

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN**

In the Matter of:

In Bankruptcy No.
16-24179-BEH 11

GREEN BOX NA GREEN BAY, LLC,

Debtor.

AFFIDAVIT OF BRIAN P. THILL

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Brian P. Thill, being first duly sworn under oath, states the following:

1. I am one of the attorneys at Murphy Desmond S.C., attorneys for creditor, Wisconsin Economic Development Corporation ("WEDC"), in this case and in Marco Araujo, MD, et al. v. Green Box NA, Green Bay, LLC, Brown County Circuit Court Case No. 15-CV-769 ("State Receivership"), filed May 20, 2015.

2. WEDC was and is a party Plaintiff to the State Receivership.

3. I personally or telephonically attended various depositions of the Debtor in the State Receivership prior to the filing of this case.

4. Attached hereto as Exhibit T-1 is a true and correct copy of the first part of the deposition transcript for the Debtor in the State Receivership.

5. Attached hereto as Exhibit T-2 is a true and correct copy of the second part of the deposition transcript for the Debtor in the State Receivership.

Brian P. Thill
Murphy Desmond S.C.
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6. Attached hereto as Exhibit T-3 is a true and correct copy of documentation given by the Debtor to counsel for the Receiver, Michael S. Polsky ("Receiver"), in the State Receivership on or about July 29, 2015, and which later became Exhibit 1 to the aforementioned deposition transcripts for the Debtor in the State Receivership (highlighted in part).

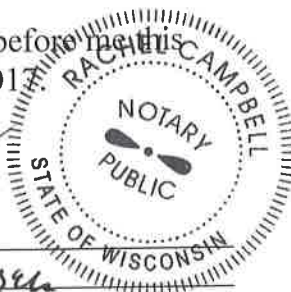
7. Attached hereto as Exhibit T-4 is a true and correct copy of the case docket referenced therein that I personally retrieved from the Court's public website.

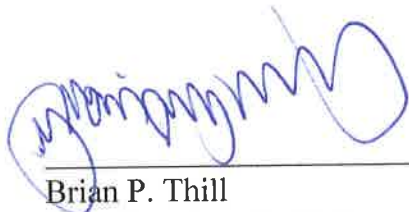
8. Attached hereto as Exhibit T-5 is a true and correct copy of the document as stated therein that I personally retrieved from the Court's public website.

9. This Affidavit is made in support of conversion of this case to Chapter 7 of the Bankruptcy Code.

Subscribed and sworn to before me this
20th day of November, 2017.

NAME: RACHEL CAMPBELL
Notary Public, State of Wisconsin
My Commission: EXPIRES 8/12/2018





Brian P. Thill

State Bar No. 1039088
MURPHY DESMOND S.C.
P.O. Box 2038
Madison, WI 53701-2038

27043.150595
4841-3954-3126, v. 1

STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY
BRANCH 2

3 MARCO ARAUJO, M.D.,
CLIFFTON EQUITIES, INC.
4 And WISCONSIN ECONOMIC
DEVELOPMENT CORPORATION,

Plaintiffs,

-VS-

Case No.: 15 CV 769

GREEN BOX NA GREEN BAY, LLC,

DEPOSITION OF: RONALD H. VAN DEN HEUVEL

DATE: February 15, 2016

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

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

REPORTED BY:
CARRIE S. BOHRER, RPR, RMR, CRR
BAY REPORTING SERVICE, INC.
www.bayreportingservice.com
920-432-5662
800-424-2224

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A P P E A R A N C E S 2 QUARLES & BRADY, LLP, by 3 BRITTANY OGDEN, Attorney at Law 4 33 East Main Street, Suite 900 5 Madison, Wisconsin 53703 6 608-283-2457 7 brittany.ogden@quarles.com 8 appeared on behalf of Clifton Equities, Inc. 9 and serving as agent for the receiver, 10 Michael Polsky 11 BECK, CHAET, BAMBERGER & POLSKY, S.C., by 12 C.J. MURRAY, Attorney at Law 13 Two Plaza East, Suite 1085 14 330 East Kilbourn Avenue 15 Milwaukee, Wisconsin 53202 16 414-273-4200 17 cjmurray@bcblaw.net 18 appeared on behalf of the receiver, 19 Michael Polsky 20 MURPHY DESMOND, S.C., by 21 BRIAN P. THILL, Attorney at Law 22 33 East Main Street, Suite 500 23 Madison, Wisconsin 53701 24 608-257-7181 25 bthill@murphydesmond.com appeared on behalf of the Wisconsin Economic Development Corporation</p> <p>HINKFUSS, SICKEL, PETITJEAN & WIETING, by JOHN R. PETITJEAN, Attorney at Law Suite 101, 125 South Jefferson Street Green Bay, Wisconsin 54301 920-432-7716 jpetitjean@hspwlaw.com appeared on behalf of the Defendant</p> <p>LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C., by STEVEN J. KRUEGER, Attorney at Law 231 South Adams Street Green Bay, Wisconsin 54301 920-437-0466 sjk@lcoj.com appeared on behalf of Ability Insurance Company. * * * * *</p> <p style="text-align: right;">2</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 TRANSCRIPT OF PROCEEDINGS 2 (Exhibits 1 and 2 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. 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. 16 MR. PETITJEAN: Counsel, it's also 17 been said that this designee is just something 18 that's an oral designation and not in writing, 19 correct? 20 MR. THILL: She just stated it on the 21 record, so -- 22 MR. PETITJEAN: I asked if it's in 23 writing. I asked if the designee's in writing, 24 it's simply yes or no. 25 MR. THILL: I think I've seen an</p> <p style="text-align: right;">4</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 I N D E X 2 EXAMINATION BY: PAGE 3 Ms. Ogden 4 4 5 EXHIBITS MARKED: PAGE ID'D 6 Exh. 1 List of assets 7 7 Exh. 2 2/4/16 letter and attached Subpoena 8 Duces Tecum 6 9 Exh. 3 Bill of lading 70 10 Exh. 4 Documents relating to Kool units 73 11 (Original exhibits were attached to original 12 transcript; copies to transcript copies.) 13 REQUESTED INFORMATION: PAGE 14 1) Receiver requests production of the 15 two remaining computers117 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: right;">3</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 email, as a matter of fact, designating 2 Ms. Ogden in writing. 3 MR. PETITJEAN: Okay. So there may 4 be an email assigned -- 5 MS. OGDEN: No, there is no written 6 engagement agreement other than in the -- if 7 you're looking for a formal engagement 8 agreement, there is not one. But if you're 9 asking whether or not there is an email or 10 something in writing which has designated me on 11 behalf of the receiver, that I can confirm, yes, 12 there is. 13 MR. PETITJEAN: All right. 14 MS. OGDEN: Do you have any other 15 questions regarding this designation? 16 MR. PETITJEAN: No. 17 MS. OGDEN: Okay. 18 MR. PETITJEAN: Is there a fee 19 agreement between the receiver and yourself? 20 MS. OGDEN: No written fee agreement, 21 no. 22 MR. PETITJEAN: Are you being paid by 23 the receiver to do this? 24 MS. OGDEN: Not today, no. 25 MR. PETITJEAN: Okay.</p> <p style="text-align: right;">5</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">6</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">8</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">7</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">9</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 day --</p> <p>2 MR. PETITJEAN: Do you know that, Ron?</p> <p>3 A Yes, I do. I believe he is from that firm. If</p> <p>4 I had that firm's name, I could agree to that, I</p> <p>5 would.</p> <p>6 Q And are you saying that this is a list of assets</p> <p>7 that you gave to Mr. Stepanek?</p> <p>8 A No.</p> <p>9 Q So let's just focus on this list.</p> <p>10 A Okay.</p> <p>11 Q How was this list produced, created?</p> <p>12 MR. PETITJEAN: If you know.</p> <p>13 MR. THILL: Stop leading the witness.</p> <p>14 MR. PETITJEAN: I'll object to the</p> <p>15 questions, and we'll just do it longer.</p> <p>16 A This is not what I gave Mr. Stepanek on</p> <p>17 equipment owned by Green Box NA Green Bay.</p> <p>18 Q Okay. Let's talk about what it is.</p> <p>19 A Okay.</p> <p>20 Q What is this list? Did you create this list?</p> <p>21 A This is how Earth keeps track of all of its</p> <p>22 assets and where the liens are on them assets.</p> <p>23 Q Okay. Let's stop there. Who created this for</p> <p>24 Earth?</p> <p>25 A It's created and kept as a thing in our office</p> <p style="text-align: right;">10</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q -- at the time that he played a role in the</p> <p>2 creation of this?</p> <p>3 A No, he was not.</p> <p>4 Q Who was he employed by when he assisted in the</p> <p>5 creation of this list?</p> <p>6 A Green Box NA Green Bay.</p> <p>7 Q And Laura Pfotenhauer?</p> <p>8 A She is Eco Hub Wisconsin.</p> <p>9 Q She was of Eco of Wisconsin during the time that</p> <p>10 she contributed to this list?</p> <p>11 A She is -- was in Green Box NA Green Bay prior to</p> <p>12 being Eco Hub Wisconsin.</p> <p>13 Q But my question is, when she assisted with the</p> <p>14 creation of this list, where was she employed?</p> <p>15 A This list was made over the last 11 years.</p> <p>16 Q Okay.</p> <p>17 A So she wasn't --</p> <p>18 Q My question --</p> <p>19 A She wasn't even working for me and has worked</p> <p>20 for two different companies.</p> <p>21 Q But my question is this.</p> <p>22 A Okay.</p> <p>23 Q Laura, who was she employed by at the time that</p> <p>24 she was contributing to this list for Earth?</p> <p>25 A I wouldn't be able to answer that.</p> <p style="text-align: right;">12</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 called a UCC log.</p> <p>2 Q Okay. Who creates the UCC log? Who? Not what.</p> <p>3 Who?</p> <p>4 A Not one individual. A lot of people would enter</p> <p>5 that.</p> <p>6 Q Okay. Let's talk about every individual that</p> <p>7 you know that would have helped create this list</p> <p>8 for Earth. Who played a role in creating this</p> <p>9 list?</p> <p>10 A Dan Thames.</p> <p>11 Q Anyone else?</p> <p>12 A Sure. Laura, Mike, Phil.</p> <p>13 Q Let's back up. If you could, please give me the</p> <p>14 full names of the people. So we have Dan Thames,</p> <p>15 correct?</p> <p>16 A Laura Pfotenhauer, P-h-o-n-t-o-r [sic];</p> <p>17 Mike Garsow; Phil Reinhart; Tammy Phillips;</p> <p>18 several lawyers.</p> <p>19 Q Do you know which lawyers would have helped with</p> <p>20 that?</p> <p>21 A No. I can't tell you.</p> <p>22 Q Okay. So Dan Thames, is he an employee of Earth?</p> <p>23 A No longer.</p> <p>24 Q Was he an employee of Earth --</p> <p>25 A No.</p> <p style="text-align: right;">11</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q How did she have access to this list at the time</p> <p>2 that she was -- here's my basic question, sir.</p> <p>3 She's helping create this list. Where was she</p> <p>4 at the time that she was creating this list?</p> <p>5 A If it's tomorrow, she will be with Eco Hub</p> <p>6 Wisconsin. If it was one year ago, it would be</p> <p>7 with Green Box NA Green Bay.</p> <p>8 Q Was she creating this list a year ago?</p> <p>9 A We create this list daily.</p> <p>10 Q So you --</p> <p>11 A Every time we move or sell equipment, the list</p> <p>12 changes.</p> <p>13 Q So she would have -- when did she first start</p> <p>14 contributing to assisting on this list?</p> <p>15 A On her hire date, and I don't know what that is.</p> <p>16 Q Give me an approximation of when you think she</p> <p>17 would have been hired?</p> <p>18 A I don't remember.</p> <p>19 Q Who hired her?</p> <p>20 A The company.</p> <p>21 Q What company?</p> <p>22 A Green Box NA Green Bay.</p> <p>23 Q Okay. So when you first came into contact with</p> <p>24 Laura she would have been hired by Green Box</p> <p>25 Green Bay NA, correct?</p> <p style="text-align: right;">13</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A Green Box NA Green Bay, that's correct.</p> <p>2 Q And from the inception of her employment, she</p> <p>3 would have played a role in contributing to this</p> <p>4 list of assets, correct?</p> <p>5 A Everybody does.</p> <p>6 Q I'm just talking about Laura at the moment.</p> <p>7 A Laura, yes.</p> <p>8 Q And you say now she's employed by Eco of</p> <p>9 Wisconsin?</p> <p>10 A Correct.</p> <p>11 Q When did that transition occur?</p> <p>12 A I don't remember.</p> <p>13 Q Was it within the past year?</p> <p>14 A Whenever Mr. Stepanek told us to remove the</p> <p>15 employees from Green Box NA Green Bay. I don't</p> <p>16 have that date because all my documents have</p> <p>17 been taken by the -- Brown County.</p> <p>18 Q What was her position at Green Box NA Green Bay?</p> <p>19 A She's administrative help.</p> <p>20 Q What was Mr. Thames' position for Green Box</p> <p>21 Green Bay?</p> <p>22 A Warehouse person, came in and helped in the</p> <p>23 office for approximately a year, then went back</p> <p>24 to a warehouse person.</p> <p>25 Q Mike Garsow, who was he employed by at the time</p> <p style="text-align: right;">14</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q And that -- and the transition to Eco Hub of</p> <p>2 Wisconsin occurred after the receivership came</p> <p>3 in place, correct?</p> <p>4 A Correct.</p> <p>5 Q Phil Reinhart, who was he employed by at the</p> <p>6 time that he was contributing to this list of</p> <p>7 assets?</p> <p>8 A Phil could have been to four companies.</p> <p>9 Q I'm sorry, what was that?</p> <p>10 A He could have been involved with four companies.</p> <p>11 Q Could have been or was?</p> <p>12 A Well, he was employed by four different</p> <p>13 companies, but I don't know exactly when these</p> <p>14 pieces each came into the -- into the agreement.</p> <p>15 Q What four companies was he employed by?</p> <p>16 A He was employed with me in PCDI, he was employed</p> <p>17 by Green Box NA Green Bay, he was employed by</p> <p>18 Eco Hub Wisconsin, and he would have been</p> <p>19 employed by TPTC at one time.</p> <p>20 Q Mr. Thames, is he now employed by Eco Hub of</p> <p>21 Wisconsin?</p> <p>22 A No.</p> <p>23 Q Is he -- is he --</p> <p>24 A He no longer works for any of our companies.</p> <p>25 Q When was -- when was his employment terminated?</p> <p style="text-align: right;">16</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 that he contributed to this list?</p> <p>2 A Green Box NA Green Bay, or Eco Hub of Wisconsin.</p> <p>3 Q Eco Hub of Wisconsin?</p> <p>4 A Eco Hub of Wisconsin.</p> <p>5 Q And when did he transition to Eco Hub of</p> <p>6 Wisconsin?</p> <p>7 A Same time we -- I talked -- same time Laura would</p> <p>8 have. All employees switched and all liabilities</p> <p>9 to employees switched when Jim Stepanek told me</p> <p>10 to move all the employees out of the company.</p> <p>11 Q So you've given me a list of five names: Dan,</p> <p>12 Laura, Mike, Phil, Tammy. Correct? Of</p> <p>13 individuals you just indicated played a role in</p> <p>14 the list of these assets, correct?</p> <p>15 A Yes.</p> <p>16 Q Were all of the five employees that you</p> <p>17 mentioned employed by Green Box NA Green Bay at</p> <p>18 the time that they began contributing to this</p> <p>19 list?</p> <p>20 A No. Phil and Tammy would have been back when it</p> <p>21 was PCDI.</p> <p>22 Q Okay. So let's just pick up where we left off.</p> <p>23 Mike Garsow. He would have been employed by</p> <p>24 Green Box NA Green Bay?</p> <p>25 A Or Eco Hub Wisconsin, correct.</p> <p style="text-align: right;">15</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A I don't know. He was terminated for HIPAA</p> <p>2 violation. I don't remember when.</p> <p>3 Q Would have been within the past year?</p> <p>4 A Yes.</p> <p>5 Q You say he was terminated for a HIPAA violation?</p> <p>6 A That's correct.</p> <p>7 Q A HIPAA violation -- could you briefly describe</p> <p>8 to me what the HIPAA violation was?</p> <p>9 MR. PETITJEAN: I'll put in an</p> <p>10 objection. We're not talking about assets, and</p> <p>11 now you're talking about an employee matter or a</p> <p>12 personnel file.</p> <p>13 MS. OGDEN: Well, I'm just trying to</p> <p>14 find out whose HIPAA did he violate. I'm trying</p> <p>15 to find out what capacity. You -- go ahead,</p> <p>16 your objection is noted. I'm going to proceed</p> <p>17 with asking this question.</p> <p>18 MR. PETITJEAN: And, Ron, you have to</p> <p>19 make a decision on whether or not you're going</p> <p>20 to answer that type of question.</p> <p>21 A Well, I don't know. I'm not personnel director</p> <p>22 and I don't know what was put in his file.</p> <p>23 Q Who terminated him?</p> <p>24 A I did terminate him, and the personnel director</p> <p>25 did come to me.</p> <p style="text-align: right;">17</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q And did you -- who was he employed by at the</p> <p>2 time that he was terminated?</p> <p>3 A I would say Eco Hub Wisconsin.</p> <p>4 Q Okay.</p> <p>5 A Not sure of that, but I would say that.</p> <p>6 Q Could he have been employed by anybody else</p> <p>7 other than Eco Hub or Green Box NA Green Bay?</p> <p>8 A No.</p> <p>9 Q Tammy Phillips, how did she play a role in the</p> <p>10 creation of this list of assets?</p> <p>11 A Tammy would have been with me as long as Phil.</p> <p>12 Some of these assets were created in 2000</p> <p>13 through 2007, so --</p> <p>14 Q And who is her employer at the time that -- when</p> <p>15 she first starts contributing to this list, with</p> <p>16 whom is she employed?</p> <p>17 A It would be the exact same list as Phil Reinhart.</p> <p>18 Q PCDI, Green Box NA Green Bay, Eco Hub, and TPTC?</p> <p>19 A That's correct.</p> <p>20 Q You indicated earlier, correct me if I'm wrong,</p> <p>21 that this was a list that was created for Earth.</p> <p>22 Correct?</p> <p>23 A That's correct.</p> <p>24 Q We've gone through this list of the five</p> <p>25 individuals that helped create this list --</p> <p style="text-align: right;">18</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A I never had an in-house lawyer.</p> <p>2 Q You've never had Attorney Willingham work as an</p> <p>3 in-house attorney?</p> <p>4 A Never.</p> <p>5 Q So when he was housed in the -- in the buildings</p> <p>6 owned by Green Box Green Bay, he just used the</p> <p>7 space?</p> <p>8 A Several lawyers for several times in my life</p> <p>9 have spent four to five months in my buildings,</p> <p>10 yes. But that doesn't mean they work for me.</p> <p>11 Q If you could turn to the second page of the</p> <p>12 exhibit. I think you're already there. Let's</p> <p>13 go through these entries.</p> <p>14 Oh, quick question. With regard to these</p> <p>15 five individuals that you just described, did</p> <p>16 you supervise over all of these individuals?</p> <p>17 A On a daily basis, no.</p> <p>18 Q In general did you supervise over them? Would</p> <p>19 they report to you on any matters?</p> <p>20 A No.</p> <p>21 Q Who served as their supervisors?</p> <p>22 A They have different ones for different parts of</p> <p>23 the business.</p> <p>24 Q Let's just go back to that. Who's Dan Thames?</p> <p>25 Who was his supervisor while employed by</p> <p style="text-align: right;">20</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A Yes.</p> <p>2 Q -- and none of them are employed by Earth.</p> <p>3 You've identified them by being employed by</p> <p>4 Green Box NA Green Bay. Why is that?</p> <p>5 A Because these companies that hold these liens</p> <p>6 are under the Earth umbrella, and the Earth</p> <p>7 liability insurance, and you must keep liability</p> <p>8 insurance on all pieces of equipment. And Earth</p> <p>9 runs the liability insurance with Willis. And</p> <p>10 that's why this is kept under Earth, because</p> <p>11 they pay the premium on the liability insurance.</p> <p>12 Q And the lawyers that contribute to the -- this</p> <p>13 list of assets, were they lawyers hired by Earth</p> <p>14 or any of the entities that you've previously</p> <p>15 described as having employees contributing to</p> <p>16 this list, or were these lawyers that were hired</p> <p>17 outside of the company?</p> <p>18 A These lawyers would have been hired by the four</p> <p>19 companies that Mr. Reinhart or Tammy worked for.</p> <p>20 And I would not know, I'd have to go back and go</p> <p>21 through bills, but I can't right now because the</p> <p>22 County has them all.</p> <p>23 Q Did you ever have any in-house lawyers</p> <p>24 contributing to the creation of this list of</p> <p>25 assets?</p> <p style="text-align: right;">19</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Green Box NA Green Bay?</p> <p>2 A There would have been six months of his four- or</p> <p>3 five-year employment where he would have been --</p> <p>4 daily that I would have seen and talked to him.</p> <p>5 And the rest of the time he'd have been by</p> <p>6 Doug Hanus.</p> <p>7 Q Who employed Doug Hanus?</p> <p>8 A Patriot, but he is an Eco Hub -- he's a business</p> <p>9 manager for Patriot, but he is a Green --</p> <p>10 Eco Hub Wisconsin employee. He was a Green Box</p> <p>11 NA Green Bay.</p> <p>12 Q Just so that we're clear, when you say Patriot,</p> <p>13 I assume you're just using an abbreviation of a</p> <p>14 particular entity. What is the full name of</p> <p>15 that entity?</p> <p>16 A Patriot Tissue.</p> <p>17 Q And who paid Dan Thames? Was he paid through</p> <p>18 Green Box NA Green Bay?</p> <p>19 A Yes. Or -- yes.</p> <p>20 Q The paychecks to him came from Green Box NA</p> <p>21 Green Bay?</p> <p>22 A Correct.</p> <p>23 Q And Laura Pfothenauer, is that the correct</p> <p>24 pronunciation?</p> <p>25 A (Nods head up and down.)</p> <p style="text-align: right;">21</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Who was her supervisor?</p> <p>2 A Laura would be to me or Mike or Phil.</p> <p>3 Q Who is Mike? Mike Garsow?</p> <p>4 A Yes.</p> <p>5 Q And Phil would be Phil Reinhart?</p> <p>6 A Yes.</p> <p>7 Q And Mike Garsow, who served as his supervisor</p> <p>8 while at Green Box NA Green Bay?</p> <p>9 A He would have had a few. Had a lady named</p> <p>10 Sharie, he would have had a lady named Mercedes.</p> <p>11 He now is marketing, does -- I interact with him</p> <p>12 quite a bit.</p> <p>13 Q Did you interact with him quite a bit when he</p> <p>14 was employed by Green Box NA Green Bay?</p> <p>15 A On and off, yes. He had -- in between bosses,</p> <p>16 so --</p> <p>17 Q And who paid Mike Garsow? Was that paid by</p> <p>18 Green Box NA Green Bay?</p> <p>19 A Yes.</p> <p>20 Q And Sharie, does Sharie have a last name?</p> <p>21 A Sharie Esppl, E-s-p-p-i.</p> <p>22 Q And with whom was she employed?</p> <p>23 A She would have been Green Box NA Green Bay</p> <p>24 because she quit on the day of the search</p> <p>25 warrant.</p> <p style="text-align: right;">22</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A No. But she interacted with me. She -- I've</p> <p>2 talked to her several times.</p> <p>3 Q She didn't take direction from you?</p> <p>4 A No. If we were working on a pro forma, she</p> <p>5 would help and take direction from me, but I'm</p> <p>6 not a MAS 90 person.</p> <p>7 Q And from whom did she receive her paychecks?</p> <p>8 A I gave you the four names before.</p> <p>9 Q So with regard to Mr. Reinhart and Ms. Phillips,</p> <p>10 all four of these entities would pay them their</p> <p>11 salary?</p> <p>12 A They've been there 14 years. Through the years</p> <p>13 they've switched companies, that's correct.</p> <p>14 Q So at any one time, only one company was making</p> <p>15 payments --</p> <p>16 A Absolutely.</p> <p>17 Q -- to them?</p> <p>18 A That's correct.</p> <p>19 Q So shifting gears to the second page, there's</p> <p>20 a -- on the first page there's a list of 1</p> <p>21 through 42. Do you see that?</p> <p>22 A Yes.</p> <p>23 Q It looks like items listed on 1 through 11 are</p> <p>24 certain pieces of equipment, and then there's a</p> <p>25 box checked with "Utica" and "Liens Held By."</p> <p style="text-align: right;">24</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q And Mercedes, does Mercedes have a last name?</p> <p>2 A Mercedes, I can't remember her last name.</p> <p>3 Q And who is she employed by?</p> <p>4 A Green Box NA Green Bay.</p> <p>5 Q Phil Reinhart, who supervised Mr. Reinhart?</p> <p>6 A Mr. Reinhart would answer to the CFO or myself.</p> <p>7 Q Who was the CFO at the time he was reporting to</p> <p>8 him?</p> <p>9 A There was none for -- since 2013, and then</p> <p>10 Ed Kolasinski came.</p> <p>11 Q And he was the CFO from which entity? Because</p> <p>12 we've got Earth, PCDI, Green Box NA Green Bay,</p> <p>13 Eco Hub, TPTC. Who was the CFO working on</p> <p>14 behalf of?</p> <p>15 A In 2013 it would have been Green Box NA</p> <p>16 Green Bay, CFO.</p> <p>17 Q And you indicated that you too would have also</p> <p>18 supervised him, correct?</p> <p>19 A Periodically.</p> <p>20 Q And Tammy Phillips, who supervised Ms. Phillips?</p> <p>21 A Be hard to ask. She's kind of her own</p> <p>22 supervisor. She's a controller. That one</p> <p>23 really -- right now Ed Kolasinski would be her</p> <p>24 boss if you want to call it that.</p> <p>25 Q Would she ever report to you?</p> <p style="text-align: right;">23</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q Could you describe what this chart is</p> <p>4 representing there? Just between Lines 1</p> <p>5 through 11.</p> <p>6 A It's equipment owned by Utica and leased by our</p> <p>7 companies.</p> <p>8 Q Was that a true lease or a finance lease?</p> <p>9 MR. PETITJEAN: Do you understand the</p> <p>10 question?</p> <p>11 A It was a sale leaseback.</p> <p>12 Q Okay. But at the end of the lease, who owns it?</p> <p>13 A Utica, if we don't pay it off.</p> <p>14 Q Do you have to pay a certain value or a dollar?</p> <p>15 A There's a -- a reappraisal or whatever you call</p> <p>16 it.</p> <p>17 Q And where are the documents that relate to this</p> <p>18 lease located?</p> <p>19 A With the Brown County Sheriff's Department.</p> <p>20 Q You have no other documentation with regard to</p> <p>21 that?</p> <p>22 A Nothing.</p> <p>23 Q I would assume, though, that someone at Utica</p> <p>24 would have this, correct?</p> <p>25 A Sure.</p> <p style="text-align: right;">25</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q And who would be the individual at Utica that 2 would have these documents?</p> <p>3 A Well you know. David Levy. He owns Utica.</p> <p>4 Q So the equipment used here, this equipment, 5 Items 1 through 11, who used this equipment? 6 What entity?</p> <p>7 A All four of them entities I listed previously. 8 You mean through the history of the ownership of 9 it?</p> <p>10 Q Yeah.</p> <p>11 A All four of those entities.</p> <p>12 Q So when you say all four, PCDI, Green Box NA 13 Green Bay, TPTC, and now Eco Hub uses it?</p> <p>14 A Yes.</p> <p>15 Q And what -- what is your understanding of what 16 they're used for?</p> <p>17 A They take parent rolls and convert them into 18 tissue cases.</p> <p>19 Q When used by PCDI, who made the lease payments?</p> <p>20 A PCDI.</p> <p>21 Q And with what bank account?</p> <p>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</p> <p style="text-align: right;">26</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 taken that bank account over at Baylake Bank. 2 There was never any other account for Green Box 3 NA Green Bay.</p> <p>4 MR. PETITJEAN: For clarification, 5 you're talking about Green Box Green Bay?</p> <p>6 THE WITNESS: Green Box NA Green Bay, 7 that's correct.</p> <p>8 MR. PETITJEAN: Ron, listen to her 9 question. I believe her question was broader 10 than that.</p> <p>11 THE WITNESS: Okay.</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>22 Q Do you have any recollection of any bank accounts 23 that would have been used by Earth?</p> <p>24 A Not right now. It'd be only a guess. 25 Q If you had to guess.</p> <p style="text-align: right;">28</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 don't know that. PCDI doesn't have an operating 2 account, so --</p> <p>3 Q It doesn't now or never had?</p> <p>4 A Oh, it had for -- of course it had one, but 5 doesn't now.</p> <p>6 Q Green Box NA Green Bay, was this leased 7 equipment used by Green Box NA Green Bay?</p> <p>8 A For a time it was.</p> <p>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?</p> <p>12 A Several companies.</p> <p>13 Q What companies?</p> <p>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.</p> <p>17 Q Did Green Box NA Green Bay ever make any payment 18 for the leased equipment?</p> <p>19 A I'm not sure.</p> <p>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?</p> <p>24 A There was only one bank account, ever. I've 25 given it to the receiver, and the receiver has</p> <p style="text-align: right;">27</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A If I had to guess, I'd say Bank of America, 2 maybe.</p> <p>3 Q Was that a Bank of America location in the 4 Green Bay area?</p> <p>5 A Bank of America doesn't have a bank in the state 6 of Wisconsin.</p> <p>7 Q So if you were to access that bank account, how 8 did you access it?</p> <p>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.</p> <p>13 Q What other company?</p> <p>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.</p> <p>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?</p> <p>22 MR. PETITJEAN: You're talking about 23 a deposit for Green Box Green Bay NA or for some 24 other entity?</p> <p>25 A You're talking --</p> <p style="text-align: right;">29</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>17 Q Let's just keep going with the questions.</p> <p>18 A Okay.</p> <p>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.</p> <p>24 A I'm wrong there too.</p> <p>25 Q Okay. How --</p> <p style="text-align: right;">30</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A (Nods head up and down.)</p> <p>2 Q Got it. When Eco Hub makes the lease payments, 3 from what bank account does Eco Hub make those 4 payments?</p> <p>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.</p> <p>10 A I can't. I don't know.</p> <p>11 MR. PETITJEAN: Okay.</p> <p>12 A They had two accounts, and I don't know which 13 one they'd make it from. I wouldn't know.</p> <p>14 Q What two accounts do they have?</p> <p>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.</p> <p>20 A They have a -- an account at Nicolet and an 21 account at Baylake.</p> <p>22 Q And TPTC, when they were making payments for 23 this, what bank accounts did they use?</p> <p>24 MR. PETITJEAN: My objection as to 25 that continues, same as before. Ron, you have</p> <p style="text-align: right;">32</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A You should add RVDH Development.</p> <p>2 Q So the record is clear, when Mr. Reinhart was 3 working for --</p> <p>4 A No, no, no, no. Not Mr. Reinhart. Let's not 5 mix that up.</p> <p>6 Q You know, let me --</p> <p>7 A You asked me who paid these leases.</p> <p>8 Q Sir, let me ask you the questions because --</p> <p>9 A Okay.</p> <p>10 Q Let's get this clarified.</p> <p>11 A Ask it again.</p> <p>12 Q You previously said Phil Reinhart was employed 13 by four companies, correct?</p> <p>14 A Correct.</p> <p>15 Q Was he ever employed by RVDH Development?</p> <p>16 A No.</p> <p>17 Q And Tammy Phillips, she was never employed by 18 RVDH Development, correct?</p> <p>19 A Correct.</p> <p>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?</p> <p>24 A Plus Earth.</p> <p>25 Q Plus Earth.</p> <p style="text-align: right;">31</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 to make your own decision.</p> <p>2 A I wouldn't know.</p> <p>3 Q You wouldn't know or you don't know specifically?</p> <p>4 A I wouldn't know because it was a long time ago 5 that -- before -- since that company had a 6 checkbook.</p> <p>7 Q And RVDH Development, what bank account did it 8 use to make these payments?</p> <p>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.</p> <p>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.</p> <p>15 Q And what bank accounts are those?</p> <p>16 MR. PETITJEAN: My objection is noted 17 again. Ron, you have to make your own decision 18 whether to answer that.</p> <p>19 A I don't think it's relevant at all, and I don't 20 have recollection enough to even answer it.</p> <p>21 Q Well, I appreciate your objection to the 22 relevancy. I believe it is.</p> <p>23 What bank accounts of the five can you 24 remember?</p> <p>25 MR. PETITJEAN: Ron, my objection has</p> <p style="text-align: right;">33</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

