## UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN GREEN BAY DIVISION

## TISSUE TECHNOLOGY LLC, PARTNERS CONCEPTS DEVELOPMENT, INC., OCONTO FALLS TISSUE, INC. AND TISSUE PRODUCTS TECHNOLOGY CORP.,

Case No. 14-C-1203

Plaintiffs,

v.

TAK INVESTMENTS, LLC and SHARAD TAK,

Defendants.

## **DECLARATION OF JONATHAN T. SMIES**

I, Jonathan T. Smies, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am counsel for the Defendants in this matter, Tak Investments, LLC and Sharad

Tak. I make this declaration on personal knowledge and my review of the file.

2. Attached hereto as **Exhibit 1** are true and correct copies of pages 26, 105, 145,

152 and 157 from the transcript of the August 2, 2017 deposition of Ronald Van Den Heuvel.

3. Attached hereto as <u>Exhibit 2</u> is a true and correct copy of the document marked as Exhibit 8 at the August 2, 2017 deposition of Ronald Van Den Heuvel.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the document marked as Exhibit 11 at the August 2, 2017 deposition of Ronald Van Den Heuvel.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the document marked as Exhibit 16 at the August 2, 2017 deposition of Ronald Van Den Heuvel.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the document marked as Exhibit 17 at the August 2, 2017 deposition of Ronald Van Den Heuvel.

Dated this 25<sup>th</sup> day of August, 2017.

s/ Jonathan T. Smies Jonathan T. Smies IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN GREEN BAY DIVISION

TISSUE TECHNOLOGY, LLC, PARTNERS CONCEPTS DEVELOPMENT, INC., OCONTO FALLS TISSUE, INC., and TISSUE PRODUCTS TECHNOLOGY CORP.,



Plaintiffs,

Case No. 14-CV-1203

-vs-

TAK INVESTMENTS, LLC, and SHARAD Tak,

Defendants.

DEPOSITION OF RONALD H. VAN DEN HEUVEL August 2, 2017 8:58 a.m. to 2:35 p.m. 200 South Washington Street Green Bay, Wisconsin

#### **APPEARANCES:**

TERSCHAN, STEINLE, HODAN & GANZER, LTD., by MICHAEL GANZER, Attorney at Law, 309 North Water Street, Suite 215, Milwaukee, Wisconsin 53202, appearing on behalf of the plaintiffs.

GODFREY & KAHN, S.C., by JONATHAN T. SMIES, Attorney at Law, P.O. Box 13067, Green Bay, Wisconsin 54307, appearing on behalf of the defendants.



**EXHIBIT** 

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P.D. BOX 12354 • GREEN BAY, WI 54307 • (920) 496-9313 JGALES@GALESREPORTING.COM • WWW.GALESREPORTING.COM

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1		did not I never seen anything from the banks that
2		combined them. And I know Barclays wasn't a party to
3		the 80 million and five million working capital loan.
4	Q	So let's go back to that final business terms agreement
5		you mentioned. I think you said it was an agreement
6		Mr. Tak proposed or provided you. Is that Can you
7	2	explain that?
8	A	We talked on the seven, eight, nine days. I had to get
9		some people that would take Mr. Tak's name on the note
10		in lieu of cash because I hadwhen it dropped from 80
11		to 65 and a five million working line, there wasn't
12		enough cash at closing to clear the title. So I had to
13	-	use about 16 million of investment notes, and I had to
14		get other people that had liened on the mill to take
15		those in lieu ofin lieu of cash.
16	Q	So who were some of those other people who had liens on
17		the mill?
18	A	Obviously, I talked Spirit into taking a \$5 million
19		note. I talked Spirit into takingnot Spirit. I
20		talked Vos Electric into taking a \$3 million note, and
21		I talked R&B, a guy named Bill Bain
22	Q	Who is Bill Bain? His name has come up obviously in
23		this litigation. Tell me how you know him.
24	А	Thirty-five years ago he was married to my sister. He
25		had three wonderful girls, my nieces. Prior to Bill
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THE WITNESS: That's correct. And--1 MR. SMIES: Thank you for the testimony. 2 MR. GANZER: We've been going through this 3 for all this time, and it's a really simple concept, 4 and I don't think you two are communicating on the same 5 page. 6 It's a fairly complex, 7 MR. SMIES: convoluted transaction, a series of transactions, 8 however you want to look at it, but I appreciate that. 9 So the fact of the matter is, when Tak Investments made 10 0 11 these four notes, no money was paid to Tak Investments as a result, right? 12 13 No. A There were no services provided to Tak Investments? 14 0 All he got was clean title. 15 A Again, there's no reference in the notes themselves to 16 Q 17 the provision of clean title, is there? The documents you requested will show where your firm 18 A did the lien search and how me and Mr. Tak played these 19 20 four, five, six, seven people to get our money and move 21 these people to phase two over here to Eco Fibre. It wasn't as easy as we're sitting here talking. It was a 22 23 panic. I imagine given the timing. Now, you said you played 24 Q 25 these people?

