,21,23	136 121:22,23	500 120:18 131:9	
121:3 131:9 148:3	137 121:25	53202 120:13	
176:1,8,18,22	139 122:3,6	53701 120:18	
witness 123:5	14 121:23 136:14	53703 120:8	
128:14,20 153:2	137:1	54301 120:4,23	
176:14	140 122:7	121:3	
witnesses 163:4	141 122:8		
167:14 168:10	14th 140:24	6	
172:9 173:16	15 119:6 121:24	6 121:13 129:19	
word 174:19	132:7,8,9,13,14	6-web 150:21 151:1	
work 146:22	137:8 138:1	608-257-7181	
worth 140:4	15th 139:25	120:19	
wrap 124:12	16 122:2 139:6	608-283-2457 120:8	
WTRT 122:2,5	17 119:13 122:4	650,000 140:5	
132:2	139:17		
www.bayreportin...	18 122:7 140:15,22	7	
119:22	141:1	7 121:14 130:19,24	
	19 122:8 123:2	769 119:6	
X	141:7		
X 121:7	19-inch 149:1	8	
	19th 176:18	8 121:15 131:13	
Y		8-ton 150:9	

List of Assets



EQUIPMENT OVERVIEW-OWNER AND LIEN REPORT

-APPRAISED VALUES ARE ASSESSED BY A 3RD PARTY OR BY REPLACEMENT COSTS

-OWNERSHIP HAS BEEN BASED ON PURCHASED MONEY, HOWEVER, LIEN RIGHTS CAN BE GIVEN TO SECURE OTHER COMPANIES NOTES

	GBNAGB	PATRIOT TISSUE	PCDI	TISSUE TECHNOLOGY (ITU)	RAR	ECO FIBRE	EARTH (NCT)	GBNA	PF FIBRE TECHNOLOGY	UTICA	LIENS HELD BY	CURRENT DEBT	REPLACEMENT OR APPRAISED VALUE
1											SALE LEASE BACK UTICA	\$1.4MMISS	\$105K
2										X	SALE LEASE BACK UTICA	INCL ABOVE	\$270K
3										X	SALE LEASE BACK UTICA	INCL ABOVE	\$270K
4										X	SALE LEASE BACK UTICA	INCL ABOVE	\$270K
5										X	SALE LEASE BACK UTICA	INCL ABOVE	\$1.102MM
6										X	SALE LEASE BACK UTICA	INCL ABOVE	\$454.5K
7										X	SALE LEASE BACK UTICA	INCL ABOVE	\$415K
8										X	SALE LEASE BACK UTICA	INCL ABOVE	\$360K
9										X	SALE LEASE BACK UTICA	INCL ABOVE	\$360K
10										X	SALE LEASE BACK UTICA	INCL ABOVE	\$404.2K
11										X	SALE LEASE BACK UTICA	INCL ABOVE	\$1.247MM
12											RVDH DVLPMT, LLC/PCDI/EARTH	\$0	\$250K
13											GLEN ARBOR/QUOTIENT/EARTH/RVDH	\$245K	\$1.770MM
14											GLEN ARBOR/QUOTIENT/EARTH/RVDH	\$3.2MM	\$1.792MM
15											RVDH DVLPMT, LLC/PCDI/EARTH	\$2.43MM	\$2.43MM
16											GLEN ARBOR	\$0	\$4.2MM
17											GLEN ARBOR	\$0	\$4.2MM
18											RVDH DVLPMT, LLC/PCDI/EARTH	\$0	\$830K
19											RVDH DVLPMT, LLC/PCDI	\$0	\$740.6K
20											RVDH DVLPMT, LLC/PCDI/EARTH	\$0	INCL ABOVE
21											RVDH DVLPMT, LLC/PCDI/EARTH	\$0	INCL ABOVE
22											RVDH DVLPMT, LLC/PCDI/EARTH	\$2.0MM	\$5.6MM
23											RVDH DVLPMT, LLC/PCDI/EARTH	\$0	\$3.713MM
24											LINE 41		
25											IFC	\$0	\$4.2MM
26											IFC	\$0	\$4.2MM
27											RVDH DVLPMT, LLC/PCDI/EARTH	\$0	\$175K
28											CLIFFTON/MARCO ARAUJO	\$0	\$1.171MM
29											CLIFFTON	\$0	\$1.361MM
30											CLIFFTON EQUITIES	\$0	\$830K
31											VARDE	\$3.8MM	\$4.2MM
32											VARDE	\$3.8MM	\$4.2MM
33											ABILITY	\$7.1MM	\$11.4MM
34											ABILITY		
35											ABILITY		
36											ABILITY		
37											ABILITY		
38											ABILITY		
39											ABILITY		
40											Owned by VHC/LIEN VHC AND BAYLAKE	\$7.5MM	\$10.9MM
41											Owned by VHC/LIEN VHC AND BAYLAKE	\$7.5MM	\$8.344MM
42											STERLING BANK ZERO BALANCE	\$0	\$640K