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

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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

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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?

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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.**

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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?

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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.**

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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

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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.**

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<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Has it been moved at all in the past year?</p> <p>2 A Those 11 pieces?</p> <p>3 Q Correct.</p> <p>4 A No.</p> <p>5 Q So --</p> <p>6 A Haven't been moved since 2003.</p> <p>7 Q Have all of these items been leased since 2003?</p> <p>8 A No.</p> <p>9 Q So when it has been leased to you and came into</p> <p>10 possession, it -- it landed at 2103 American</p> <p>11 Boulevard and wouldn't have moved thereafter?</p> <p>12 A I --</p> <p>13 MR. PETITJEAN: That's a --</p> <p>14 mischaracterizes his testimony. He said</p> <p>15 American Boulevard. He was unsure of the</p> <p>16 address.</p> <p>17 MS. OGDEN: Okay. I appreciate your</p> <p>18 objections, but when you make your objection, if</p> <p>19 you could just wait, either do it before he</p> <p>20 answers or wait until he finishes his response.</p> <p>21 MR. PETITJEAN: And I'd ask that you</p> <p>22 let Mr. Van Den Heuvel finish his answers before</p> <p>23 you start the next question.</p> <p>24 MS. OGDEN: Sure, I'd be happy to do</p> <p>25 so.</p> <p style="text-align: right;">42</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Sir, I'm asking you one question in regard to</p> <p>2 what you're saying. Are you claiming you're not</p> <p>3 answering this because you're pleading the Fifth?</p> <p>4 A No. What I'm answering is I'm not going to</p> <p>5 answer itemized questions on a list that I don't</p> <p>6 know how you got, that is at least seven months</p> <p>7 old, and I don't have the expertise to answer</p> <p>8 it. I wasn't given it before, I wasn't asked</p> <p>9 any questions on this. I don't know. But I'm</p> <p>10 not going to go in here, because you guys have a</p> <p>11 great thing of using my depositions and doing</p> <p>12 other shit with it. So I don't want to answer</p> <p>13 it because I'm not sure. It's an old document.</p> <p>14 Q You're not going to answer the question as to</p> <p>15 why this "PCDI" is marked, correct? Yes -- it's</p> <p>16 a simple yes or no.</p> <p>17 A I'm not going to answer this because I don't</p> <p>18 know.</p> <p>19 Q Okay. Well, that's a different -- that's a</p> <p>20 different statement than you just made previously</p> <p>21 as I'm hearing it. Let me finish. Either you</p> <p>22 don't know the answer or you don't want to</p> <p>23 answer. Those are two different statements. So</p> <p>24 I just want to clarify. Are you not giving me</p> <p>25 the answer with regard to PCDI because you don't</p> <p style="text-align: right;">44</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Okay. Taking a look at Item Number 12, Baler.</p> <p>2 Let's look at -- there's an X marked under</p> <p>3 "PCDI." What does that mean? And then also</p> <p>4 under "Earth." There -- I'm sorry. There</p> <p>5 wasn't one under "Earth," just under "PCDI"</p> <p>6 there's an X mark. Do you see that?</p> <p>7 A I'd totally like to know what this has to do</p> <p>8 with anything to do with the receivership.</p> <p>9 Q Well, your lawyer is welcome to contact the</p> <p>10 receiver and ask those questions. At this point</p> <p>11 in time I'm asking you the questions of</p> <p>12 documents that have been produced to the</p> <p>13 receiver. So my question is this --</p> <p>14 A I don't want to answer that.</p> <p>15 Q So you're refusing to answer that question?</p> <p>16 A I have criminal investigations you're well aware</p> <p>17 of, and I am not going to go into every company</p> <p>18 and where everything is owned today on a</p> <p>19 document that is at least seven months old. And</p> <p>20 I'm not going to go item by item on things that</p> <p>21 are outside of Green Box NA Green Bay.</p> <p>22 Q Let me clarify it. Are you --</p> <p>23 A I was asked by the receiver to come here. I am</p> <p>24 here to answer receivership questions; nothing</p> <p>25 else.</p> <p style="text-align: right;">43</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 know or because you don't want to give me the</p> <p>2 answer because of whatever reason you believe is</p> <p>3 not appropriate?</p> <p>4 A The answer is I don't know. And it's also the</p> <p>5 other answer, I can't answer it because it's an</p> <p>6 old document and I'm not sure -- 1 through 11</p> <p>7 I'm sure. I'm not sure of anything else. It's</p> <p>8 an old document. It's seven months old.</p> <p>9 Q Okay. Let's just go a little bit further on</p> <p>10 this. It says "Liens Held By" in the right-hand</p> <p>11 corner in Item 12. It says RVDH Development,</p> <p>12 PCDI, and Earth. What does that mean?</p> <p>13 A At the time those would have had what Wisconsin</p> <p>14 calls purchase money into that piece of</p> <p>15 equipment.</p> <p>16 Q So is it your understanding at the time that</p> <p>17 that was entered, those were the entities that</p> <p>18 had the lien interest on this baler?</p> <p>19 A Those would have had -- there might not have</p> <p>20 been a lien on it by a bank. But it was</p> <p>21 purchase money from them -- one of them three</p> <p>22 companies or all three of them.</p> <p>23 Q And where is the baler located today?</p> <p>24 A I have three of them. Well, that's part of the</p> <p>25 reason I don't want to answer. I'm not sure</p> <p style="text-align: right;">45</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