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1	Q	Okay. There's no reference to any investment notes,
2		we've established, in this document, correct?
3	A	The reference to the final business terms agreement is
4		the fact that Mr. Tak signed it. You can see all the
5		iterations here and all the work he did to try to get
6		it done.
7	Q	Exhibit 8, though, doesn't reference any of that, does
8		it?
9		MR. GANZER: The document speaks for
10		itself.
11	A	Cancel the documents and give me 27 percent. That was
12		his out all the way.
13	Q	My question is simple with noting your counsel's
14	e.	objection. Nothing in this Exhibit 8 references
15	A	Nothing in this.
16	Q	the final business terms agreement or the investment
17		notes, correct?
18	A	Final business terms agreement states
19	Q	Let me be clear. Nothing in Exhibit 8 references the
20		final business terms agreement or the investment notes?
21	A	Correct.
22	Q	And I note it says that Green Bay Title Company, Inc.,
23		has a role in this transaction. Could it be the case
24		that it was actually Green Bay Title and not Bay Title
25		that was the closing agent?
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1	A	It's not true today. Absolutely not true today. All			
2		four of them were assigned at one time.			
3	Q	And none of that remains? None of the assignments			
4	A	None of the assignments are together now. Even Bill			
5		Bain's is paid.			
6	Q	At what point in time in your mind did those notes			
7		cease to be assigned to those creditors?			
8	A	I read this to the OFTI group. Okay? At this time			
9		there were no assignments; and when I canceled them,			
10		there were no assignments. There was an assignment to			
11		the Tissue Technology note at the time. Okay? And			
12		Mr. Tak signed the reassignment. I ain't trying to			
13		clarify what's in Mr. Tak's mind. He knows what's			
14		going on here.			
15	Q	Sure. Notwithstanding your thoughts when you answered			
16		the discovery requests, as you sit here today			
17	A	I goofed up.			
18	Q	We all do.			
19	A	If you need this right here, if you're trying to say			
20		were they ever assigned even to get the title cleaned,			
21		your answermy answer is wrong here.			
22	Q	Well, it says ever assigned, so			
23	A	Correct.			
24	Q	we understand that now to be incorrect.			
25	A	Correct.			
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1		couple things in here that are a little bit different,
2		but the concept, yes.
3	Q	So you authorized it, but you didn't actually type and
4		hit the send button on a computer. You
5	A	No, I didn't authorize, hit the send button,
6		orprobably was on the road and didn't read it. Okay?
7	i	But I do remember what we talked about here.
8	Q	And one of those things you talked about as reflected
9		in an e-mail, the third paragraph, is the
10		statementI'll quote it"The notes issued by Tak
11		Investments, LLC, to Tissue Products Technology Corp.
12		have been assigned in whole and/or part to various
13		creditors."
14		Do you see that?
15	A	I see that.
16	Q	So as of July 6, 2010, there were various of the
17		investment notes which, in fact, were assigned to other
18		creditors?
19	A	They were, but the debts were paid off. See, there's
20		two things that I don't want anybody to get lost on.
21		Okay? If I got the shares back, everything's great. I
22		cancelled everything. The notes that these backed were
23		paid off. Paid off. There is no obligation Their
24		assignment means nothing anymore.
25	Q	But they're still assigned though in 2010?
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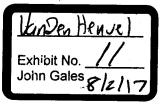