INTELLECTUAL PROPERTY AND PATENTS														
		GBNAGB	PATRIOT TISSUE	PCDI	TISSUE TECHNOLOGY (TTL)	RAR	ECO FIBRE	EARTH (NCT)	GBNA	PF FIBRE TECHNOLOGY	UTICA	LIENS HELD BY	CURRENT DEBT	APPRAISED VALUE
43	100% Reclamation of Food Contaminated Waste Streams-IP Valuation									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$108MM
44	Achieving 100% Sustainability from Food Contaminated Waste Streams									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
45	100% Post Consumer Tissue, Carton and Cup Pulp Products									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
46	FDA Approved Post Consumer Cups remanufactured to New Cups									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
47	Zero Waste Water Discharge from 100% Post Consumer Pulp System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
48	Zero Waste Water Discharge from 100% Post Consumer Tissue System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
49	One Pulping System to manufacture pulp from Tan to Brown to 70 Bright									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
51	Enhanced Fiber Additive (EFA) Patent and System Design, Equipment and Software									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
52	Wet and Dry Crepe Swing Tissue Machine System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
53	Specialty FDA 40% Post Consumer Content Cup and Carton pulp									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
54	RAR Surface Water Cleaning System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
55	RAR Waste Water Cleaning System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
56	Pellet System to SynGas, Bio Char and Biofuels									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
57	Tire System to SynGas, Bio Char and Biofuels									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
58	Liquefaction SynGas to Turbine Generated Electricity to Waste Heat Drying									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
59	Virgin recycled EFA Tissue Products									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
60	Cotton Linter Tissue Patent									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
61	Cotton Viscose Pulp Technology									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
62	ASTM 975 Diesel Fuel Distillation Technology									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
63	After Dryer System/Double Felt Wet Crepe Tissue High Bulk System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
64	Bio Char-Sludge Soil Enhancement Products									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
65	Plant Seed Based Fiber-Waste Products to EFA									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
66	Green Box Satellite System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
67	Green Box Decant, Anti-Bacteria, Germicide and Chemical Application System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
68	Green Box System, Environmental Permits and Design									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
										X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above

		GBNAGB	PATRIOT TISSUE	PCDI	TISSUE TECHNOLOGY (TTL)	RAR	ECO FIBRE	EARTH (NCT)	GBNA	PF FIBRE TECHNOLOGY	UTICA	LIENS HELD BY	CURRENT DEBT	APPRAISED VALUE
69	TAK SELLER NOTES			X								GLEN ARBOR/RVDH DVLPMNT, LLC	\$0	\$65MM
70	OFTI STOCK			X								RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	??
71	RAR WATER ASSETS			X								RVDH DVLPMNT, LLC/PCDI/EARTH	\$2.0MM	\$5.6MM
72	6,174,412.81 COTTON LINTER TISSUE PRODUCTS AND METHOD FOR PREPARING SAME				X							RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$2.621MM
73	ST PAPER SALES & MARKETING AGRMNT				X							RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$14.6MM
74	ECO/GBNAWOP INVENTORY						X					RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$956K
75	COMPANY VEHICLES							X				BAYLAKE BANK	\$0	\$150K
76	COTTON EQUIPMENT									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$3.719MM
77	FDA APPROVALS									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$4.115MM
	TOTAL												\$35.7 MM	\$278.7MM