- 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

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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

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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

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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

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<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 some sort of interest over the past? What does 2 that mean there?</p> <p>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.</p> <p>17 Q And when is your understanding of when this was 18 acquired?</p> <p>19 A Well, the company was bought from Varde in 20 September of '13.</p> <p>21 Q And when were the balers acquired?</p> <p>22 A No idea.</p> <p>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?</p> <p style="text-align: right;">50</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p> <p>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.</p> <p>10 Q So you believe there's been a sorting system 11 acquired within the past seven months?</p> <p>12 A Yes. Because it's not on this list.</p> <p>13 Q And where is that located?</p> <p>14 MR. PETITJEAN: I'll object to the 15 question unless it's an asset of Green Box.</p> <p>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.</p> <p>21 Q So you have no idea where this second piece of 22 equipment is, correct?</p> <p>23 A I don't know --</p> <p>24 MR. PETITJEAN: Object to the 25 question as vague. Are you talking about the</p> <p style="text-align: right;">52</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A What number? 2 Q Number 14. Bretting Dinner Napkin Line.</p> <p>3 A Yeah, there's a dispenser napkin and a dinner 4 napkin line. Which one are you talking about? 5 14?</p> <p>6 Q I'm asking about Number 14.</p> <p>7 A The dinner napkin line?</p> <p>8 Q Um-hmm. Yes.</p> <p>9 A Same thing. I wouldn't know.</p> <p>10 Q You don't know why "Earth" is checked there?</p> <p>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.</p> <p>14 Q Was it used by Green Box NA Green Bay?</p> <p>15 A Never.</p> <p>16 Q Where is it located today?</p> <p>17 A Guess. I don't want to do any guessing.</p> <p>18 Q So you have absolutely no knowledge of where it 19 could be located today?</p> <p>20 A I don't have enough knowledge to say.</p> <p>21 Q Taking a look at Item 15, Sorting System 22 Equipment II. Do you see that, Number 15?</p> <p>23 A I see it.</p> <p>24 Q And then there's an X mark under the column 25 PCDI. What does that mean?</p> <p style="text-align: right;">51</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 new one that was -- he indicated was purchased 2 recently?</p> <p>3 MS. OGDEN: Yes.</p> <p>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.</p> <p>7 Q Why don't you put the serial numbers on your 8 spreadsheet?</p> <p>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.</p> <p>12 Q And you never put that information anywhere else 13 other than in those folders?</p> <p>14 A Who does? They took the computers, they took 15 the servers --</p> <p>16 Q That was a yes-or-no question.</p> <p>17 A That's a no. We don't keep it anywhere else.</p> <p>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?</p> <p>21 A 16 and 17?</p> <p>22 Q Yes.</p> <p>23 A Yeah, I see that.</p> <p>24 Q And why is that marked under PCDI?</p> <p>25 A Well, there's seven sets of afterdryers, and</p> <p style="text-align: right;">53</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>12 Q Okay. So I'm asking about Items 16 and 17.</p> <p>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.</p> <p>16 Q So there's five other sets, correct?</p> <p>17 A Correct.</p> <p>18 Q Are those -- any of those five other sets 19 identified on this spreadsheet?</p> <p>20 A Absolutely.</p> <p>21 Q And --</p> <p>22 A 25 and 26.</p> <p>23 Q Okay.</p> <p>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.</p> <p style="text-align: right;">54</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>8 MR. PETITJEAN: What time is it?</p> <p>9 MS. OGDEN: It is 10:22. Let's take 10 an eight-minute break. 11 (Brief recess held.)</p> <p>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?</p> <p>18 A Yes.</p> <p>19 Q Did Green Box ever own those Bretting machines?</p> <p>20 A No.</p> <p>21 Q Neither one?</p> <p>22 A Neither one.</p> <p>23 Q Did Green Box --</p> <p>24 MR. KRUEGER: Green Box NA Green Bay, 25 just --</p> <p style="text-align: right;">56</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p> <p>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.</p> <p>7 Q And where would those copies be?</p> <p>8 A I get one every month, tear it up when I'm done, 9 get a new one.</p> <p>10 Q And who provides them to you?</p> <p>11 A If you need them we can get it, but we can't 12 give this out to anybody.</p> <p>13 Q I would like that. So --</p> <p>14 MR. PETITJEAN: Ron --</p> <p>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.)</p> <p>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?</p> <p>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</p> <p style="text-align: right;">55</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 MS. OGDEN: Correct, I wanted -- 2 yeah, Green Box NA Green Bay.</p> <p>3 A Never owned.</p> <p>4 Q Never owned the items set forth in 13 or 14?</p> <p>5 A No.</p> <p>6 Q Did Green Box NA Green Bay ever own a Bretting 7 machine that is not identified on this chart?</p> <p>8 A No.</p> <p>9 Q With regard to the Item 12, the baler, did 10 Green Box NA Green Bay ever own a baler?</p> <p>11 A Don't know.</p> <p>12 Q Item 15, Sorting System Equipment, did Green Box 13 NA Green Bay ever own sorting system equipment?</p> <p>14 A I do not believe so.</p> <p>15 Q Did Green Box NA Green Bay use the Bretting 16 dispenser line that is identified on Item 13?</p> <p>17 A Define what you mean, "use."</p> <p>18 Q Was it ever used in any capacity by Green Box NA 19 Green Bay?</p> <p>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.</p> <p>23 Q What do you mean by "worked on it"?</p> <p>24 A They would have been employees of Green Box NA 25 Green Bay that would have operated and maintained</p> <p style="text-align: right;">57</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 the machine.</p> <p>2 Q And would -- who were they operating and</p> <p>3 maintaining it for?</p> <p>4 A For Glen Arbor or Quotient or Earth or RVDH.</p> <p>5 Q And the sorting system equipment that's marked</p> <p>6 as Item 15, was that something that was used by</p> <p>7 Green Box NA Green Bay?</p> <p>8 A They would have never had a sale off of it, but</p> <p>9 their employees could have worked on it. I</p> <p>10 would not know otherwise.</p> <p>11 Q And where is the sorting system equipment</p> <p>12 located now?</p> <p>13 A I cannot answer that. I do not have enough</p> <p>14 information.</p> <p>15 Q When it was being worked on by Green Box NA</p> <p>16 Green Bay employees, where was that being worked</p> <p>17 on at?</p> <p>18 A I couldn't answer Number -- Number 16 or 15 -- I</p> <p>19 mean Number 15 because I just don't know what</p> <p>20 piece that is without having the serial numbers</p> <p>21 here. Don't have enough information.</p> <p>22 Q Are there other sorting equipments -- other</p> <p>23 pieces of sorting system equipment that you're</p> <p>24 aware of?</p> <p>25 A There's three of them.</p> <p style="text-align: right;">58</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 to Varde. Patriot used to be called Stonehill</p> <p>2 Converting, and there were several assets bought</p> <p>3 and purchased from Stonehill Converting.</p> <p>4 Q So let's take a look at Item Number 18 and 30.</p> <p>5 Number 18 and 30, one says GB Kool Unit Number 2,</p> <p>6 and Item 30 says GB Kool Unit Number 1, correct?</p> <p>7 A Yes.</p> <p>8 Q And taking a look at Exhibit 30, is it your</p> <p>9 understanding Green Box Green Bay owned that?</p> <p>10 A One of the units is owned by Green Box -- by</p> <p>11 Green Box NA Green Bay, that's correct. I</p> <p>12 believe it's the first unit.</p> <p>13 Q And then the second unit, who owns that?</p> <p>14 A The second unit would be owned by PCDI and</p> <p>15 Green Box NA Detroit.</p> <p>16 Q So let's talk about GB Kool Unit Number 2.</p> <p>17 Item 18. You indicate that Green Box Detroit</p> <p>18 owns that and who else?</p> <p>19 A PCDI.</p> <p>20 Q How did they come into the ownership of that?</p> <p>21 A Paid for it.</p> <p>22 Q How?</p> <p>23 A Borrowing money from somebody and paid for it.</p> <p>24 Q Specifically who did they borrow money from to</p> <p>25 acquire that?</p> <p style="text-align: right;">60</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q So we have 15. What other items are you</p> <p>2 referring to? Number 28?</p> <p>3 A Yeah, Number 28. And I don't see the third set.</p> <p>4 I've looked for it before. I don't see it on</p> <p>5 here, so I don't -- I don't know. It's an old</p> <p>6 document.</p> <p>7 Q And so with regard to Number 28, Green Box NA</p> <p>8 Green Bay employees would have worked on that</p> <p>9 item as well?</p> <p>10 A Possibly.</p> <p>11 Q Do you know where they're located today?</p> <p>12 A No, I do not.</p> <p>13 Q And the afterdryer sets, I know that we've</p> <p>14 talked about seven of them, but one set isn't on</p> <p>15 this -- on this spreadsheet. Did Green Box NA</p> <p>16 Green Bay ever own them, any of them?</p> <p>17 A Yes.</p> <p>18 Q And those marked, would that be only 31 and 32?</p> <p>19 A Correct.</p> <p>20 Q And what do you base your understanding of the</p> <p>21 ownership on?</p> <p>22 A Purchase money, who bought them.</p> <p>23 Q And how are you aware of who bought them?</p> <p>24 A Well, on those two pieces, we purchased Patriot</p> <p>25 with those as additional collateral in a payment</p> <p style="text-align: right;">59</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A Sitting here I wouldn't know.</p> <p>2 Q Well, let's back up a little bit. You -- you</p> <p>3 understand the company of Clifton, correct?</p> <p>4 A Very much so. I sued them.</p> <p>5 Q Okay. So Clifton -- and you sued them</p> <p>6 because -- is it fair to say because they did</p> <p>7 not provide you with additional funds that you</p> <p>8 believe they owed you under that agreement?</p> <p>9 A They signed a funding agreement for 5 --</p> <p>10 \$4.5 million, almost 4.6, and they didn't fund a</p> <p>11 million of that.</p> <p>12 Q And what is your understanding for that funding</p> <p>13 agreement? What was that to be funding for?</p> <p>14 A There were five things that that funding was</p> <p>15 supposed to be for.</p> <p>16 Q And what were those five things?</p> <p>17 A They -- they had the rights to buy ten units in</p> <p>18 Canada; never funded them. They have the rights</p> <p>19 to buy two units in Green Bay; never funded them.</p> <p>20 Q Two units of what?</p> <p>21 A Two GB Kool units in Green Bay. They were</p> <p>22 750,000 apiece, so you know for sure they</p> <p>23 couldn't have, because they didn't even put a</p> <p>24 million one in. But you know you didn't buy two</p> <p>25 GB Kool units. They know that. Okay? And you</p> <p style="text-align: right;">61</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>6 Q Do you recall Cliffton wiring you \$300,000 for a 7 deposit on a Kool unit?</p> <p>8 A I remember Cliffton paying short over a million 9 dollars. That's what I know for sure.</p> <p>10 Q Do you recall receiving a wire from Cliffton of 11 \$300,000?</p> <p>12 A Not right now right here.</p> <p>13 Q So you could have received one; you just don't 14 remember either way?</p> <p>15 A I have a document from Cliffton 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.</p> <p>19 Q I understand what you're referring to, but my 20 question is, did you receive any money wired 21 from Cliffton?</p> <p>22 A Did I receive any money wired from Cliffton?</p> <p>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 --</p> <p style="text-align: right;">62</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 receiving the \$300,000 when it was wired?</p> <p>2 A I don't know. I don't have that in front of me 3 here today.</p> <p>4 Q So you understand that \$300,000 was wired by 5 Cliffton, correct?</p> <p>6 MR. PETITJEAN: Objection. Asked and 7 answered.</p> <p>8 A It's on the Earth note. Okay?</p> <p>9 Q So did Earth receive the \$300,000?</p> <p>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.</p> <p>13 Q So taking a look at the Entry Number 18. It 14 says Earth in the Liens Held By. Correct?</p> <p>15 There's -- Earth is set forth there, PCDI --</p> <p>16 A In what number?</p> <p>17 Q Number 18.</p> <p>18 A 18. Yes.</p> <p>19 Q PCDI is listed there, correct?</p> <p>20 A Correct.</p> <p>21 Q RVDH Investment, LLC is listed there, correct?</p> <p>22 A Correct.</p> <p>23 Q Why isn't Cliffton listed there?</p> <p>24 A Because Cliffton's not on GB Kool Unit Number 2. 25 They have no purchase money in for it.</p> <p style="text-align: right;">64</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Did you come into any knowledge of money being 2 wired by Cliffton?</p> <p>3 A To whom?</p> <p>4 Q Were you -- did you play a role in any receipt 5 of any funds being sent by Green Box -- by 6 Cliffton?</p> <p>7 MR. PETITJEAN: I'll object to the 8 form of the question.</p> <p>9 Q Well, let's strike that. You understand that 10 there was an amended loan and investment 11 agreement with Cliffton, correct?</p> <p>12 A Yes.</p> <p>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?</p> <p>16 A I was to be wired a total of \$4.5 million, 17 correct.</p> <p>18 Q And you were wired at least \$300,000, correct?</p> <p>19 A Yes.</p> <p>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?</p> <p>23 A The note is with Earth, and the stock that they 24 are holding as collateral is with Earth.</p> <p>25 Q My question to you is, who do you think was</p> <p style="text-align: right;">63</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p> <p>4 A Yeah, for Number 1.</p> <p>5 Q Well, how did --</p> <p>6 A Or Line item 30.</p> <p>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?</p> <p>10 A Borrowed it.</p> <p>11 Q From whom?</p> <p>12 A Several people.</p> <p>13 Q Who?</p> <p>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.</p> <p>16 Q Was money from Cliffton used to acquire that?</p> <p>17 A No.</p> <p>18 Q With regard to Item Number 30, the GB Kool Unit 19 Number 2, was money from Cliffton used to acquire 20 that?</p> <p>21 A If you say Number 30, GB Kool Unit Number 1.</p> <p>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?</p> <p>25 A I do.</p> <p style="text-align: right;">65</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p style="text-align: right;">66</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">68</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p> <p style="text-align: right;">67</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p style="text-align: right;">69</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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 Cliffton 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.</p>
<p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p> <p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p>	<p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p> <p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A Yeah. This is one of two. Yes.</p> <p>2 Q There's a second Product Sales Agreement?</p> <p>3 A Yeah.</p> <p>4 Q For the -- for the second Kool unit?</p> <p>5 A For the first one.</p> <p>6 Q Okay. So the Product Sales Agreement that you</p> <p>7 produced to the receiver relates to the purchase</p> <p>8 of the second Kool unit, correct?</p> <p>9 A This one is Detroit's. Correct.</p> <p>10 Q And if you look at the first paragraph on that</p> <p>11 document, it says the -- the "Buyer," at the</p> <p>12 very -- the very last line at the end of that</p> <p>13 paragraph, "Buyer."</p> <p>14 A Yes.</p> <p>15 Q And are you referring to Green Box NA Detroit as</p> <p>16 the buyer?</p> <p>17 A In this one, yes.</p> <p>18 Q And does it to the left of that also say</p> <p>19 Green Box NA Green Bay, correct?</p> <p>20 A Green Box NA Green Bay has the master agreement</p> <p>21 with Kool out of Arkansas. They have the master</p> <p>22 agreement. But I can designate any purchase</p> <p>23 from Kool by a different Green Box entity, like</p> <p>24 Houston will buy its own, or Atlanta will buy</p> <p>25 its own, or Detroit will buy its own. So every</p> <p style="text-align: right;">74</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A Plant manager of Eco Hub Wisconsin.</p> <p>2 Q Who was he employed -- has he always been</p> <p>3 employed by Eco Hub Wisconsin? Is that who pays</p> <p>4 him his paychecks today?</p> <p>5 A Eco Hub Wisconsin is paycheck today. Mine would</p> <p>6 be -- he's a 20-year employee also. He would</p> <p>7 have been through the four companies where Tammy</p> <p>8 and Phil would have been through.</p> <p>9 Q Who supervises Mr. Glimes?</p> <p>10 A Sometimes me, sometimes Brian Ericky (phonetic).</p> <p>11 Q Anyone else?</p> <p>12 A He might have worked for Aaron Nelson for a</p> <p>13 period. He would have worked for Steve Peters</p> <p>14 for a period. I wouldn't be able to give you</p> <p>15 dates when he worked for each -- each one.</p> <p>16 Q So when Mr. Glimes prepared this bill of lading,</p> <p>17 under whose direction was he following to do so?</p> <p>18 A Mr. Hickerson would have come here and got that</p> <p>19 because he paid for the freight. And he hired</p> <p>20 the carrier.</p> <p>21 Q Is Mr. Hickerson affiliated as an employee or</p> <p>22 agent of Green Box NA Green Bay?</p> <p>23 A No.</p> <p>24 Q Is Mr. Hickerson an employee or agent of</p> <p>25 RVDH Development, LLC?</p> <p style="text-align: right;">76</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 time, Green Box NA would have been mentioned in</p> <p>2 the agreements.</p> <p>3 Q So when the transition of this second Kool unit</p> <p>4 occurred, who played a role in that decision?</p> <p>5 Green Box NA Green Bay or Green Box NA Detroit?</p> <p>6 A Green Box NA Detroit is where it is.</p> <p>7 Q But my question is, if you take -- well, you</p> <p>8 have that in front of you. If you could also</p> <p>9 refer to what has been marked as Exhibit 3.</p> <p>10 A Sure.</p> <p>11 Q It says the shipper, on the bottom left-hand</p> <p>12 corner, is Green Box. Why was -- who -- which</p> <p>13 entity Green Box was the shipper there? Who are</p> <p>14 you referring to there?</p> <p>15 A It would be Green Box NA Detroit.</p> <p>16 Q And how do you know that?</p> <p>17 A Because I know, because Detroit is where we were</p> <p>18 trying to get this permitted to put it in from</p> <p>19 the first day we got it.</p> <p>20 Q Who completed this bill of lading?</p> <p>21 A No idea. Not me.</p> <p>22 Q Did Mr. Glimes complete this?</p> <p>23 A Mark -- can't read it good, but it looks like it</p> <p>24 could be Brian Glime.</p> <p>25 Q And who is Brian Glimes employed by?</p> <p style="text-align: right;">75</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A No.</p> <p>2 Q Is he an employee or agent of PCDI?</p> <p>3 A No.</p> <p>4 Q Is he an employee or agent of Earth?</p> <p>5 A No.</p> <p>6 Q So why would he direct Mr. Glimes to do this?</p> <p>7 A Because he is a partner, managing partner, in</p> <p>8 PC ARM or GB ARM. He is a partner in both of</p> <p>9 those entities.</p> <p>10 Q Why would Mr. Glimes take direction from</p> <p>11 those -- from him?</p> <p>12 A Because he was there when it first arrived at</p> <p>13 his building, and it came out of Brian Glime's</p> <p>14 managed pulp facility at 500 Fortune Avenue.</p> <p>15 Q When did you become aware of the transfer of this</p> <p>16 second Kool unit to Mr. Hickerson's possession?</p> <p>17 A He sent me a photograph when it was in Easley.</p> <p>18 I have not been able to visit the Easley</p> <p>19 facility yet. Therefore, I don't know the</p> <p>20 address. But I have worked with a firm down</p> <p>21 there permitting it.</p> <p>22 Q But on what date did you become aware of its</p> <p>23 transfer out of the 500 Fortune Avenue?</p> <p>24 A I don't remember.</p> <p>25 Q To the best of your recollection, would it have</p> <p style="text-align: right;">77</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 been last week?</p> <p>2 A I don't know. Well, I know it wasn't last week.</p> <p>3 Q Would it have been around this -- on or about</p> <p>4 the time of its transfer?</p> <p>5 A What is the date on here?</p> <p>6 Q Do you recall when this would have occurred,</p> <p>7 when you would have -- when was the first time</p> <p>8 you became aware of the transfer of the second</p> <p>9 Kool unit?</p> <p>10 A Like I said, it's when I got the pictures, but I</p> <p>11 don't remember what date that was.</p> <p>12 Q And pictures of -- of what were sent to you?</p> <p>13 A Of the delivery and its setup in Easley.</p> <p>14 Q And who sent you these photos?</p> <p>15 A Doug Hickerson.</p> <p>16 Q And where are these -- these pictures that were</p> <p>17 sent to you by Doug Hickerson today?</p> <p>18 A In Mr. Hickerson's file.</p> <p>19 Q But they would have been sent to you. Where did</p> <p>20 you put them when they came into your possession?