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DCLATED BANK - AS LOC. TROYIDER FOR WASTEWATER TELACHENT DONIG!         94,005,759,81           TRESS CONDIT CORF         \$12,917,457,14           TREDIT CORF         \$12,917,457,451           TREDIT CORF         \$12,917,457,451           TREDIT CORF         \$12,917,457,451           OF COONTO FALLS         \$129,417,451           OF COONTO FALLS         \$129,414,31           TIS, MALLET-FREVOST, COLT & MOSLE, LLT         \$129,414,31           TIS, MALLET-FREVOST, COLT & MOSLE, LLT         \$129,445,000           TREDING FEES         \$129,460,000           TREDING FEES         \$129,000,000           TROWYNANCIAL         \$120,000,000           TROWYNANCIAL         \$14,900,000,000           TROWYNANCIAL         \$14,900,000,000           TROWYNANCIAL         \$14,900,00			
TRESS CUBDIT CORF TRESS CUBDIT CORF TRESS WASHINGTON SAVINGS BANK CREDIT CORF CREDIT CORF CREDIT CORF CREDIT CORF CREDIT CORF CREDIT CORF CREDIT CORF STORAGE STORA	CIATED TRUST COMPANY, N.A. 43 TRUSTES FOR TAX EXEMPT BONDS.		
INGB WASHINGTON SAVINGS BANK         \$1,123,751,54           CEBDUL CORP         \$30,011,423,51           CRUDT CORP         \$137,442,46           GLEEN WATHONAE BANK         \$12,947,708,23           NYTO COUNTY TAXES         \$527,939,55           OF OCONTO FALLS         \$107,102,102,102           NYTO COUNTY TAXES         \$12,947,708,23           NYTO FEES RECORDING         \$17,90,00           NERRE TAX         \$212,446,00           ORDING FEES         \$12,000,00           UNOVINANCIAL         \$30,000,00           NYTOKAU FUNCIALSE - AS DIRECTEO BY ST PAPER         \$4,260,00,00           NYTOKAU FUNCIALSE - AS DIRECTEO BY ST PAPER         \$4,260,00,00	SCIATED TRUST COMPANY, N.A. 4.3 TRUST FUE FOR TAX EXEMPT BONDS ANK TRUST COMPANY - AS TRUSTER FOR WAREHOUSE BONDS	\$1,652,563,19	
CREDIT COR/         37,011,43,31           CREDIT COR/         5139,842,65           OLET NATIONAL BANK         52,997,35           ONTO COUNTY TAKES         5327,997,35           OF CONTO FALLS         3192,142,15           CTES MALLET PREVOST. COLT & MOSLE, LLY         3192,142,15           CTES MALLET PREVOST. COLT & MOSLE, LLY         3192,142,15           CTES MALLET PREVOST. COLT & MOSLE, LLY         3192,142,14           CTE DISUGANCE/CLOSTNO FEES RECORDING         570,200,00           UNSTER TAX         521,460,00           ORIDING FEES         510,000,00           ENTORY PUTCHASE - AS DIRECTED BY ST PAPER.         540,000,00           Group of the state of the st	SCIATED TRUST COMPANY, N.X AS TRUSTED FOR YAX EXEMPT BONDS ANK TRUST COMPANY - AS TRUSTED FOR WAREHOUSE BONDS DCIATED DAYK - AS LOC. FROVIDER FOR WASTE WATER TRUSTMENT BONDS	\$1,652,563,19 \$4,305,756,83	
CHEDINIT CORP CHEDINIT CORP AUETINATIONAL BANK SUBTINATIONAL BANK SUBTINATIONAL BANK SUBTINATIONAL BANK SUBTINE S	SCIATED TRUST COMPANY, NA 43 TRUSTER FOR YAX EXEMPT BORDS. ANK TRUST COMPANY - AS TRUSTER FOR WAREHOUSE BORDS DCIATED DANK - AS LOC. FROVIDER FOR WASTR WATER TRUKTMENT BORDS TRESS CLUDT COLF.	\$1,632,563,19 \$4,305,730,43 \$12,947,457,14	
SILET NATIONAE BANK         SL986/706/23           DNTO COUNTY TAXUS         S127,997,55           OF COUNTY TAXUS         S127,997,55           OF COUNTY TAXUS         S127,997,55           OF COUNTY TAXUS         S127,997,55           TIS, MALLET-PREVOST, COLT & MOSLE, LLY         S127,897,254           LE DNOUGANCEXCLOSTNO FEES RECORDING         S10,200,00           UNITY FAX         S212,446,000           CORDING FEES         S121,460,00           CORDING FEES         S120,000,00           ENTORY PUTRICILISE - AS DIRECTED BY ST PAPER.         S140,000,00           N         S144,000,00           S10,000,00         S10,000,00	SCIATED TRUST COMPANY, N.X AS TRUSTER FOR YAX EXEMPT BONDS. ANK TRUST COMPANY - AS TRUSTER FOR WAREHOUSE BONDS ICIATED DANK - AS LOC. TROVIDER FOR WAREHOUSE BONDS ICIATED DANK - AS LOC. TROVIDER FOR WASTE WATER TRUNCKENT BONDS TRESS CONDIT COMP. CREWASTERICTON SAVINGS BANK	51,652,563,19 54,305,750,83 517,947,457,14 52,723,751,94	
INTO COUNTY TAXES         322,399,33           FOF OCONTO FALLS         201,514,51           TIS, MALLET PREVOST, COLT & MOSLE, LLY         201,214           E DISURANCE/CLOSTNO FEES RECORDING         570,000,00           NSTPER TAX         521,460,00           DISURTAX         521,460,00           STORY TAX         521,460,00           DISURTAX         521,460,00	SCIATED TRUST COMPANY, N.X. 4 AS TRUSTES FOR TAX BOOMDS. ANK TRUST COMPANY - AS TRUSTES FOR WARROUSH BONDS CIATOD DANK - AS LO C. FROUDER FOR WARROUSH BONDS (TATOD DANK - AS LO C. FROUDER FOR WARRAWARR TRUATARENT BONDS) (TRUST COMPANY) ROB WASIGNOTON SAVINGS BANK ROB WASIGNOTON SAVINGS BANK	51,632,563,19 54,305,736,81 5152,9174,57,164 5152,9174,57,164 51,217,151,94 53,011,435,58	