</p> <p>21 A I never send out an email. I never receive an</p> <p>22 email. He sent it to my email, and they would</p> <p>23 have put it in his file. And I don't know which</p> <p>24 one of my people would have done that.</p> <p>25 Q So Mr. -- I'm just trying to follow what you're</p> <p style="text-align: right;">78</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A I don't know if it would have been before or</p> <p>2 after Dan. I wouldn't be able to tell you.</p> <p>3 Q Anyone else other than Laura, Mike, Phil, and</p> <p>4 Tammy who would have accessed your email?</p> <p>5 A There are other people that can, but I doubt it</p> <p>6 if they would have.</p> <p>7 Q Who else can access your email?</p> <p>8 A Tammy.</p> <p>9 Q Other than the --</p> <p>10 A Nicole.</p> <p>11 Q Who's Nicole Rabe?</p> <p>12 A She's a bookkeeper, a CPA.</p> <p>13 Q What is her last name?</p> <p>14 A R-a-b-e.</p> <p>15 Q And where --</p> <p>16 A Rabe.</p> <p>17 Q With whom is she employed?</p> <p>18 A She works underneath Tammy. Eco Hub Wisconsin.</p> <p>19 Q Was she ever employed by Patriot Tissue?</p> <p>20 A No. Patriot Tissue has never had employees.</p> <p>21 Q Was she ever employed by Green Box Green Bay?</p> <p>22 A Possibly. Yes, she would have been.</p> <p>23 Q Has Tammy Phillips ever been employed by</p> <p>24 Green Box Green Bay?</p> <p>25 A Yeah. I've given you that already.</p> <p style="text-align: right;">80</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 telling me here. Mr. Hickerson would have sent</p> <p>2 you a photo of the facility that was going to</p> <p>3 house the second Kool unit, correct?</p> <p>4 A Correct.</p> <p>5 Q And this photo was sent to you by Mr. Hickerson</p> <p>6 by an email?</p> <p>7 A It would have come to me by email.</p> <p>8 Q And what email account was that sent to?</p> <p>9 A It was my email account, but my email account is</p> <p>10 picked up by four or five people every day, and</p> <p>11 they send them out every day. I do not send out</p> <p>12 emails and I do not receive emails.</p> <p>13 Q And what is the email account address?</p> <p>14 A rvdh@greenboxna.com.</p> <p>15 Q And who would monitor this email other than you?</p> <p>16 You said four or five other people.</p> <p>17 A I never monitor it.</p> <p>18 Q So who would have accessed this email on your</p> <p>19 behalf?</p> <p>20 A One of them five people.</p> <p>21 Q Specifically the five people that we talked</p> <p>22 about previously? Anyone else?</p> <p>23 A No.</p> <p>24 Q So I assume Dan Thames did not access this,</p> <p>25 correct? Or did he?</p> <p style="text-align: right;">79</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Would Nicole have been hired by PCDI at any</p> <p>2 point in time?</p> <p>3 A No. Nicole would have been a Green Box NA</p> <p>4 Green Bay or an Eco Hub Wisconsin. That would</p> <p>5 be her limit. She came when we purchased</p> <p>6 Stonehill Converting.</p> <p>7 Q With regard to the acquisition of the second Kool</p> <p>8 unit, what documents reflect that acquisition?</p> <p>9 A I wish I could tell you, but the Brown County DA</p> <p>10 has them.</p> <p>11 Q Do you have any other sources of documentation</p> <p>12 with regard to that acquisition whatsoever?</p> <p>13 A Whatever I've given, that's all I have. We have</p> <p>14 some stuff that's on cloud, but that's the only</p> <p>15 access. They took everything and our servers.</p> <p>16 Q What is accessed on cloud -- on the cloud?</p> <p>17 A If something came in and we did cloud it</p> <p>18 after -- after mid '14 we clouded some</p> <p>19 documents. Or it's possible -- it's not in</p> <p>20 cloud or I would have given it to you. So I</p> <p>21 have nothing else. But there is a lot in paper.</p> <p>22 Q And then the transfer of the second Kool unit to</p> <p>23 Mr. Hickerson -- is it Hickerson or Hickson?</p> <p>24 A Hickerson.</p> <p>25 Q The transfer of the unit to Mr. Hickerson, what</p> <p style="text-align: right;">81</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 documents do you have in your possession relate 2 to that transfer?</p> <p>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.</p> <p>7 Q But the transfer of the second Kool unit just 8 happened within the past several months, correct?</p> <p>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.</p> <p>14 Q And who is "we have been trying to permit it"? 15 When you say "we," who is that?</p> <p>16 A It would be PC Fibre and ARM, Advance Resource 17 Materials.</p> <p>18 Q And all the documents that relate to that 19 effort, where are they located?</p> <p>20 A Right now they're in Brown County.</p> <p>21 Q Brown County has come in and grabbed documents 22 within the past several months?</p> <p>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</p> <p style="text-align: right;">82</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>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?</p> <p>7 A The location is right here, yes (indicating 8 document). I've given you this.</p> <p>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?</p> <p>13 A Has there been another request since January 7th? 14 If there has been, I don't remember seeing it.</p> <p>15 Q When this was transferred to Mr. Hickerson, was 16 it -- was there any money provided in the 17 exchange of that transfer?</p> <p>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.</p> <p>21 Q How did he pay for that?</p> <p>22 A I don't know.</p> <p>23 Q Did he use cash or a check?</p> <p>24 A I have no idea.</p> <p>25 Q How are you aware that was done then?</p> <p style="text-align: right;">84</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 have anything. The only thing I would have is 2 where we were trying to get the environmental 3 permit.</p> <p>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?</p> <p>7 A Sure.</p> <p>8 Q Where are those documents located?</p> <p>9 A I have those documents. I can get them to you 10 if that's what you want.</p> <p>11 Q Where are they located?</p> <p>12 A They'd be located at my office.</p> <p>13 Q And where is that?</p> <p>14 A At 2077-A and B. You know that. You've been 15 there.</p> <p>16 Q Where do you hold those documents? Are they in 17 paper form or on a computer?</p> <p>18 A They're in paper form.</p> <p>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?</p> <p>25 A I sent this on the 7th of January (indicating</p> <p style="text-align: right;">83</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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 --</p> <p>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?</p> <p>14 MR. PETITJEAN: I'll object. I 15 believe it's been asked and answered.</p> <p>16 Q Well, --</p> <p>17 A We --</p> <p>18 Q -- I'm not quite getting it so --</p> <p>19 A I'll go slow.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">85</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>13 Q Okay. So Mr. Hickerson is an agent or 14 representative of who?</p> <p>15 A Advanced Resource Materials. I call them ARM.</p> <p>16 Q And who is ARM?</p> <p>17 A ARM is a bunch of people that want to do 18 biofuels and green things.</p> <p>19 Q Are they affiliated with Green Box Green Bay?</p> <p>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.</p> <p style="text-align: right;">86</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 receiver?</p> <p>2 A There's probably 200 pages that the district 3 attorney has.</p> <p>4 Q Other than documents that are in the possession 5 of the district attorney office, are you aware 6 of any other documents?</p> <p>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?</p> <p>12 MS. OGDEN: Correct.</p> <p>13 A I don't believe so.</p> <p>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?</p> <p>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.</p> <p>20 Q And then when did you next become aware that it 21 was no longer located at the 500 Fortune Avenue 22 location?</p> <p>23 A I answered this already. When I got the 24 pictures from Mr. Hickerson.</p> <p>25 Q And about what time would that have occurred?</p> <p style="text-align: right;">88</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p>9 Q And when you say "we," who's "we"?</p> <p>10 A PC Fibre and ARM. The patent is held by 11 PC Fibre.</p> <p>12 Q And are there any documents that relate to this 13 decision that has been made by PC Fibre?</p> <p>14 A Sure.</p> <p>15 Q And where are those documents?</p> <p>16 A They're at my office. "Tire System Biofuels 17 Number 57." Yes, it's already there. The 18 patent is there. Yep.</p> <p>19 Q What other documents do you have that reflects 20 the ownership of the second Kool unit by 21 Green Box NA Detroit?</p> <p>22 A I don't have anything in my possession.</p> <p>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</p> <p style="text-align: right;">87</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A I don't remember sitting here.</p> <p>2 Q Who would have communicated with Mr. Hickerson 3 about this transfer other than you?</p> <p>4 A Don't know. Can't answer that.</p> <p>5 Q Was anybody else part of the phone calls that 6 you would have had with Mr. Hickerson?</p> <p>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.</p> <p>10 Q Were you the primary contact for Mr. Hickerson 11 with regard to the transfer of this --</p> <p>12 A No.</p> <p>13 Q -- second Kool unit?</p> <p>14 A No.</p> <p>15 Q Who was the primary contact with regard to 16 setting up this transfer?</p> <p>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.</p> <p>20 Q When you say "we," who do you mean by that?</p> <p>21 A Our -- our staff, our office.</p> <p>22 Q Whose office?</p> <p>23 A Earth and PC Fibre's office knew that.</p> <p>24 Q Anyone in particular at those two offices?</p> <p>25 A No.</p> <p style="text-align: right;">89</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Was Mr. Glimes 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 Cliffon, so the money 25 that's talked back and forth here between Kool</p> <p style="text-align: right;">90</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p> <p style="text-align: right;">92</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 receiving -- "yes, we received the wire," it 2 wouldn't have been -- it wouldn't have been from 3 Cliffon. 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.</p> <p style="text-align: right;">91</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">93</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p style="text-align: right;">94</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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?</p> <p style="text-align: right;">96</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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.</p> <p style="text-align: right;">95</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>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</p> <p style="text-align: right;">97</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 you transferred them anyplace beyond --</p> <p>2 MR. PETITJEAN: Ron, before you</p> <p>3 answer that question, I'm instructing you to go</p> <p>4 through the list of assets and detail before you</p> <p>5 can -- before you respond, please.</p> <p>6 A John and Brittany, I can't answer that because I</p> <p>7 can tell you the Green Box NA Green Bay have not</p> <p>8 moved. I cannot answer to all the rest of the</p> <p>9 equipment and technologies, whether they were</p> <p>10 moved daily or not. Because they are moved a</p> <p>11 lot.</p> <p>12 Q Why are they moved a lot?</p> <p>13 A We are building a billion-dollar company, and we</p> <p>14 are putting them -- we closed 42 companies</p> <p>15 because the patent has been put out now. So we</p> <p>16 closed the 42 companies that held the various</p> <p>17 parts, and now the assets are all in, as they're</p> <p>18 labeled here. But they do move. I mean, we</p> <p>19 license technology weekly. And the second page</p> <p>20 is all technology. We license that every week.</p> <p>21 Q With regard to all of the items that are set</p> <p>22 forth on this, other than you, who would have --</p> <p>23 would there be anyone with more knowledge</p> <p>24 about -- if you had the opportunity to sit down</p> <p>25 and look at the current list, is there anyone</p> <p style="text-align: right;">98</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q No, they're --</p> <p>2 A I see Ryan and Doug once a week.</p> <p>3 Q The nine people we talked about that you would</p> <p>4 use as a resource to understand this exhibit,</p> <p>5 they are all located in Green Bay, and you have</p> <p>6 regular contact with them, correct?</p> <p>7 A I don't have regular contact, I'd like to define,</p> <p>8 but do I talk to them once a month? Yes.</p> <p>9 Q You have no reason to believe you wouldn't be</p> <p>10 able to talk to them in the next couple of days,</p> <p>11 correct?</p> <p>12 A I have no idea.</p> <p>13 Q You know how to find them if you wanted to speak</p> <p>14 with them, correct?</p> <p>15 A I don't know if any of them are on vacation. I</p> <p>16 wouldn't know that. They wouldn't get permission</p> <p>17 from me to do that. I can't answer that.</p> <p>18 Q Taking a look at Exhibit 1, Items 30 through 39,</p> <p>19 do you see those items?</p> <p>20 A Yes.</p> <p>21 Q And you indicate those are all items that are in</p> <p>22 the possession or owned by Green Box Green Bay?</p> <p>23 A These are items that are owned by Green Box NA</p> <p>24 Green Bay.</p> <p>25 Q And have these been moved since January of 2016?</p> <p style="text-align: right;">100</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 else that would have better knowledge with</p> <p>2 regard to all -- review of these items other</p> <p>3 than you?</p> <p>4 A Better knowledge, no. But if five or six people</p> <p>5 were in a room, their consensus would be greater</p> <p>6 than mine.</p> <p>7 Q And the five or six people are the individuals</p> <p>8 you identified previously: Dan Thames,</p> <p>9 Laura Pfothenauer, Mike Garsow, Phil Reinhart,</p> <p>10 and Tammy Phillips?</p> <p>11 A Yes. But if I was going to answer your</p> <p>12 question, I'd probably add four more.</p> <p>13 Q And who would you add?</p> <p>14 A I'd add Jeremy.</p> <p>15 Q The IT person, correct?</p> <p>16 A Yeah, I'd add him. I would add Ed Kolasinski,</p> <p>17 the CFO. I'd add him. Okay? I would add</p> <p>18 Brian Glime, because I don't know for sure what</p> <p>19 has come in and out of Eco Fibre. And I would</p> <p>20 Doug Hanus.</p> <p>21 Q And all of those individuals are presently</p> <p>22 residing and working in Green Bay, correct?</p> <p>23 A Yeah. There's 56 employees that work.</p> <p>24 Q And you regularly see them, correct?</p> <p>25 A All 56? No.</p> <p style="text-align: right;">99</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A Three of them.</p> <p>2 Q What three items have been moved?</p> <p>3 A Varde has asked us to take his two sets of</p> <p>4 afterdryers and put them in a separate room, and</p> <p>5 he wanted it with a door with a padlock on it,</p> <p>6 and we have accomplished that. And the air</p> <p>7 compressor system has been trashed and a</p> <p>8 brand-new one put in its place.</p> <p>9 Q And how did the new -- where did the new air</p> <p>10 compressor come from?</p> <p>11 A I don't remember what brand it was, but we</p> <p>12 bought one.</p> <p>13 Q Who's "we"?</p> <p>14 A We bought one.</p> <p>15 Q Who's "we" that bought it?</p> <p>16 A Oh. Earth. Earth would have bought one.</p> <p>17 Q And that's --</p> <p>18 A But it's Green Box Green Bay's air compressor</p> <p>19 because -- part of the building. Yet we</p> <p>20 maintain the building. Plow the snow, cut the</p> <p>21 lawn, all the things we have to do. So --</p> <p>22 Q And when was this new air compressor purchased?</p> <p>23 A Wouldn't be able to tell you. I just know we</p> <p>24 have one.</p> <p>25 Q Would it have happened since January of 2016?</p> <p style="text-align: right;">101</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 A No.</p> <p>2 Q Would it have happened since the receiver has</p> <p>3 been appointed?</p> <p>4 A Yes.</p> <p>5 Q And did you discuss this acquisition of the new</p> <p>6 air compressor with the receiver?</p> <p>7 A No.</p> <p>8 Q And how -- where did the money come from for the</p> <p>9 purchase of this new compressor?</p> <p>10 A The old unit is sitting there broke.</p> <p>11 Q My question is --</p> <p>12 A We did not take it out.</p> <p>13 Q -- where did the money come from to purchase the</p> <p>14 new air compressor?</p> <p>15 A Earth.</p> <p>16 Q And how did Earth pay for it? Did they write</p> <p>17 out a check? Did they use cash? Did they use a</p> <p>18 credit card?</p> <p>19 A We may have wired, may have checked. I don't</p> <p>20 know. Sometimes we ACH. I don't know.</p> <p>21 Q Who would you -- how would you find out to</p> <p>22 confirm that information?</p> <p>23 A I'd have to dig and look.</p> <p>24 Q Where would you dig and look?</p> <p>25 A I'd go back and look at -- through check</p> <p style="text-align: right;">102</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 SC Acquisitions is not on the top, and that is</p> <p>2 who owns those two things. And you can see over</p> <p>3 there that they are -- have liens on it from</p> <p>4 Baylake Bank and by VHC.</p> <p>5 Q When was the last time that Green Box Green Bay</p> <p>6 made rent payments to Little Rapids Corporation?</p> <p>7 A August of '14. The month before the fire.</p> <p>8 Q Could you describe to me the situation that</p> <p>9 involves Green Box NA Green Bay's subleasing</p> <p>10 from Little Rapids Corporation for the property</p> <p>11 located at 821 Parkview Road, Ashwaubenon,</p> <p>12 Wisconsin?</p> <p>13 A It operates as a public warehouse, square foot</p> <p>14 used, by the month. And trucks and train cars</p> <p>15 are loaded and unloaded by people. We don't own</p> <p>16 the building. We had a sublease from a company</p> <p>17 called Little Rapids Corp. Okay? Little Rapids</p> <p>18 Corp. hired us to straighten out their warehouse.</p> <p>19 I and a company called IWC. We took that apart.</p> <p>20 When Green Box NA Green Bay ran short of funding,</p> <p>21 couldn't pay our own bills, couldn't pay our own</p> <p>22 leases, couldn't pay our insurance on all the</p> <p>23 assets that were inside that building, we</p> <p>24 switched it to Green Box NA, and it has been</p> <p>25 invoiced to us, the fire, and everything to do</p> <p style="text-align: right;">104</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 registers or however I'd go back and look,</p> <p>2 that's what I'd do, I'd find it.</p> <p>3 Q And where are these check registers located?</p> <p>4 A At the company.</p> <p>5 Q And these are check registers for Earth?</p> <p>6 A I don't have any check registers prior to</p> <p>7 July 2nd. Them were all taken. Okay? All the</p> <p>8 way back to 2099 -- I mean 1999. They're all</p> <p>9 taken. Okay? I would go back and I would look</p> <p>10 and see when that happened.</p> <p>11 Q And where specifically would you look?</p> <p>12 A It could have been paid by Patriot. It's</p> <p>13 possible.</p> <p>14 Q Where would you specifically go to look to find</p> <p>15 these ledgers?</p> <p>16 A I'd ask somebody to do it. I wouldn't go look.</p> <p>17 Q Who would you ask?</p> <p>18 A I'd probably ask Ed to see if he could find it,</p> <p>19 I'd ask Phil to see if he could find it, I'd</p> <p>20 ask, you know, Doug Hanus what brand it was and</p> <p>21 who he bought it from, and I'd ask Tammy how she</p> <p>22 paid for it. That's -- I have no idea.</p> <p>23 Q I notice 40 and 41 have no designation under the</p> <p>24 grid. Why is that?</p> <p>25 A Well, because on the top, I don't count --</p> <p style="text-align: right;">103</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 with it is, it's probably in the hole a couple</p> <p>2 hundred thousand dollars right now. It does not</p> <p>3 make money.</p> <p>4 Q When Green Box NA Green Bay was making these</p> <p>5 payments, where was that money coming from?</p> <p>6 A We were subleasing until the fire. Then we lost</p> <p>7 a lot of money in the fire because most of the</p> <p>8 people that had paper in there claimed smoke</p> <p>9 damage. So we worked September, October,</p> <p>10 November, December, January, February, March to</p> <p>11 get that settled and get Zurich, our insurance</p> <p>12 company, there. The trouble is, the ruling came</p> <p>13 down that each one of the various subleases had</p> <p>14 a \$100,000 deductible from Green Box NA and</p> <p>15 Earth, because that used to be in this group.</p> <p>16 So we ended up getting a very unfavorable ruling.</p> <p>17 Little Rapids Corp. likes us running the</p> <p>18 warehouse because we're 24/7, and they always</p> <p>19 have what they have. And they're in the process</p> <p>20 right now, from what I understand, is finalizing</p> <p>21 all the documents. We've been running for</p> <p>22 months, for 18, 19, 20 months, under Green Box NA,</p> <p>23 and they are finalizing it now. There's a lot</p> <p>24 of money owed to them. They're probably not</p> <p>25 going to see it. Nothing we can do. I'd be</p> <p style="text-align: right;">105</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

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**

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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**

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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.**

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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

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<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 now?</p> <p>2 A I couldn't tell you if I had a dare on it.</p> <p>3 We've switched to a completely different system,</p> <p>4 we've switched to a completely different thing,</p> <p>5 and I wouldn't know compatibility of those two</p> <p>6 computers or laptops if you asked me for a</p> <p>7 hundred years. I wouldn't know the answer.</p> <p>8 Q Well, I'm not asking about compatibility. I'm</p> <p>9 asking where it's located physically. Where are</p> <p>10 these two computers located physically?</p> <p>11 A At one time we had 38 computers. Okay? If you</p> <p>12 asked me where one or two of them are today, I</p> <p>13 couldn't tell you --</p> <p>14 Q I'm just asking about specifically, you just</p> <p>15 told me you had two computers. We're not</p> <p>16 talking about 35 of them, we're talking about</p> <p>17 the two computers you just told me you had on a</p> <p>18 vacation that weren't seized. Where are those</p> <p>19 two computers today?</p> <p>20 A I have no idea.</p> <p>21 Q When did you last have possession of these two</p> <p>22 computers?</p> <p>23 A July of 2015. When I came back, I put them in</p> <p>24 the office. Somebody else used them.</p> <p>25 Q You returned in July of 2015 and you put them in</p> <p style="text-align: right;">110</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 have no idea where one of them two laptops are</p> <p>2 today.</p> <p>3 Q So why didn't you turn this over to the receiver</p> <p>4 until January of 2016?</p> <p>5 A I didn't even print it till then maybe.</p> <p>6 Q Why?</p> <p>7 A Why would I?</p> <p>8 Q You don't recall the receiver asking you for all</p> <p>9 documentation related to the items that are</p> <p>10 owned by Green Box Green Bay?</p> <p>11 A And this isn't owned by Green Box Green Bay.</p> <p>12 Q Why does it say it in the very first paragraph</p> <p>13 of the Product Sales Agreement then?</p> <p>14 A Because that's the person that the master</p> <p>15 agreement was through, but this is owned by</p> <p>16 Green Box NA Detroit.</p> <p>17 Q So you didn't think that that was something that</p> <p>18 would be responsive that the receiver would be</p> <p>19 interested in seeing until January of 2016?</p> <p>20 A The one purchase agreement to Green Box NA Green</p> <p>21 Bay they have.</p> <p>22 Q That's not my question. When did you think that</p> <p>23 this was important to produce to the receiver?</p> <p>24 A When he asked me for Green Box -- for GB Kool</p> <p>25 Unit Number 2.</p> <p style="text-align: right;">112</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 the offices. And somebody else used them. Did</p> <p>2 you ever turn them over to the government?</p> <p>3 A Why would I turn them over to the government?</p> <p>4 Q That wasn't -- I'm asking you did you? Yes or</p> <p>5 no?</p> <p>6 A No, I did not.</p> <p>7 Q Where did they go after that? What office did</p> <p>8 you put them in?</p> <p>9 A I have no idea. I don't -- it's not my job, and</p> <p>10 I don't do that.</p> <p>11 Q Let's back up. You would have come into</p> <p>12 possession of this sales agreement to produce it</p> <p>13 to the receiver. How did you get it?</p> <p>14 A I came back to an office of search warrants that</p> <p>15 were obtained with --</p> <p>16 Q Sir, I'm going to stop you there because I'm not</p> <p>17 asking about that. I'm asking when did you come</p> <p>18 into possession of this to produce it to the</p> <p>19 receiver?</p> <p>20 A I told you, in July of 2015.</p> <p>21 Q You came into possession of this Product Sales</p> <p>22 Agreement in July of 2015?</p> <p>23 A Oh, it was way before that. But I -- in 2015 is</p> <p>24 when I had it because it was on one of the two</p> <p>25 computers that were traveling with me. I would</p> <p style="text-align: right;">111</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q But that was in -- that was -- he was asking you</p> <p>2 about that in November of 2015. Why did you</p> <p>3 choose not to turn this over until January of</p> <p>4 2016?</p> <p>5 A I didn't choose not to do anything. When we</p> <p>6 found this, I gave it to him. Why is that --</p> <p>7 Q Okay. So let's stop there. When did you find</p> <p>8 this?</p> <p>9 A I don't know. But I know it was on one of the</p> <p>10 two computers that were traveling with me. And</p> <p>11 I thank my staff for finding that.</p> <p>12 Q But you said you had those computers in July.</p> <p>13 Did you find this Product Sales Agreement in</p> <p>14 July of 2015?</p> <p>15 A Oh, no. No, no. I would have never went in</p> <p>16 there for that.</p> <p>17 MR. PETITJEAN: You can't talk over</p> <p>18 her, Ron.</p> <p>19 THE WITNESS: Okay.</p> <p>20 MR. PETITJEAN: All right?</p> <p>21 THE WITNESS: Sorry.</p> <p>22 MR. PETITJEAN: You're going to get a</p> <p>23 cookie tossed at you. When we're done with</p> <p>24 this, I need to go.</p> <p>25 Q When did you come into possession of this</p> <p style="text-align: right;">113</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 document?</p> <p>2 A On the 7th day of January of 2016.</p> <p>3 Q How did you come into possession of it?</p> <p>4 A Somebody found it on one of them two computers.</p> <p>5 Q Who found it?</p> <p>6 A I don't remember.</p> <p>7 Q Can you make your best guess as to who would</p> <p>8 likely have found it?</p> <p>9 A No. Don't know.</p> <p>10 Q So someone, you don't know the person, someone</p> <p>11 found this document on or about January 7th of</p> <p>12 2016?</p> <p>13 A Well, obviously I gave it to you on that date.</p> <p>14 I was asked for it. And we searched and</p> <p>15 scrambled and got it, and somebody came up with</p> <p>16 the idea, I wonder if that would have been on</p> <p>17 one of them two computers, and they found it.</p> <p>18 Okay?</p> <p>19 Q And where are those --</p> <p>20 A And when that is, I don't know.</p> <p>21 Q And where are those two computers?</p> <p>22 A One of them --</p> <p>23 MR. PETITJEAN: That's been asked and</p> <p>24 answered.</p> <p>25 A One of the nine people that we named before.</p> <p style="text-align: right;">114</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 between the time the receiver was appointed and</p> <p>2 January of 2016?</p> <p>3 A I get in trouble with your depositions, but now</p> <p>4 that you've asked it, let's be real clear.</p> <p>5 Q Okay.</p> <p>6 A Everything from my office on July 2nd of 2015</p> <p>7 was taken except those two computers, out of 38,</p> <p>8 that I had with me. Okay? Those computers came</p> <p>9 back. We use a different server system now, so</p> <p>10 they had to be changed out to -- so they could</p> <p>11 Wi-Fi and get into this cloud backup mainframe.</p> <p>12 I don't know that. I'm not the IT person, I'm</p> <p>13 not there. But somebody found this when I asked,</p> <p>14 Do we have anything on GB Kool Unit Number 2?</p> <p>15 And I got you everything I have. Okay? And the</p> <p>16 only thing I got is the stuff that was on one of</p> <p>17 those computers that I had with me. That's all</p> <p>18 I have.</p> <p>19 Q And when did you first ask for that?</p> <p>20 A I do not know. I think it's probably when --</p> <p>21 when Mr. Murray sent me the request, we started</p> <p>22 hunting for stuff. I wouldn't have thought of</p> <p>23 looking there myself, you know. We were -- we</p> <p>24 had everything taken. I wouldn't have thought</p> <p>25 of looking at it -- looking there for it.</p> <p style="text-align: right;">116</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q And sitting here today, you don't know where</p> <p>2 those two computers are?</p> <p>3 A No. I wouldn't know. I mean, they took my --</p> <p>4 we got -- we had to buy 17 new computers. They</p> <p>5 took them all. Do you understand that? And the</p> <p>6 server. And we had to go to a completely</p> <p>7 different per -- purchasing and completely</p> <p>8 different system. They took everything.</p> <p>9 Q But you have --</p> <p>10 A You know that.</p> <p>11 Q The new system -- you still had the old</p> <p>12 computers, the old two, right?</p> <p>13 A I had two of all of them they took. And</p> <p>14 anything on the server, I couldn't get at</p> <p>15 anymore. It's gone.</p> <p>16 MS. OGDEN: I'm just going to ask a</p> <p>17 few more questions about this and then we'll</p> <p>18 allow Mr. Petitjean to leave.</p> <p>19 Q You would have had these two computers in your</p> <p>20 possession at the time that the receiver was</p> <p>21 appointed, correct?</p> <p>22 A No. No. The --</p> <p>23 Q Do you see my -- I'm going to stop you there.</p> <p>24 But you're telling me someone had these computers</p> <p>25 as of January of 2016. So where were they</p> <p style="text-align: right;">115</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 15, 2016</p> <p>1 Q Everything but those two computers that we don't</p> <p>2 know where they are?</p> <p>3 MR. PETITJEAN: That's not a</p> <p>4 question. That's been asked and answered. Are</p> <p>5 we done?</p> <p>6 MS. OGDEN: Well, I'm prepared to</p> <p>7 continue today, but it's my understanding that</p> <p>8 we're adjourning until 10:00 a.m. on Wednesday;</p> <p>9 is that correct?</p> <p>10 MR. PETITJEAN: Correct.</p> <p>11 MR. THILL: Before we break, sorry,</p> <p>12 those two computers, do you want to make some</p> <p>13 sort of instruction regarding what the receiver</p> <p>14 wants as far as an inquiry or what to happen</p> <p>15 when they are located?</p> <p>16 MS. OGDEN: I think the receiver --</p> <p>17 the receiver would like those produced</p> <p>18 immediately.</p> <p>19 MR. PETITJEAN: I'll discuss that</p> <p>20 with you, Ron.</p> <p>21 THE WITNESS: It's not Green Box NA</p> <p>22 Green Bay's so I don't know why you'd want them.</p> <p>23 I don't even know why he has a right to them,</p> <p>24 but whatever.</p> <p>25 (Proceedings concluded at 12:03 p.m.)</p> <p style="text-align: right;">117</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

1 STATE OF WISCONSIN)

2 COUNTY OF BROWN)

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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