F DE GCONTO FALLS SHO SUE ALLY SHO SUE ALLY SHO SUE AND SUE AN	SCIATED TRUST COMPANY, N.X. 4 AS TRUSTES FOR YAX EXEMPT SONDS ANK TRUST COMPANY - AS TRUSTES FOR WARROUGH BONDS DEATED DANK - AS LOC FROVIDER FOR WARROUGH BONDS TRUST COMPANY - AS TRUSTES FOR WARRAWARE TRUATMENT BONDS TRUST COMPANY - AS TRUSTES FOR WARRAWARE TRUST FOR TRUST TRUST COMPANY - AS TRUST - AS TRUST FOR WARRAWARE TRUST FOR TO TRUST COMPANY - AS TRUST - AS TRUST - AS TRUST TRUST COMPANY - AS TRUST - AS TRUST - AS TRUST - AS TRUST COMPANY - AS TRUST - AS TRUST - AS TRUST COMPANY - AS TRUST - AS TRUST - AS TRUST - AS TRUST - AS TRUST - AS	31,622,563,19 54,303,576,63 51,527,457,14 52,723,751,59 53,751,751,59 53,751,751,59 53,751,751,59 53,751,423,51 53,751,423,55 54,751,423,55 54,751,423,55 54,751,423,55 54,751,423,55 54,751,423,55 54,751,423,55 54,751,55 54,751,55 54,751,55 54,751,55 55,755,55 55,755,55 55,755,55 55,755,555,55 55,755,555,555,555,555,555,555,555,555,	
TIS, MALLET-PREVOST, COLT & MOSLE, LLP         - S77237244           E DISURANCE/CLOSINO FEES RECORDING         S70,00,00           STRETAX         S212465,00           ORDING FEES         S720,00           DROW FINANCIAL         S30,000,00           MICON FURCIASE - AS DIRECTED BY ST PAPER.         S469,000,00	SCIATED TRUST COMPANY, NA 4AS TRUSTES FOR TAX EXEMPT BONDS ANK TRUST COMPANY - AS TRUSTES FOR WARROUSE BONDS DCIATED DANK - AS LOC. FROMDER FOR WARROUSE BONDS RESS CHUDT CONF ROB WASHINGTON SAVINGS BANK REBUT CORF REBUT CORF REBUT CORF CORF CORF	51,632,563,19 54,305,720,43 51,74,457,14 51,74,457,14 52,723,751,94 53,723,551,425,551 53,733,842,56 53,738,842,56 53,738,842,56	
E DISCURANCE/CLOSING FEES RECORDING         \$79,000,00           NSIPER TAX         \$215,469,00           NSIPER TAX         \$215,469,00           INGUENT FEES         \$750,00           IROW TINANCIAL         \$30,000,00           BATORY FURCIASE - AS DIRECTED BY ST PAPER.         \$34,000,000           IROW TINANCIAL         \$36,000,000	SCIATED TRUST COMPANY, N.X. 4 AS TRUSTED FOR YAX BOSHIT BONDS. ANK TRUST COMPANY - AS TRUSTED FOR WAREHOUSE BONDS. CIATED DANK - AS LO.C. FROUDER FOR WAREHOUSE BONDS. TRUSS CREDIT CORF. TRUST CORF. REDIT CORF	51,632,563,19 34,305,77,043 517,97,457,10 517,97,457,10 517,97,457,10 517,917,457,10 517,917,457,10 517,917,455,50 517,917,455,50 517,917,455,50 51,917,50 52,918,700,251 52,298,700,251 53,000,251 54,000,250 54,000,250 54,000,250 55,000,2	
NSTER TAX \$213,462,00 SRDBAG FEES IGW THANCIAL \$300,00 ISTORY FURCHASE - AS DIRECTED BY ST PAPER S440b,000.00 S5409,000.00	SCIATED TRUST COMPANY, N.X. 4 AS TRUSTES FOR YAX EXEMPT BONDS ANK TRUST COMPANY - AS TRUSTES FOR WARROUGH BONDS DETATED DANK - AS LOC. FROMDER FOR WARROUGH BONDS TRESS CRIDIT COMP ROB WASIRNERD ON SAVINOS BANK TREDIT CORP TRUST CORP LET NATIONAE BANK NTO COUNTY TAXES OF OCONTO FALLS	51,632,563,19 34,303,756,31 517,2457,14 52,723,751,94 53,011,425,34 53,011,425,34 53,011,425,34 53,942,762,31 52,942,7662,31 52,942,7662,31 53,27,2995,51 54,064,53	
ORDING FEES         \$750.00           IROW TINANCIAL         \$50,000,00           STOCKY FURCIASE - AS DIRECTED BY ST PAPER.         \$34,000,000           S649,000,000         \$5649,000,000	SCIATED TRUST COMPANY, N.X. 4.33 TRUSTER FOR TAX EXEMPT BONDS ANK TRUST COMPANY - ASTROSTER FOR WARROUSH BONDS DCIATED DANK - ASTLOC. FROMDER FOR WARROUSH BONDS TRESS CHORT COMP ROB WASHINGTON SAVINGS BANK REDIT CORP LET NATIONAL BANK YTO COUNTY TAXES OF OCONTO FALLS TS, MALLEF FREVOST, COLT & MOSLE, LLT	51,632,563,19 54,305,720,43 513,947,457,14 513,724,457,14 513,724,573,94 513,725,751,725,51 51373,842,45 51373,842,45 51373,842,45 5137,949,514 5137,945,1452 5137,947,147,344 5137,947,147,344 5137,947,147,344 5137,947,147,344 5137,947,147,344 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,147,144 5137,147,144 5137,147,144 5137,147,144 5137,147,144 5137,147,144 5137,147,144 5137,147,144 5137,147,144 5137,147,144 5137,144 5137,147,144 5137,147,144 5137,144 5137,147,144 513	
IROW FINANCIAL STRONG S	ANE TRUST COMPANY, N.X. 4 & TRUSTER FOR TAX EXCENT BONDS. ANE TRUST COMPANY - ASTROSTER FOR WAREHOUSE BONDS. CITATOD PANK - AS LO.C. FROUDER FOR WAREHOUSE BONDS. TRESS CREDIT CONF RESS CREDIT CONF REDIT CONF REDTT CONF REDTT CONF REDTT CONF REDTT CONF REDTT CONF REDTT CONF REDTT CONF REDTT CONF REDTT CO	51,632,563,19 34,305,72,043 513,947,457,19 513,947,457,19 513,947,457,19 513,947,457,19 513,951,9453,56 513,9454,56 513,959,55 513,955,55 513,955,55 513,955,55 513,955,555,555 513,955,555,555,555 513,955,555,555,555,555,555,555,555,555,55	
ENTORY PUTCHASE - AS DIRECTED BY ST PAPER. 34/2000.000	SCIATED TRUST COMPANY, N.X. 4 AS TRUSTES FOR TAX EXEMPT SONDS ANK TRUST COMPANY - AS TRUSTES FOR WAREHOUSE BONDS DIATED DANK - AS LOC. FROVIDER FOR WAREHOUSE BONDS TRUSS COUDT COMP ROB WASHINGTON SAVINOS BANK TRUST CORP LET NATIONAL BANK NTO COUNTY TAXES OF OCONTO FALLS TIS, MAILET-PREVOST, COLT & MOSLE, LL? ENSURANCE/CLOSINO FEBS RECORDING STORE TAX	51,632,563,19 34,303,75643 517,2457,14 52,723,751,94 53,011,623,54 53,011,623,54 53,942,762,51 52,942,706231 52,942,706231 532,729,55 540,614,532 570,000,00 53,215,465,00 53,215,465,00	
A. \$565,000.00	ANK TRUST COMPANY, NAX-AS TRUSTER FOR TAX EXCENT BONDS. ANK TRUST COMPANY - ASTROSTER FOR WAREHOUSE BONDS. (CATED BANK - AS LO C. FROUDER FOR WAREHOUSE BONDS) TRUST CORP. REDUCTORP.	SI, 632, 563, 19 S4, 305, 720, 33 SI, 205, 720, 33 SI, 205, 720, 33 SI, 205, 725, 741, 751, 741, SI, 201, 725, 741, SI, 201, 725, 751, 741, SI, 201, 725, 751, SI, 201, 725, 751, SI, 201, 725, 751, SI, 201, 751, 751, 751, SI, 201, 751, 751, 751, SI, 201, 751, 751, 751, SI, 201, 751, 751, 751, 751, 751, 751, 751, 75	
	ANK TRUST COMPANY, N.X. 4 STRUSTER FOR TAX EXEMPT BONDS. ANK TRUST COMPANY - ASTRUSTER FOR WAREHOUSE BONDS. CIATOD DANK - AS LO.C. FROUDER FOR WAREHOUSE BONDS. TRUSS CREDIT CORF REBY CORF REDIT	S1 632,558,12           S4,303,750,81           S172,757,847,14           S172,757,1457,14           S172,757,1457,14           S172,757,1457,14           S172,757,1457,14           S172,447,14           S172,447,14           S172,447,14           S172,447,14           S172,447,14           S172,447,14           S172,447,14           S172,272,273,14           S172,272,241           S172,000,00           S213,462,00           S123,213,200           S123,000,00	
VL DISBURSEMENTS	ANK TRUST COMPANY, M.X. 4 AS TRUSTES FOR TAX EXEMPT SONDS ANK TRUST COMPANY - AS TRUSTES FOR WAREHOUSE BONDS CIATED DANK - AS L.C.C. FROVIDER FOR WAREHOUSE BONDS TRUSS COUDTCOMP ROB WASHINGTON SAVINOS BANK TRUST CORP LET NATIONAL BANK NO COUNTY TAXES OF OCONTO FALLS TIS, MALLET-FREVOST, COLT & MOSLE, LL? EINSURANCE/CLOSINO FEES RECORDING ISTER TAX RDING FEES ROW FINANCIAL MORT FOR COLS - AS DIRECTED BY ST PAPER.	S1,632,363,19 34,303,726,43 S12,74,87,14 S2,723,751,94 S3,011,429,34 S3,011,429,44 S3,010,400,44 S3,000,400,45 S3,000,	
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BALANCE DUE SELLUR SJ. 117.477.42	SCIATED TRUST COMPANY, M.X. 4 AS TRUSTES FOR TAX EXEMPT BONDS ANK TRUST COMPANY - AS TRUSTES FOR WAREHOUSE BONDS CIATED DANK - AS L.C.C. FROVIDER FOR WAREHOUSE BONDS TRUSS CORDIT CORF ROB WASHINGTON SAVINOS BANK INFOLICIENT CORF LET WASHINGTON SAVINOS BANK TRUST CORF LET WATHONAE BANK NOT COUNTY TAXES OF OCONTO FALLS TIS, MALLET-FREVOST, COLT & MOSLE, LLY EINSURANCE/CLOSINO FEES RECORDING ISTERE TAX RUDIO FEES ROW FINANCIAL WTORY PUTCHASE - AS DIRECTEO BY ST PAPER	S1,632,563,19 34,303,750,43 S12,947,457,14 S2,723,751,94 S3,031,429,58 S3,031,429,58 S3,031,429,59 S4,945,453,12 S4,945,14,52 S7,200,00 S3,124,450,00 S3,124,450,00 S3,124,450,00 S3,124,450,00 S3,124,450,00 S3,124,00,00 S4,450,000,000 S4,450,000,000,000 S4,450,000,000,000 S4,450,000,000,000,000 S4,450,000,000,000,000,000,000,000,000,00	