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<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 A P P E A R A N C E S 2 GODFREY & KAHN, S.C., by 3 JONATHAN T. SMIES, Attorney at Law 4 Riverwalk Plaza 5 200 South Washington Street, Suite 100 6 Green Bay, Wisconsin 54301 7 920-436-7667 8 jsmies@qklaw.com 9 appeared on behalf of the Plaintiff</p> <p>10 QUARLES & BRADY, LLP, by 11 BRITTANY OGDEN, Attorney at Law 12 33 East Main Street, Suite 900 13 Madison, Wisconsin 53703 14 608-283-2457 15 brittany.ogden@quarles.com 16 appeared telephonically on behalf of 17 Cliffton Equities, Inc. and serving as agent 18 for the receiver, Michael Polsky</p> <p>19 BECK, CHAET, BAMBERGER & POLSKY, S.C., by 20 C.J. MURRAY, Attorney at Law 21 Two Plaza East, Suite 1085 22 330 East Kilbourn Avenue 23 Milwaukee, Wisconsin 53202 24 414-273-4200 25 cjmurray@bcblaw.net appeared telephonically on behalf of the receiver, Michael Polsky</p> <p>MURPHY DESMOND, S.C., by BRIAN P. THILL, Attorney at Law ROBERT A. PASCH, Attorney at Law 33 East Main Street, Suite 500 Madison, Wisconsin 53701 608-257-7181 bthill@murphydesmond.com rpasch@murphydesmond.com appeared telephonically on behalf of the Wisconsin Economic Development Corporation</p> <p>HINKFUSS, SICKEL, PETITJEAN & WIETING, by JOHN R. PETITJEAN, Attorney at Law Suite 101, 125 South Jefferson Street Green Bay, Wisconsin 54301 920-432-7716 jpetitjean@hspwlaw.com appeared on behalf of the Defendant</p> <p style="text-align: right;">120</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 EXHIBITS MARKED (continued): PAGE ID'D 2 Exh. 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 Exh. 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 Exh. 18 1/14/16 letter to John R. Petitjean 12 from Brittany S. Ogden140 13 14 Exh. 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</p> <p style="text-align: right;">122</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 A P P E A R A N C E S (continued) 2 LAW FIRM OF CONWAY, OLEJNICZAK & JERRY, S.C., by 3 STEVEN J. KRUEGER, Attorney at Law 4 231 South Adams Street 5 Green Bay, Wisconsin 54301 6 920-437-0466 7 sjk@lcoj.com 8 appeared on behalf of 9 Ability Insurance Company</p> <p>10 * * * * *</p> <p>11 I N D E X</p> <p>12 EXAMINATION BY: PAGE</p> <p>13 Ms. Ogden 123</p> <p>14 EXHIBITS MARKED: PAGE ID'D</p> <p>15 Exh. 5 Bill of lading128</p> <p>16 Exh. 6 Text message printout129</p> <p>17 Exh. 7 Email exchange, Subject: 18 821 Parkview information Green Box ..130</p> <p>19 Exh. 8 Amended Loan and Investment 20 Agreement131</p> <p>21 Exh. 9 Amended and Restated Promissory 22 Note132</p> <p>23 Exh. 10 Amended and Restated Security 24 Agreement133</p> <p>25 Exh. 11 UCC Financing Statement Amendment ...134</p> <p>Exh. 12 11/13/14 Wire Activity - Summary Report135</p> <p>Exh. 13 Emails regarding \$300,000 wire136</p> <p>Exh. 14 Evidence of Property Insurance136</p> <p>Exh. 15 2/11/15 email re: Kool Unit Arrival and attached photos137</p> <p style="text-align: right;">121</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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</p> <p style="text-align: right;">123</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 incriminate myself.</p> <p>2 Q And are you going to invoke that privilege with</p> <p>3 each and every question that is asked of you at</p> <p>4 this deposition today, sir?</p> <p>5 A Yes.</p> <p>6 Q I'm just going to run through a few questions</p> <p>7 with you. I understand you intend to invoke the</p> <p>8 privilege. We certainly take the position that</p> <p>9 that is not a privilege that is to be asserted</p> <p>10 in the -- in the -- this proceeding, and it's</p> <p>11 not applicable, but we are going to continue and</p> <p>12 ask a few questions and then try to wrap up.</p> <p>13 Mr. Van Den Heuvel, isn't it true that you</p> <p>14 are an officer, director, or manager of EARTH?</p> <p>15 A On counsel's advice I invoke my right under the</p> <p>16 Fifth Amendment not to answer on the grounds I</p> <p>17 may incriminate myself.</p> <p>18 Q Isn't it true that you are an officer, director</p> <p>19 or, manager of Green Box NA Green Bay?</p> <p>20 A On counsel's advice I invoke my right under the</p> <p>21 Fifth Amendment not to answer on the grounds I</p> <p>22 may incriminate myself.</p> <p>23 Q Isn't it true that you are an officer, director,</p> <p>24 or manager of PCDI?</p> <p>25 A On counsel's advice I invoke my right under the</p> <p style="text-align: right;">124</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Fifth Amendment not to answer on the grounds I</p> <p>2 may incriminate myself.</p> <p>3 Q Isn't it true you are an officer, director, or</p> <p>4 manager of Patriot Tissue?</p> <p>5 MR. PETITJEAN: Objection. Relevance.</p> <p>6 A On counsel's advice I invoke my right under the</p> <p>7 Fifth Amendment not to answer on the grounds I</p> <p>8 may incriminate myself.</p> <p>9 Q Isn't it true you are an officer, director,</p> <p>10 manager, or agent of Advanced Resource Materials?</p> <p>11 MR. PETITJEAN: Objection. Relevance.</p> <p>12 A On counsel's advice I invoke my right under the</p> <p>13 Fifth Amendment not to answer on the grounds I</p> <p>14 may incriminate myself.</p> <p>15 Q Isn't it true that there are two computers that</p> <p>16 are in your possession that were not seized by</p> <p>17 the Brown County Sheriff's Department?</p> <p>18 MR. PETITJEAN: Objection -- well, go</p> <p>19 ahead, answer.</p> <p>20 A No.</p> <p>21 Q Where are these computers today?</p> <p>22 A On counsel's advice I invoke my right under the</p> <p>23 Fifth Amendment not to answer on the grounds I</p> <p>24 may incriminate myself.</p> <p>25 Q Isn't it true that you have removed these</p> <p style="text-align: right;">126</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Fifth Amendment not to answer on the grounds I</p> <p>2 may incriminate myself.</p> <p>3 Q Isn't it true that you are an officer, director,</p> <p>4 or manager of Eco Hub?</p> <p>5 A On counsel's advice I invoke my right under the</p> <p>6 Fifth Amendment not to answer on the grounds I</p> <p>7 may incriminate myself.</p> <p>8 Q Isn't it true you are an officer, director, or</p> <p>9 manager of Green Box NA?</p> <p>10 MR. PETITJEAN: Objection. Relevance.</p> <p>11 Go ahead and answer.</p> <p>12 A On counsel's advice I invoke my right under the</p> <p>13 Fifth Amendment not to answer on the grounds I</p> <p>14 may incriminate myself.</p> <p>15 Q Isn't it true you are an officer, director, or</p> <p>16 manager of Green Box NA Detroit?</p> <p>17 MR. PETITJEAN: Objection. Relevance.</p> <p>18 Go ahead.</p> <p>19 A On counsel's advice I invoke my right under the</p> <p>20 Fifth Amendment not to answer on the grounds I</p> <p>21 may incriminate myself.</p> <p>22 Q Isn't it true you are the officer, director, or</p> <p>23 manager of Waste Tire Recovery Technology?</p> <p>24 MR. PETITJEAN: Objection. Relevance.</p> <p>25 A On counsel's advice I invoke my right under the</p> <p style="text-align: right;">125</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 computers from your possession?</p> <p>2 A On counsel's advice I invoke my right under the</p> <p>3 Fifth Amendment not to answer on the grounds I</p> <p>4 may incriminate myself.</p> <p>5 Q If I could direct your attention to what was</p> <p>6 previously marked as Exhibit 1 at Monday's</p> <p>7 deposition. It's the list of assets. Do you</p> <p>8 have that before you, sir?</p> <p>9 MR. PETITJEAN: We have the exhibit.</p> <p>10 Q Isn't it true, sir, that this is the -- this is</p> <p>11 a copy of the document that you provided and</p> <p>12 filed with the Court in connection with the</p> <p>13 present receivership matter?</p> <p>14 A On counsel's advice I invoke my right under the</p> <p>15 Fifth Amendment not to answer on the grounds I</p> <p>16 may incriminate myself.</p> <p>17 Q Isn't it true that you do not have any documents</p> <p>18 that support your positions regarding the</p> <p>19 ownerships of the liens held with regard to the</p> <p>20 assets set forth in this list?</p> <p>21 A On counsel's advice I invoke my right under the</p> <p>22 Fifth Amendment not to answer on the grounds I</p> <p>23 may incriminate myself.</p> <p>24 Q Isn't it true that you have not produced any</p> <p>25 supporting documents regarding this list of</p> <p style="text-align: right;">127</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 assets to the receiver?</p> <p>2 A On counsel's advice I invoke my right under the</p> <p>3 Fifth Amendment not to answer on the grounds I</p> <p>4 may incriminate myself.</p> <p>5 Q If I could direct your attention to what has now</p> <p>6 been previously marked as Exhibit 5. This is a</p> <p>7 document that you did not have -- this particular</p> <p>8 exhibit was not provided to you on Monday but is</p> <p>9 very similar to Exhibit 3 that was presented to</p> <p>10 you. Do you have Exhibit 5 before you, sir?</p> <p>11 MR. PETITJEAN: I have Exhibit 5. Do</p> <p>12 we have Exhibit 3 or -- are you referring to</p> <p>13 them both? You said they're similar.</p> <p>14 MS. OGDEN: I would like the witness</p> <p>15 to have Exhibit 5 before him, please.</p> <p>16 MR. PETITJEAN: You're the one who</p> <p>17 told me 3 and 5 are similar, so I'm looking at</p> <p>18 them.</p> <p>19 MS. OGDEN: Okay. I would like the</p> <p>20 witness to be handed Exhibit 5, please.</p> <p>21 MR. PETITJEAN: We're getting there.</p> <p>22 MR. KRUEGER: He does have the exhibit</p> <p>23 now.</p> <p>24 MS. OGDEN: Thank you.</p> <p>25 Q Mr. Van Den Heuvel, isn't it true that this is</p> <p style="text-align: right;">128</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 MR. PETITJEAN: We're ready.</p> <p>2 Q Sir, isn't it true that this is an -- this</p> <p>3 exhibit relates to communications that were made</p> <p>4 on behalf of Green Box Green Bay regarding the</p> <p>5 transfer of the second Kool unit?</p> <p>6 A On counsel's advice I invoke my right under the</p> <p>7 Fifth Amendment not to answer on the grounds I</p> <p>8 may incriminate myself.</p> <p>9 Q Isn't it true that you have not produced any</p> <p>10 documents related to the transfer of the second</p> <p>11 Kool unit and communications by Green Bay with</p> <p>12 Advanced Resource Materials?</p> <p>13 MR. PETITJEAN: Object to the form of</p> <p>14 the question. Go ahead and answer.</p> <p>15 A On counsel's advice I invoke my right under the</p> <p>16 Fifth Amendment not to answer on the grounds I</p> <p>17 may incriminate myself.</p> <p>18 Q If I could direct your attention to what's been</p> <p>19 marked as Exhibit 7, please. Let me know when</p> <p>20 you have that before you and are ready to discuss</p> <p>21 it.</p> <p>22 A (Reviewing document.)</p> <p>23 MR. PETITJEAN: Proceed.</p> <p>24 Q Sir, isn't it true that Exhibit 7 is a true and</p> <p>25 correct copy of the email exchange your counsel</p> <p style="text-align: right;">130</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 the document that relates to Green Box's</p> <p>2 transfer of the second Kool unit?</p> <p>3 A On counsel's advice I invoke my right under the</p> <p>4 Fifth Amendment not to answer on the ground I</p> <p>5 may incriminate myself.</p> <p>6 Q Isn't it true that Green Box transferred the</p> <p>7 second Kool unit without the permission and</p> <p>8 authority of the receiver in this matter?</p> <p>9 A On counsel's advice I invoke my right under the</p> <p>10 Fifth Amendment not to answer on the grounds I</p> <p>11 may incriminate myself.</p> <p>12 Q Isn't it true that Green Box Green Bay</p> <p>13 transferred the second Kool unit unbeknownst to</p> <p>14 and without the authorization of Clifton</p> <p>15 Equities?</p> <p>16 A On counsel's advice I invoke my right under the</p> <p>17 Fifth Amendment not to answer on the grounds I</p> <p>18 may incriminate myself.</p> <p>19 Q If I could direct your attention to Exhibit 6.</p> <p>20 Do you have that before you, sir?</p> <p>21 MR. PETITJEAN: We're getting there.</p> <p>22 MS. OGDEN: Would you kindly let me</p> <p>23 know when you're ready to discuss this exhibit?</p> <p>24 MR. PETITJEAN: Yes.</p> <p>25 A (Reviewing document.)</p> <p style="text-align: right;">129</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 had with the receiver in connection with this</p> <p>2 matter?</p> <p>3 A On counsel's advice I invoke my right under the</p> <p>4 Fifth Amendment not to answer on the grounds I</p> <p>5 may incriminate myself.</p> <p>6 Q Isn't it true as of Friday, November 20th, 2015,</p> <p>7 you confirmed with the receiver that the location</p> <p>8 of the second Kool unit was located at</p> <p>9 500 Fortune Avenue, De Pere, Wisconsin?</p> <p>10 A On counsel's advice I invoke my right under the</p> <p>11 Fifth Amendment not to answer on the ground I</p> <p>12 may incriminate myself.</p> <p>13 Q If I could direct your attention to Exhibit 8,</p> <p>14 please.</p> <p>15 MR. PETITJEAN: Do you want him to</p> <p>16 review the document? It's very long.</p> <p>17 MS. OGDEN: If he believes he needs</p> <p>18 to, you may take a few minutes to review the</p> <p>19 document. I believe he has seen it before. Let</p> <p>20 me know when you're ready to discuss it.</p> <p>21 A (Reviewing document.)</p> <p>22 MR. PETITJEAN: We're ready.</p> <p>23 A Ready.</p> <p>24 Q Thank you. Isn't it true that this is the</p> <p>25 Amended Loan and Investment Agreement that was</p> <p style="text-align: right;">131</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 entered by and among Green Bay NA Green Bay, LLC, 2 EARTH, WTRT, and Mr. Ron Van Den Heuvel with 3 Clifton?</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>14 MS. OGDEN: Correct. That Page 15. 15 You're there?</p> <p>16 MR. PETITJEAN: Yes.</p> <p>17 Q Isn't it true, Mr. Van Den Heuvel, those are 18 your signatures on that page?</p> <p>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.</p> <p>22 Q If I could direct your attention to what has 23 been previously marked as Exhibit 9, please.</p> <p>24 MR. PETITJEAN: We're reviewing the 25 document. We'll let you know when we're ready.</p> <p style="text-align: right;">132</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 MR. PETITJEAN: Proceed.</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>13 MR. PETITJEAN: We're there.</p> <p>14 Q Isn't it true that those are your signatures on 15 this signature page, sir?</p> <p>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.</p> <p>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.</p> <p>23 A (Reviewing document.) Ready.</p> <p>24 MR. PETITJEAN: Proceed.</p> <p>25 Q Isn't it true that this is a true and correct</p> <p style="text-align: right;">134</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 MS. OGDEN: Okay. Thank you.</p> <p>2 A (Reviewing document.) Ready.</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>13 MR. PETITJEAN: Is that the signature 14 page?</p> <p>15 MS. OGDEN: Correct.</p> <p>16 MR. PETITJEAN: We're there.</p> <p>17 Q Isn't it true that those are your signatures on 18 that signature page, sir?</p> <p>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.</p> <p>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.</p> <p>25 A (Reviewing document.) Ready.</p> <p style="text-align: right;">133</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 copy of the UCC Financing Statement Amendment as 2 it relates to the Kool unit and Green Box 3 Green Bay?</p> <p>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.</p> <p>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.</p> <p>10 A (Reviewing document.)</p> <p>11 MR. PETITJEAN: Proceed.</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>25 Q If I could direct your attention to what has</p> <p style="text-align: right;">135</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St., Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 been previously marked as Exhibit 13, please.</p> <p>2 A (Reviewing document.)</p> <p>3 MR. PETITJEAN: Proceed.</p> <p>4 Q Please let me know when you're ready to -- thank</p> <p>5 you.</p> <p>6 Isn't it true that this is a true and</p> <p>7 correct copy of the email exchanges you had with</p> <p>8 Cliffton Equities regarding the receipt of the</p> <p>9 \$300,000 for the purchase of the second Kool</p> <p>10 unit?</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 Q If I could direct your attention to Exhibit 14,</p> <p>15 please.</p> <p>16 A (Reviewing document.)</p> <p>17 MR. PETITJEAN: Proceed.</p> <p>18 Q Isn't it true that Green Box Green Bay provided</p> <p>19 certificates of insurance for the insurance of</p> <p>20 the Kool units to Cliffton?</p> <p>21 MR. PETITJEAN: Objection as to form.</p> <p>22 Go ahead.</p> <p>23 A On counsel's advice I invoke my right under the</p> <p>24 Fifth Amendment not to answer on the grounds I</p> <p>25 may incriminate myself.</p> <p style="text-align: right;">136</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Isn't it true that Exhibit 15 is a true and</p> <p>2 correct copy of the email, that included the</p> <p>3 photos, confirming the receipt of the second</p> <p>4 Kool unit by Green Box to Cliffton?</p> <p>5 MR. PETITJEAN: Objection as to form.</p> <p>6 Go ahead.</p> <p>7 A On counsel's advice I invoke my right under the</p> <p>8 Fifth Amendment not to answer on the grounds I</p> <p>9 may incriminate myself.</p> <p>10 Q Isn't it true that you confirmed the receipt of</p> <p>11 the second Kool unit with pictures?</p> <p>12 A On counsel's advice I invoke my right under the</p> <p>13 Fifth Amendment not to answer on the grounds I</p> <p>14 may incriminate myself.</p> <p>15 Q Isn't it true that the Kool units that were</p> <p>16 purchased with Cliffton's money by Green Box</p> <p>17 Green Bay have the serial numbers of</p> <p>18 8TKM0630NG03 and 8TKM111414NG04?</p> <p>19 MR. PETITJEAN: Objection. Lack of</p> <p>20 foundation. Go ahead.</p> <p>21 A On counsel's advice I invoke my right under the</p> <p>22 Fifth Amendment not to answer on the grounds I</p> <p>23 may incriminate myself.</p> <p>24 Q Isn't it true that you have not produced for the</p> <p>25 receiver's benefit any documents relating to the</p> <p style="text-align: right;">138</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Isn't it true that Exhibit 14 is the proof of</p> <p>2 insurance that you provided to Cliffton to</p> <p>3 reflect Green Box Green Bay's insurance coverage</p> <p>4 of the second Kool unit?</p> <p>5 A On counsel's advice I invoke my right under the</p> <p>6 Fifth Amendment not to answer on the grounds I</p> <p>7 may incriminate myself.</p> <p>8 Q If I could direct your attention to Exhibit 15,</p> <p>9 please. And let me know when you're ready to</p> <p>10 discuss it.</p> <p>11 A (Reviewing document.)</p> <p>12 MR. PETITJEAN: Proceed.</p> <p>13 Q Isn't it true that on February 11th, 2015</p> <p>14 Green Box Green Bay confirmed its receipt of the</p> <p>15 second Kool unit with Cliffton?</p> <p>16 A On counsel's advice I invoke my right under the</p> <p>17 Fifth Amendment not to answer on the grounds I</p> <p>18 may incriminate myself.</p> <p>19 Q And isn't it true on February 11th, 2015, when</p> <p>20 Green Box confirmed the receipt of the second</p> <p>21 Kool unit, it provided Cliffton with photographs</p> <p>22 of the second Kool unit?</p> <p>23 A On counsel's advice I invoke my right under the</p> <p>24 Fifth Amendment not to answer on the grounds I</p> <p>25 may incriminate myself.</p> <p style="text-align: right;">137</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Kool units purchased by Green Box Green Bay?</p> <p>2 A On counsel's advice I invoke my right under the</p> <p>3 Fifth Amendment not to answer on the grounds I</p> <p>4 may incriminate myself.</p> <p>5 Q If I could please direct your attention to what</p> <p>6 has been marked as Exhibit 16. Kindly let me</p> <p>7 know when you're ready to discuss this exhibit.</p> <p>8 A (Reviewing document.) Ready.</p> <p>9 MR. PETITJEAN: Proceed.</p> <p>10 Q Isn't it true that this is a true and correct</p> <p>11 copy of a letter that was sent to you as well as</p> <p>12 EARTH, Waste Tire Recovery Technology, Green Box</p> <p>13 NA Green Bay, and Oconto Falls Tissue?</p> <p>14 A On counsel's advice I invoke my right under the</p> <p>15 Fifth Amendment not to answer on the grounds I</p> <p>16 may incriminate myself.</p> <p>17 Q If I could direct your attention to Exhibit 17,</p> <p>18 please.</p> <p>19 A (Reviewing document.) Ready.</p> <p>20 MR. PETITJEAN: Proceed.</p> <p>21 Q Isn't it true that this is a true and correct</p> <p>22 copy of a letter that was provided to you,</p> <p>23 EARTH, Waste Tire Recovery Technology, Green Box</p> <p>24 NA Green Bay, and Oconto Falls Tissue Inc. on</p> <p>25 April 15th, 2015?</p> <p style="text-align: right;">139</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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.</p> <p style="text-align: right;">140</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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?</p> <p style="text-align: right;">142</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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</p> <p style="text-align: right;">141</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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.</p> <p style="text-align: right;">143</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Go ahead.</p> <p>2 A On counsel's advice I invoke my right under the</p> <p>3 Fifth Amendment not to answer on the grounds I</p> <p>4 may incriminate myself.</p> <p>5 Q Isn't it true that you have not provided any</p> <p>6 accounting records or ledgers maintained by</p> <p>7 Advanced Resource Materials --</p> <p>8 MR. PETITJEAN: Objection.</p> <p>9 Q -- to the receiver?</p> <p>10 MR. PETITJEAN: Objection. Relevance.</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 Q Isn't it true that you have not disclosed the</p> <p>15 full identity of the IT personnel utilized by</p> <p>16 Green Box Green Bay to the receiver?</p> <p>17 A On counsel's advice I invoke my right under the</p> <p>18 Fifth Amendment not to answer on the grounds I</p> <p>19 may incriminate myself.</p> <p>20 MS. OGDEN: I would like to take a</p> <p>21 very quick break.</p> <p>22 (Brief recess held.)</p> <p>23 MR. KRUEGER: We're ready when you</p> <p>24 are.</p> <p>25 MS. OGDEN: Okay. Thank you.</p> <p style="text-align: right;">144</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 MS. OGDEN: Green Box Green Bay.</p> <p>2 A On counsel's advice I invoke my right under the</p> <p>3 Fifth Amendment not to answer on the grounds I</p> <p>4 may incriminate myself.</p> <p>5 Q Isn't it true that Green Box Green Bay provided</p> <p>6 Clifton with a security interest in its Kool</p> <p>7 units?</p> <p>8 A On counsel's advice I invoke my right under the</p> <p>9 Fifth Amendment not to answer on the grounds I</p> <p>10 may incriminate myself.</p> <p>11 Q Isn't it true that Green Box Green Bay pledged</p> <p>12 the pellet processing unit to Clifton?</p> <p>13 A On counsel's advice I invoke my right under the</p> <p>14 Fifth Amendment not to answer on the grounds I</p> <p>15 may incriminate myself.</p> <p>16 Q Isn't it true that Green Box Green Bay pledged</p> <p>17 the sorting unit equipment to Clifton?</p> <p>18 A On counsel's advice I invoke my right under the</p> <p>19 Fifth Amendment not to answer on the grounds I</p> <p>20 may incriminate myself.</p> <p>21 Q Isn't it true that Green Box Green Bay pledged</p> <p>22 all raw materials, work in process, and finished</p> <p>23 goods relating to the use of the collateral</p> <p>24 pledged by Green Box Green Bay?</p> <p>25 A On counsel's advice I invoke my right under the</p> <p style="text-align: right;">146</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Mr. Van Den Heuvel, if I could direct your</p> <p>2 attention to what has been marked as Exhibit 1,</p> <p>3 the list of assets, please. Let me know when</p> <p>4 you're ready to speak about this.</p> <p>5 A (Reviewing document.)</p> <p>6 MR. PETITJEAN: Proceed.</p> <p>7 Q Isn't it true that all of the items set forth in</p> <p>8 this list of assets were pledged to creditors of</p> <p>9 Green Box NA Green Bay?</p> <p>10 A No.</p> <p>11 Q Isn't it true that you have provided the</p> <p>12 receiver with no documentation that supports</p> <p>13 that position?</p> <p>14 A On counsel's advice I invoke my right under the</p> <p>15 Fifth Amendment not to answer on the grounds I</p> <p>16 may incriminate myself.</p> <p>17 Q Isn't it true that Green Box Green Bay pledged</p> <p>18 to Ability Insurance Company all interests in</p> <p>19 Green Box's elevated machinery, inventory,</p> <p>20 equipment, general intangibles, accounts, and</p> <p>21 other business collateral as described in its</p> <p>22 security agreement and blanket filing?</p> <p>23 MR. PETITJEAN: Hang on. Are you</p> <p>24 talking about -- which Green Box? I'm just</p> <p>25 asking for it to be clarified.</p> <p style="text-align: right;">145</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Fifth Amendment not to answer on the grounds I</p> <p>2 may incriminate myself.</p> <p>3 Q Isn't it true that Green Box Green Bay pledged</p> <p>4 to Clifton all accounts receivable generated</p> <p>5 from the use of the collateral?</p> <p>6 A On counsel's advice I invoke my right under the</p> <p>7 Fifth Amendment not to answer on the grounds I</p> <p>8 may incriminate myself.</p> <p>9 Q Isn't it true that Green Box Green Bay pledged</p> <p>10 any proceeds of the collateral to Clifton?</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 Q Isn't it true that Green Box Green Bay pledged</p> <p>15 the proceeds from any repayment of the principal</p> <p>16 and interest of -- in favor of Oconto Falls to</p> <p>17 Clifton?</p> <p>18 A On counsel's advice I invoke my right under the</p> <p>19 Fifth Amendment not to answer on the grounds I</p> <p>20 may incriminate myself.</p> <p>21 Q Isn't it true that Green Box Green Bay has not</p> <p>22 produced any documents related to the note in</p> <p>23 favor of Oconto Falls?</p> <p>24 A On counsel's advice I invoke my right under the</p> <p>25 Fifth Amendment not to answer on the grounds I</p> <p style="text-align: right;">147</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 may incriminate myself.</p> <p>2 Q Isn't it true that Green Box Green Bay pledged</p> <p>3 to Wisconsin Economic Development Corporation</p> <p>4 assets described in a GBSA, including all of its</p> <p>5 equipment, fixtures, inventory, documents,</p> <p>6 general intangibles, accounts, deposit accounts,</p> <p>7 contract rights, chattel paper, patents,</p> <p>8 trademarks and copyrights, instruments, letter</p> <p>9 of credit rights, and investment property now</p> <p>10 owned or ever after owned by Green Box Green Bay,</p> <p>11 as well as all additions, successions to, all</p> <p>12 spare and repair parts, special tools, equipment</p> <p>13 and replacements for, software used in, all</p> <p>14 returned or repossessed goods, the sale of which</p> <p>15 gave rise to any of those proceeds?</p> <p>16 MR. PETITJEAN: Could you repeat</p> <p>17 that? I'm joking. I apologize. Go ahead.</p> <p>18 A A subordinated GBSA.</p> <p>19 Q Is that yes, that it's true?</p> <p>20 A A subordinated GBSA is my answer.