BUYER AND SELLERS AGREE THAT THIS STATEMENT IS ACCEPTED AS TRUE, CORRECT AND COMPLETE THIS STATEMENT MAY BE EXECUTED IN COUNTERPARTS AND BY FACSIMILE SIGNATURE.

THE RESPONSIBILITY OF GREEN BAY TITLE COMPANY, INC. (AND THEIR ASSIGNS), IS LIMITED TO THE DISBURSEMENTS AS SET FORTH ON THES CLO STATEMENT, GREEN BAY TITLE COMPANY, INC. SHALL NOT BE RESPONSIBLE FOR MAKING DISBURSEMENTS (OR OTHERWISE RESPONSIBLE) FOR A OBLIGATIONS THAT ARE NOT ON THIS STATEMENT, THE PARTIES HERETO CONSENT AND AGREE TO HOLD GREEN BAY TITLE COMPANY, INC. (AND THEIR ASSIGNS) HARMLESS FROM ANY DISPUTES ARISING FROM OBLIGATIONS AND DISBURSEMENTS NOT SET FORTH ON THES CLOSING STATEMENT

HUYERS ST PAPER, LLC BY <u>S'LCor</u> HAMB: SHARAD K. TAK TITLE: PRESIDENT				Van Den Henry	2
SELLER: OCONTO FALLS TISSUE, INC. BY AND	10			Exhibit No. 8 John Gales 8/2	17
TILE, PRESIDENT	Page   of		4/16/20		1
Case 1:14-cv-01203-W	CG Filed 08/25	EXHIBIT /17 Pgge 1 of 1	Document	<u> </u>	

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#### **Ron Van Den Heuvel**

From: Sent: To: Subject: Attachments: Ron Van Den Heuvel Friday, July 16, 2010 10:10 AM 'Griepentrog, Paul' RE: Call Ron Van Den Heuvel to discuss-thank you damm tak email-716092337-0001.pdf

Paul,

Please see the attached correspondence in reference to your email to me on 7/14/10.

Feel free to call me to discuss.

Thank you

Ron Van Den Heuvel <u>ron.vdh@tissuetechnology.net</u> (920) 347-3838 (Main) (920) 347-3840 (Fax)

----Original Message-----From: Griepentrog, Paul [mailto:pgriepen@gklaw.com] Sent: Wednesday, July 14, 2010 2:40 PM To: Ron Van Den Heuvel Cc: Sharad Tak Subject: RE: Call Ron Van Den Heuvel to discuss-thank you

Ron - attached are copies of the documents that were previously sent to you/that you signed. I will wait to receive copies of the assignment documents that you referred to on our call, and we will talk again. Thanks.

Paul W. Griepentrog Attorney

N21 W23350 Ridgeview Parkway Waukesha, WI 53188 Phone: 262-951-7000 Direct: 262-951-7129 Fax: 262-951-7001 Email: pgriepentrog@gklaw.com http://www.gklaw.com

\*\*Pursuant to Circular 230 promulgated by the Internal Revenue Service, if this email, or any attachment hereto, contains advice concerning any federal tax issue or submission, please be advised that it was not intended or written to be used, and that it cannot be used, for the purpose of avoiding federal tax penalties unless otherwise expressly indicated.

This is a transmission from the law firm of Godfrey & Kahn, S.C. and may contain information which is privileged, confidential, and protected by the attorney-client or attorney work product privileges. If you are not the addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this transmission in error, please destroy it and notify us immediately at our telephone number (262) 951-7000.\*\*



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-----Original Message-----From: Ron Van Den Heuvel [mailto:ron.vdh@tissuetechnology.net] Sent: Tuesday, July 13, 2010 4:29 PM To: Griepentrog, Paul Subject: Call Ron Van Den Heuvel to discuss-thank you

Good Afternoon Mr.Griepentrog.

Please review the note below and call me to discuss.

Thank you for your attention to this matter.

Regards,

Ron

Ron Van Den Heuvel ron.vdh@tissuetechnology.net (920) 347-3838 (Main) (920) 347-3840 (Fax)

any settlement agreement.

----Original Message-----From: Ron Van Den Heuvel Sent: Tuesday, July 06, 2010 6:04 PM To: 'Sharad Tak' Subject: FW: Scan from a Xerox WorkCentre

Sharad,

In reviewing your draft of a settlement agreement, it is not possible to be agreed to in its present form. One of the reasons is certain notes and agreements indicated in the draft have been pledged to support TAK obligations.