</p> <p>21 Q Isn't it true that Green Box Green Bay pledged</p> <p>22 to Dr. Marco Araujo certain equipment, including</p> <p>23 a Mayfran Conveyor, an Action Tapor Slot, a</p> <p>24 suspended magnet, an Eriez Eddie Current, an Air</p> <p>25 Classifier, a Thrash Exit Conveyor, a Glass Sort</p> <p style="text-align: right;">148</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 the grounds I may incriminate myself.</p> <p>2 Q Isn't it true that Green Box Green Bay pledged</p> <p>3 to Paper Holdco LLC two high-bulk afterdryer</p> <p>4 systems and proceeds?</p> <p>5 A On counsel's advice I can't -- I invoke my right</p> <p>6 under the Fifth Amendment not to answer on the</p> <p>7 grounds I may incriminate myself.</p> <p>8 Q Isn't it true that Green Box Green Bay pledged</p> <p>9 to Crossgate Partners LLC a Kool Nexgen 8-ton</p> <p>10 batch system?</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 Q Isn't it true that Green Box Green Bay pledged</p> <p>15 to Alex Nichols a Voith afterdryer?</p> <p>16 A On counsel's advice I invoke my right under the</p> <p>17 Fifth Amendment not to answer on the grounds I</p> <p>18 may incriminate myself.</p> <p>19 Q Isn't it true that Green Box Green Bay pledged</p> <p>20 to Quotient Partners a Bretting 8-web napkin</p> <p>21 folder and a Bretting 6-web napkin folder?</p> <p>22 MR. PETITJEAN: Could you please</p> <p>23 repeat the question?</p> <p>24 Q Yes. Isn't it true that Green Box Green Bay</p> <p>25 pledged to Quotient Partners a Bretting 8-web</p> <p style="text-align: right;">150</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Conveyor, Lights Sort Belt, a 19-inch Fines Belt,</p> <p>2 24-inch Trough Belt, a 36-inch Trough Belt, a</p> <p>3 24-inch Trough Belt, a 5 Bunker Door Winches</p> <p>4 Dalton, Bunker Walls, and bins?</p> <p>5 A On counsel's advice I invoke my right under the</p> <p>6 Fifth Amendment not to answer on the grounds I</p> <p>7 may incriminate myself.</p> <p>8 Q And isn't it true that Green Box Green Bay also</p> <p>9 pledged to Dr. Araujo a perforated screen, an</p> <p>10 aluminum can blower, a ferrous exit conveyor, a</p> <p>11 REM fiber infeed, a REM transition belt, control</p> <p>12 panel, electronic and other miscellaneous items</p> <p>13 including supports, structures, catwalks,</p> <p>14 handrails, chutes, floor plates, ladders and</p> <p>15 guards that may be part of a commingled system?</p> <p>16 A On counsel's advice I invoke my right under the</p> <p>17 Fifth Amendment not to answer on the grounds I</p> <p>18 may incriminate myself.</p> <p>19 Q And isn't it true that Green Box Green Bay</p> <p>20 pledged to Maple Bridge Funding, LLC certain</p> <p>21 material represented by UCC Filing 13001597334?</p> <p>22 A Can't answer that.</p> <p>23 Q Why can't you answer it?</p> <p>24 A On grounds of -- counsel's advice I invoke my</p> <p>25 right under the Fifth Amendment not to answer on</p> <p style="text-align: right;">149</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 napkin folder and a Bretting 6-web napkin folder?</p> <p>2 A On counsel's advice I invoke my right under the</p> <p>3 Fifth Amendment not to answer on the grounds I</p> <p>4 may incriminate myself.</p> <p>5 Q Isn't it true that Green Box Green Bay pledged</p> <p>6 collateral to Utica Leaseco LLC?</p> <p>7 A No.</p> <p>8 Q Isn't it true you've provided no documentation</p> <p>9 that supports that statement to the receiver?</p> <p>10 A On counsel's advice I invoke my right under the</p> <p>11 Fifth Amendment not to answer on the grounds I</p> <p>12 may incriminate myself.</p> <p>13 Q How was Green Box NA Green Bay capitalized?</p> <p>14 A On counsel's advice I invoke my right under the</p> <p>15 Fifth Amendment not to answer on the grounds I</p> <p>16 may incriminate myself.</p> <p>17 Q What functions did Green Box NA Green Bay</p> <p>18 perform?</p> <p>19 A On counsel's advice I invoke my right under the</p> <p>20 Fifth Amendment not to answer on the grounds I</p> <p>21 may incriminate myself.</p> <p>22 Q Identify the employees of Green Box Green Bay</p> <p>23 since 2013.</p> <p>24 A On counsel's advice I invoke my right under the</p> <p>25 Fifth Amendment not to answer on the grounds I</p> <p style="text-align: right;">151</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 may incriminate myself.</p> <p>2 Q Identify the organizational structure of</p> <p>3 Green Box Green Bay since 2013.</p> <p>4 A On counsel's advice I invoke my right under the</p> <p>5 Fifth Amendment not to answer on the grounds I</p> <p>6 may incriminate myself.</p> <p>7 Q Identify the positions held by each employee of</p> <p>8 Green Box Green Bay since 2013.</p> <p>9 A On counsel's advice I invoke my right under the</p> <p>10 Fifth Amendment not to answer on the grounds I</p> <p>11 may incriminate myself.</p> <p>12 Q Identify what other companies employed</p> <p>13 Green Box Green Bay employees since 2013.</p> <p>14 A On counsel's advice I invoke my right underneath</p> <p>15 the Fifth Amendment not to answer on grounds I</p> <p>16 may incriminate myself.</p> <p>17 Q Describe the tasks of the -- each employee</p> <p>18 category of Green Box Green Bay.</p> <p>19 MR. PETITJEAN: Objection as to the</p> <p>20 form of the question. There hasn't been any</p> <p>21 discussion or any information as to any employees</p> <p>22 or as any function or any form. Go ahead.</p> <p>23 MS. OGDEN: Well, then -- when I'm</p> <p>24 not receiving any answers to lay any further</p> <p>25 foundation, I'm going to proceed with the</p> <p style="text-align: right;">152</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Fifth Amendment not to answer on grounds I may</p> <p>2 incriminate myself.</p> <p>3 Q Identify all assets of Green Box Green Bay.</p> <p>4 MR. PETITJEAN: Objection. Asked and</p> <p>5 answered. Go ahead.</p> <p>6 A On counsel's advice I invoke my right under the</p> <p>7 Fifth Amendment not to answer on the grounds I</p> <p>8 may incriminate myself.</p> <p>9 Q Identify the location of all of Green Box's</p> <p>10 assets.</p> <p>11 A On --</p> <p>12 MR. PETITJEAN: Could you identify</p> <p>13 which Green Box?</p> <p>14 MS. OGDEN: Green Box Green Bay.</p> <p>15 A On counsel's advice I invoke my right under the</p> <p>16 Fifth Amendment not to answer on the grounds I</p> <p>17 may incriminate myself.</p> <p>18 Q Where are all documents reflecting the ownership</p> <p>19 of Green Box Green Bay's assets, such as</p> <p>20 purchase agreement, invoices, payments, security</p> <p>21 agreements?</p> <p>22 A Most are at the sheriff's office.</p> <p>23 Q Where are the documents that are not in</p> <p>24 possession of the sheriff's office?</p> <p>25 A On counsel's advice I invoke my right under the</p> <p style="text-align: right;">154</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 questions. Your objection is noted. I ask the</p> <p>2 witness to proceed with answering as best as he</p> <p>3 can or is willing to do so.</p> <p>4 A On counsel's advice I invoke my right under the</p> <p>5 Fifth Amendment not to answer on the grounds I</p> <p>6 may incriminate myself.</p> <p>7 Q Identify who paid the wages or salaries of each</p> <p>8 Green Box Green Bay employee.</p> <p>9 A On counsel's advice I invoke my right under the</p> <p>10 Fifth Amendment not to answer on grounds it</p> <p>11 might incriminate me -- myself.</p> <p>12 Q Isn't it true that you have not provided the</p> <p>13 receiver with any documents related to the</p> <p>14 payment of wages and salaries of all the</p> <p>15 Green Box Green Bay employees?</p> <p>16 A No.</p> <p>17 Q What is the basis for your statement of "no"?</p> <p>18 A On counsel's advice I invoke my right under the</p> <p>19 Fifth Amendment not to answer on the grounds I</p> <p>20 may incriminate myself.</p> <p>21 Q Identify all of the sources of funds used to pay</p> <p>22 each and every Green Box Green Bay employee.</p> <p>23 MR. PETITJEAN: Objection. Lack of</p> <p>24 foundation. Go ahead.</p> <p>25 A On counsel's advice I invoke my right under the</p> <p style="text-align: right;">153</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Fifth Amendment not to answer on the grounds I</p> <p>2 may incriminate myself.</p> <p>3 Q What documents are not in possession of the</p> <p>4 sheriff's office?</p> <p>5 A On counsel's advice I invoke my right under the</p> <p>6 Fifth Amendment not to answer on the grounds I</p> <p>7 may incriminate myself.</p> <p>8 Q On Monday you indicated that over 30 computers</p> <p>9 had to be purchased to replace those that were</p> <p>10 seized. Who provided the funding for the</p> <p>11 purchase of those computers?</p> <p>12 A On counsel's --</p> <p>13 MR. PETITJEAN: Objection. Relevance.</p> <p>14 Go ahead and answer.</p> <p>15 A On counsel's advice I invoke my right under the</p> <p>16 Fifth Amendment not to answer on the grounds I</p> <p>17 may incriminate myself.</p> <p>18 Q What data of Green Box Green Bay is stored in</p> <p>19 the cloud service?</p> <p>20 A On counsel's advice I invoke my right under the</p> <p>21 Fifth Amendment not to answer on the grounds I</p> <p>22 may incriminate myself.</p> <p>23 Q Who has access to all cloud service data stored</p> <p>24 in relation to Green Box Green Bay?</p> <p>25 A It was taken during the search warrant.</p> <p style="text-align: right;">155</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Do you still have access to cloud service for 2 Green Box Green Bay's information today?</p> <p>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.</p> <p>6 Q Identify all liabilities of Green Box Green Bay.</p> <p>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.</p> <p>10 Q Identify all sources of income for Green Box 11 Green Bay.</p> <p>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.</p> <p>15 Q Identify all expenses of Green Box Green Bay.</p> <p>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.</p> <p>19 Q Identify all liabilities of Eco Hub.</p> <p>20 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p>24 Q Identify all sources of income for Eco Hub.</p> <p>25 MR. PETITJEAN: Objection. Relevance.</p> <p style="text-align: right;">156</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Isn't it true that assets of Green Box Green Bay 2 were pledged more than once to different 3 creditors?</p> <p>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.</p> <p>7 Q Does Green Box Green Bay have the same ownership 8 or leadership as any other companies?</p> <p>9 MR. PETITJEAN: Objection. Relevance.</p> <p>10 Go ahead.</p> <p>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.</p> <p>14 Q Does Green Box Green Bay have the same assets as 15 any other company or companies?</p> <p>16 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p>20 Q Were there regular meetings held by Green Box 21 Green Bay?</p> <p>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.</p> <p>25 Q Identify all individuals or entities that have</p> <p style="text-align: right;">158</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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.</p> <p>4 Q Identify all expenses of Eco Hub.</p> <p>5 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p>9 Q Identify all organizational documents related to 10 Eco Hub.</p> <p>11 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p>15 Q Identify all ledgers, bookkeeping, and accounting 16 records for Eco Hub.</p> <p>17 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p>21 Q Identify all banking records related to Eco Hub.</p> <p>22 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p style="text-align: right;">157</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 authority to act on behalf of Green Box 2 Green Bay.</p> <p>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.</p> <p>6 Q Did Green Box Green Bay file all required 7 governmental reports?</p> <p>8 A On counsel advice I invoke my right under the 9 Fifth Amendment not to answer on the grounds I 10 may incriminate myself.</p> <p>11 Q Who signed any government reports filed by 12 Green Box Green Bay?</p> <p>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.</p> <p>16 Q Who reviews government reports filed by 17 Green Box Green Bay?</p> <p>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.</p> <p>21 Q Who assisted with the preparation of government 22 reports filed by Green Box Green Bay?</p> <p>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.</p> <p style="text-align: right;">159</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Who assisted in the preparation of financial 2 statements by Green Box Green Bay?</p> <p>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.</p> <p>6 Q What property has been transferred by Green Box 7 Green Bay within the past three years?</p> <p>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.</p> <p>11 Q Has Green Box Green Bay made any payments to any 12 individuals, owners, officers, directors, or 13 members?</p> <p>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.</p> <p>17 Q When did Green Box Green Bay stop making 18 payments on its obligations?</p> <p>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.</p> <p>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?</p> <p style="text-align: right;">160</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 wants. I'm not playing tag team.</p> <p>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.</p> <p>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.</p> <p>13 MR. THILL: We're not commencing --</p> <p>14 MS. OGDEN: We'll take a 5-minute --</p> <p>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.)</p> <p>19 MR. PETITJEAN: We're back.</p> <p>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</p> <p style="text-align: right;">162</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 MR. PETITJEAN: Objection. Relevance.</p> <p>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.</p> <p>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?</p> <p>10 MR. THILL: I have a few questions.</p> <p>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.</p> <p>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.</p> <p>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</p> <p style="text-align: right;">161</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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.</p> <p>10 MR. PETITJEAN: That may be. I fully 11 expect not to be the counsel for Green Box as of 12 Tuesday.</p> <p>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.</p> <p>18 MR. PETITJEAN: I note your request.</p> <p>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.</p> <p>23 MR. PETITJEAN: You state --</p> <p>24 MS. OGDEN: Actually, prior to Monday.</p> <p>25 MR. PETITJEAN: Well, you've stated</p> <p style="text-align: right;">163</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 your request.</p> <p>2 MS. OGDEN: I have a few follow-up</p> <p>3 questions at this time.</p> <p>4 Q (By Ms. Ogden:) Mr. Van Den Heuvel, isn't it</p> <p>5 true that when Green Box Green Bay pledged</p> <p>6 assets, they were assets that were owned by</p> <p>7 Green Box Green Bay?</p> <p>8 A On counsel's advice I invoke my right under the</p> <p>9 Fifth Amendment not to answer on the grounds I</p> <p>10 may incriminate myself.</p> <p>11 Q Isn't it true that Green Box Green Bay has not</p> <p>12 provided any documents related to Patriot</p> <p>13 Tissue's leasing of employees of Green Box</p> <p>14 Green Bay?</p> <p>15 A On counsel's advice I invoke my right under the</p> <p>16 Fifth Amendment not to answer on the grounds I</p> <p>17 may incriminate myself.</p> <p>18 Q Isn't it true that Green Box Green Bay has not</p> <p>19 produced any documentation or information related</p> <p>20 to Patriot Tissue's leasing of the real estate</p> <p>21 owned by Green Box Green Bay?</p> <p>22 A On counsel's advice I invoke my right under the</p> <p>23 Fifth Amendment not to answer on the grounds I</p> <p>24 may incriminate myself.</p> <p>25 Q Isn't it true that Green Box Green Bay was never</p> <p style="text-align: right;">164</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Q Isn't it true that the employees of Green Box</p> <p>2 Green Bay were employed in substantially the</p> <p>3 same capacity as other companies of which you</p> <p>4 are a director, officer, or member?</p> <p>5 MR. PETITJEAN: Objection as to</p> <p>6 foundation and form. Go ahead.</p> <p>7 A On counsel's advice I invoke my right under the</p> <p>8 Fifth Amendment not to answer on the grounds I</p> <p>9 may incriminate myself.</p> <p>10 Q Isn't it true that Green Box Green Bay never</p> <p>11 paid any of its employees with funding of</p> <p>12 Green Box Green Bay?</p> <p>13 A On counsel's advice I invoke my right under the</p> <p>14 Fifth Amendment not to answer on the grounds I</p> <p>15 may incriminate myself.</p> <p>16 Q Isn't it true that Green Box Green Bay has failed</p> <p>17 to disclose all of its assets of Green Box</p> <p>18 Green Bay to the receiver in this case?</p> <p>19 A No.</p> <p>20 Q What is your basis in support to your statement</p> <p>21 of "no," sir?</p> <p>22 A On counsel's advice I invoke my right under the</p> <p>23 Fifth Amendment not to answer on the grounds I</p> <p>24 may incriminate myself.</p> <p>25 Q Isn't it true that Green Box Green Bay has</p> <p style="text-align: right;">166</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 funded with sufficient capital to fulfill its</p> <p>2 purposes for which it was formed?</p> <p>3 A On counsel's advice I invoke my right under the</p> <p>4 Fifth Amendment not to answer on the grounds I</p> <p>5 may incriminate myself.</p> <p>6 Q Isn't it true that Green Box Green Bay never</p> <p>7 performed all of the functions for which the</p> <p>8 entity was formed?</p> <p>9 MR. PETITJEAN: Objection as to form.</p> <p>10 Go ahead.</p> <p>11 A On counsel's --</p> <p>12 MR. PETITJEAN: And foundation. Go</p> <p>13 ahead.</p> <p>14 A On counsel's advice I invoke my right under the</p> <p>15 Fifth Amendment not to answer on the grounds I</p> <p>16 may incriminate myself.</p> <p>17 Q Isn't it true that Green Box Green Bay employees</p> <p>18 were simultaneously and jointly employed by</p> <p>19 other companies owned, operated, or controlled</p> <p>20 by you, Mr. Van Den Heuvel?</p> <p>21 A No.</p> <p>22 Q What is your basis for that statement of "no"?</p> <p>23 A On counsel's advice I invoke my right under the</p> <p>24 Fifth Amendment not to answer on the grounds I</p> <p>25 may incriminate myself.</p> <p style="text-align: right;">165</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 failed to disclose the location of all of</p> <p>2 Green Box assets to the receiver in this case?</p> <p>3 A No.</p> <p>4 Q What is your basis for saying "no" to that</p> <p>5 question?</p> <p>6 A On counsel's advice I invoke my right under the</p> <p>7 Fifth Amendment not to answer on the grounds I</p> <p>8 may incriminate myself.</p> <p>9 Q What documents do you have to support your</p> <p>10 statement of "no"?</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 Q What witnesses would you rely upon to support</p> <p>15 your statement of "no"?</p> <p>16 A On counsel's advice I invoke my right under the</p> <p>17 Fifth Amendment not to answer on the grounds I</p> <p>18 may incriminate myself.</p> <p>19 Q Isn't it true that Green Box Green Bay has</p> <p>20 failed to deliver all of Green Box Green Bay's</p> <p>21 documents to the receiver?</p> <p>22 A On counsel's advice I invoke my right under the</p> <p>23 Fifth Amendment not to answer on the grounds I</p> <p>24 may incriminate myself.</p> <p>25 Q Isn't it true that Green Box Green Bay has</p> <p style="text-align: right;">167</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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?</p> <p>5 A They don't exist.</p> <p>6 Q When did they cease existing?</p> <p>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.</p> <p>10 Q Identify all witnesses that would have knowledge 11 relating to the ceasing of existence of these 12 two computers.</p> <p>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.</p> <p>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?</p> <p>19 A No.</p> <p>20 Q Identify all information relating to your 21 position of "no."</p> <p>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.</p> <p>25 Q Why did this computer cease existence?</p> <p style="text-align: right;">168</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 without the permission of any existing creditors 2 of Green Box Green Bay?</p> <p>3 MR. PETITJEAN: Objection. Asked and 4 answered.</p> <p>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.</p> <p>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?</p> <p>11 A On counsel advice I invoke my right under the 12 Fifth Amendment not to answer on the grounds I 13 may incriminate myself.</p> <p>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?</p> <p>17 A No.</p> <p>18 Q What is your basis for that statement of "no"?</p> <p>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.</p> <p>22 Q Isn't it true that you acted on behalf of 23 Green Box Green Bay?</p> <p>24 A On counsel's advice I invoke my right under the 25 Fifth Amendment not to answer on the grounds I</p> <p style="text-align: right;">170</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>24 Q Isn't it true that Green Box Green Bay has 25 pledged its assets to more than one creditor</p> <p style="text-align: right;">169</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 may incriminate myself.</p> <p>2 Q Isn't it true that you, Mr. Van Den Heuvel, 3 signed government reports filed by Green Box 4 Green Bay?</p> <p>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.</p> <p>8 Q Isn't it true that you, Mr. Van Den Heuvel, 9 reviewed all government filed reports? I will 10 repeat it.</p> <p>11 Isn't it true that you, Mr. Van Den Heuvel, 12 reviewed all government reports filed by 13 Green Box Green Bay?</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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</p> <p style="text-align: right;">171</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 in this case?</p> <p>2 MR. PETITJEAN: Objection. Asked and</p> <p>3 answered.</p> <p>4 A No.</p> <p>5 Q Isn't it true that it has transferred some</p> <p>6 property in possession of Green Box Green Bay</p> <p>7 since the appointment of the receiver?</p> <p>8 A No.</p> <p>9 Q Identify all documents and witnesses that support</p> <p>10 your position.</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 Q Isn't it true that in the past four years</p> <p>15 Green Box Green Bay has transferred one or more</p> <p>16 items of its property, whether by title or</p> <p>17 physical location, to an insider as would be</p> <p>18 defined by Chapter 242?</p> <p>19 MR. PETITJEAN: Objection. Lack of</p> <p>20 foundation. Are you anticipating that he would</p> <p>21 know what Chapter 242 is?</p> <p>22 MS. OGDEN: I'm asking the question.</p> <p>23 If he knows the answer or can answer it, I ask</p> <p>24 that he do so, please.</p> <p>25 A On counsel's advice I invoke my right under the</p> <p style="text-align: right;">172</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 may incriminate myself.</p> <p>2 Q Could you identify all documentation that relates</p> <p>3 to your position that there's a subordination?</p> <p>4 A On counsel's advice I invoke my right under the</p> <p>5 Fifth Amendment not to answer on the grounds I</p> <p>6 may incriminate myself.</p> <p>7 Q Who are the other officers, directors, members,</p> <p>8 agents, or individuals that would have knowledge</p> <p>9 regarding the assets and liabilities of Green Box</p> <p>10 Green Bay?</p> <p>11 A On counsel's advice I invoke my right under the</p> <p>12 Fifth Amendment not to answer on the grounds I</p> <p>13 may incriminate myself.</p> <p>14 MS. OGDEN: I would like to continue</p> <p>15 this deposition at a time that all counsel can</p> <p>16 confer and come up with a date later on in a --</p> <p>17 sometime within the next several weeks.</p> <p>18 MR. THILL: Mr. Petitjean, at the</p> <p>19 same time that you pass along word regarding the</p> <p>20 availability of other Green Box representatives</p> <p>21 following today's recess, can you also pass</p> <p>22 along the terms of the proposed receiver order</p> <p>23 to the extent that has not already been received</p> <p>24 by other representatives of Green Box as well as</p> <p>25 emphasis on the instruction that no other</p> <p style="text-align: right;">174</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>
<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 Fifth Amendment not to answer on grounds I may</p> <p>2 incriminate myself.</p> <p>3 Q Isn't it true that in the past four years</p> <p>4 Green Box Green Bay has transferred one or more</p> <p>5 items of its property or assets, whether by</p> <p>6 title or physical location, in an amount lower</p> <p>7 than its fair market value?</p> <p>8 A On counsel's advice I invoke my right under the</p> <p>9 Fifth Amendment not to answer on grounds I may</p> <p>10 incriminate myself.</p> <p>11 Q Isn't it true that in the past four years you,</p> <p>12 Mr. Ron Van Den Heuvel, have taken one or more</p> <p>13 personal monetary draws from Green Box Green Bay?</p> <p>14 A No.</p> <p>15 Q Identify all information, documents, and</p> <p>16 witnesses that support that statement of "no."</p> <p>17 A On counsel's advice I invoke my right under the</p> <p>18 Fifth Amendment not to answer on the grounds I</p> <p>19 may incriminate myself.</p> <p>20 Q I believe you previously indicated that there</p> <p>21 was a subordination with regard to WEDC. Could</p> <p>22 you please clarify your position regarding the</p> <p>23 subordination and to whom it was made?</p> <p>24 A On counsel's advice I invoke my right under the</p> <p>25 Fifth Amendment not to answer on the grounds I</p> <p style="text-align: right;">173</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>	<p>RONALD H. VAN DEN HEUVEL - FEBRUARY 17, 2016</p> <p>1 property transfers, document -- information</p> <p>2 destruction, et cetera, takes place?</p> <p>3 MR. PETITJEAN: I hear your request.</p> <p>4 I don't know that I have the ability to do what</p> <p>5 you've asked.</p> <p>6 MR. THILL: To the extent you are</p> <p>7 able and to the extent Mr. Van Den Heuvel is</p> <p>8 able.</p> <p>9 MR. PETITJEAN: I've heard your</p> <p>10 request. I don't know what else I can say.</p> <p>11 There's an order -- there's a Court order that's</p> <p>12 out there.</p> <p>13 MS. OGDEN: Well, we look forward to</p> <p>14 receiving a communication from you,</p> <p>15 Mr. Petitjean, regarding other individuals who</p> <p>16 are going to make themselves available as</p> <p>17 representative agents to be deposed on behalf of</p> <p>18 Green Box Green Bay.</p> <p>19 MR. PETITJEAN: I heard your</p> <p>20 statement.</p> <p>21 MS. OGDEN: Okay. Well, thank you.</p> <p>22 We'll recess this and adjourn this deposition</p> <p>23 until that other information can be provided to</p> <p>24 us.</p> <p>25 (Proceedings concluded at 11:45 a.m.)</p> <p style="text-align: right;">175</p> <p>902-432-5662 BAY REPORTING SERVICE, INC. 800-424-2224 414 S. Jefferson St.,Green Bay, WI</p>