Please forward a copy of the referenced "Indemnity Claim dated 2-9-2010" and referenced "Compromise Agreement dated 3-31-2009".

Also, as you are aware, the notes ST Paper, LLC issued to Oconto Falls Tissue, LLC and the notes issued by TAK Investments, LLC to Tissue Products Technology Corp. have been assigned in whole and or part to various creditors. Including assignments in support of TAK obligations. Additionally, the Sales and Marketing Agreement has been assigned to Nicolet National Bank. The obligations associated with these assignments will have to be considered in developing

Sharad, remember, the creditors at one time accepted a settlement offer that could still be renegotiated.

Any settlement agreement as you know will need to include off-take and supply agreements with Natures Choice Tissue, LLC including allowing Natures Choice Tissue, LLC the use and future use of ST Paper LLC's equipment, facilities, etc. to fulfill its requirements for parent rolls and the right of first refusal of any existing and future off-take contracts after SCA Tissue's contract terminates.

Lastly, if we are intending this to be a final settlement document, TAK will need to release issues related to the referenced "Indemnity Claim dated 2-9-2010" and referenced "Compromise Agreement dated 3-31-2009".

I am open to discussing a compromise if a complete settlement and resolution of the issues and obligations can be resolved in a timely manner. I have attached the old global cash flow settlement proposal and a new one for discussion at a substantially reduced amount.

A global settlement of the scope we are seeking cannot be signed-off on by just me. Other parties will need to agree in writing prior to our final document. Considering the time that this will take, please give this your prompt consideration.

Sincerely,

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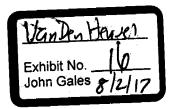
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Ron Van Den Heuvel <u>ron.vdh@tissuetechnology.net</u> (920) 347-3838 (Main) (920) 347-3840 (Fax)

## Notes Receivable TPTC and OFTI

Note	Amount	Assigned to
Note #1	\$8,000,000	Stonehill
Note #2	\$8,000,000	Stonehill
Note #3	\$8,000,000	VHC/Nicolet
Note #4	\$6,589,000	VHC
Total	\$30,589,000	

Total	\$16,400,000	5, C	
Note #8	\$3,000,000	VHC	
Note #7	\$4,000,000	Associated	
Note #6	\$4,400,000	(	open
Note #5	\$5,000,000	VHC	



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**EXHIBIT** 

## **Ron Van Den Heuvel**

From: Sent: To: Subject: Attachments:

Ed Kolasinski Saturday, October 15, 2016 3:58 PM Steve Smith; Ron Van Den Heuvel TAK Financial Summary Tak Case in Detail - Financial Summary October 2016.xlsx

See attached.

File TAK Case Ik:

# Issue yet to resolve – Global Settlement less than Assigned Amount + Lawyer Fees of \$26,740,000 – Order of Disbursement?

Discussed \$15 Million with Monthly Payment Stream on \$40M Note from ST Paper

Direct assignment of Investor and Seller Notes - \$13,000,000 IRS - \$2,540,000 Other Assignees across total TAK Collection Efforts - \$11,200,000

#### If cases reach conclusion separately:

#### Settlement or Payment on Investment Notes Case - Priority

Direct assignment of \$9,000,000 Priority of Balance – IRS Priority of Balance – Other Assignees across total TAK Collection Efforts – Kolasinski, Smith, Lawyers

### Settlement of Sales and Marketing Case - Priority

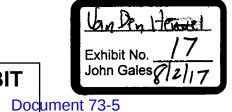
**Direct assignment – None** Priority of Balance – IRS Priority of Balance - Other Assignees across total TAK Collection Efforts - Kolasinski, Smith, Lawyers

#### Settlement or Payment on Seller Notes Case – Priority

Direct assignment of \$4,000,000 Priority of Balance - IRS Priority of Balance – Other Assignees across total TAK Collection Efforts – Kolasinski, Smith, Lawyers

My 2 Cents – IRS will be all over any settlement or payment coming into PCDI. This needs to get paid 1<sup>st</sup>. Direct assignment of specific notes payable to amounts owed would come 2<sup>nd</sup>. There will be significant disagreement related to priority of assignees who have been assigned proceeds across the TAK Collection Efforts.

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**EXHIBIT** 

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