1 STATE OF WISCONSIN)

2 COUNTY OF BROWN)

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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

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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, LEIN RIGHTS CAN BE GIVEN TO SECURE OTHER COMPANIES NOTES

		GBNAGB	PATRIOT TISSUE	PCDI	TISSUE TECHNOLOGY (TTL)	RAR	ECO FIBRE	EARTH (NCT)	GBNA	PF FIBRE TECHNOLOGY	UTICA	LIENS HELD BY	CURRENT DEBT	REPLACEMENT OR APPRAISED VALUE
1	HOBEMA POCKET PACK										X	SALE LEASE BACK UTICA	\$1.4MM(MSS)	\$105K
2	150 REMINDER LINE #10										X	SALE LEASE BACK UTICA	INCL ABOVE	\$270K
3	150 REMINDER LINE #11										X	SALE LEASE BACK UTICA	INCL ABOVE	\$270K
4	150 REMINDER LINE #12										X	SALE LEASE BACK UTICA	INCL ABOVE	\$270K
5	SINTESI TISSUE LINE										X	SALE LEASE BACK UTICA	INCL ABOVE	\$1,102MM
6	150 REMINDER LINE #2										X	SALE LEASE BACK UTICA	INCL ABOVE	\$454.5K
7	OCEAN FACIAL INTERFOLDER										X	SALE LEASE BACK UTICA	INCL ABOVE	\$415K
8	REWINDER LINE 505-1										X	SALE LEASE BACK UTICA	INCL ABOVE	\$360K
9	REWINDER LINE 505-2										X	SALE LEASE BACK UTICA	INCL ABOVE	\$360K
10	(2) CORE MACHINES										X	SALE LEASE BACK UTICA	INCL ABOVE	\$404.2K
11	OTHER EQUIPMENT										X	SALE LEASE BACK UTICA	INCL ABOVE	\$1,247MM
12	BALER (500 TPD)			X								RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$250K
13	BRETTING DISPENSER LINE							X				GLEN ARBOR/QUOTIENT/EARTH/RVDH	\$245K	\$1,770MM
14	BRETTING DINNER NAPKIN LINE							X				GLEN ARBOR/QUOTIENT/EARTH/RVDH	\$3.2MM	\$1,792MM
15	SORTING SYSTEM EQUIPMENT II			X								RVDH DVLPMNT, LLC/PCDI/EARTH		\$2,243MM
16	AFTERDRYERS SET 5			X								GLEN ARBOR	\$0	\$4.2MM
17	AFTERDRYERS SET 6			X								GLEN ARBOR	\$0	\$4.2MM
18	GB KOOL UNIT #2			X								RVDH DVLPMNT, LLC./PCDI/EARTH	\$0	\$830K
19	(80) TON TRUCK SCALE			X								RVDH DVLPMNT, LLC/PCDI	\$0	\$740.6K
20	RAR Surface Water Cleaning System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
21	RAR Waste Water Cleaning System									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	Incl above
22	RAR WATER ASSETS			X								RVDH DVLPMNT, LLC/PCDI/EARTH	\$2.0MM	\$5.6MM
23	COTTON EQUIPMENT									X		RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$3,719MM
24	ECO FIBRE EQUIPMENT											LINE 41		
25	AFTERDRYERS SET 3			X								IFC	\$0	\$4.2MM
26	AFTERDRYERS SET 4			X								IFC	\$0	\$4.2MM
27	BALER (200 TPD)			X								RVDH DVLPMNT, LLC/PCDI/EARTH	\$0	\$175K
28	SORTING SYSTEM EQUIPMENT I			X								CLIFFTON/MARCO ARAUJO	\$0	\$1,172MM
29	PELLET SYSTEM			X								CLIFFTON	\$0	\$1,361MM
30	GB KOOL UNIT #1	X										CLIFFTON EQUITIES	\$0	\$830K
31	AFTERDRYERS SET 1	X										VARDE	\$3.8MM	\$4.2MM
32	AFTERDRYERS SET 2	X										VARDE	\$3.8MM	\$4.2MM
33	2107 AMERICAN BLVD BUILDING & EQUIPMENT	X										ABILITY	\$7.1MM	\$11.4MM
34	SECURITY SYSTEM	X										ABILITY		
35	AIR COMPRESSOR SYSTEM	X										ABILITY		
36	VACUUM SYSTEM	X										ABILITY		
37	HVAC SYSTEM	X										ABILITY		
38	FIRE PROTECTION HIGH DENSITY	X										ABILITY		
39	ELECTRIC DISTRIBUTION 8 KW	X										ABILITY		
40	500 FORTUNE AVE BUILDING											Owned by VHC/LIEN VHC AND BAYLAKE	\$7.5MM	\$10.9MM
41	PULPING EQUIPMENT											Owned by VHC/LIEN VHC AND BAYLAKE	\$7.5MM	\$8,344MM
42	TISSUE INVENTORY		X									STERLING BANK-ZERO BALANCE	\$0	\$640K

		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	OFT1 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 B1 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/GBNAWIOP 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

ATTYOPEN

**United States District Court
Eastern District of Wisconsin (Green Bay)
CIVIL DOCKET FOR CASE #: 1:14-cv-01203-WCG**

Tissue Technology LLC et al v. TAK Investments LLC et al Date Filed: 09/30/2014
Assigned to: Chief Judge William C Griesbach Jury Demand: None
Cause: 28:1332 Diversity-Breach of Contract Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Tissue Technology LLC

represented by **Sharilee K Smentek**
Saul Ewing Arnstein & Lehr LLP
161 N Clark St - Ste 4200
Chicago, IL 60601
312-876-7100
Fax: 312-876-0288
Email: sharilee.smentek@saul.com
TERMINATED: 01/05/2017

Michael J Ganzer
Terschan Steinle Hodan & Ganzer Ltd
309 N Water St - Ste 215
Milwaukee, WI 53202-5713
414-258-1010
Email: mike@tshglaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Partners Concepts Development Inc

represented by **Sharilee K Smentek**
(See above for address)
TERMINATED: 01/05/2017

Michael J Ganzer
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Oconto Falls Tissue Inc

represented by **Sharilee K Smentek**
(See above for address)
TERMINATED: 01/05/2017

Michael J Ganzer
(See above for address)
ATTORNEY TO BE NOTICED

EXHIBIT

T-4

Plaintiff**Tissue Products Technology Corp**

represented by **Sharilee K Smentek**
 (See above for address)
TERMINATED: 01/05/2017

Michael J Ganzer
 (See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant**TAK Investments LLC**

represented by **Jonathan T Smies**
 Godfrey & Kahn SC
 200 S Washington St - Ste 100
 Green Bay, WI 54307-3067
 920-432-9300
 Fax: 920-436-7988
 Email: jsmies@gklaw.com
ATTORNEY TO BE NOTICED

Defendant**Sharad Tak**

represented by **Jonathan T Smies**
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/30/2014	<u>1</u>	COMPLAINT against TAK Investments LLC by Tissue Technology LLC, Tissue Products Technology Corp, Oconto Falls Tissue, Inc., Partners Concepts Development Inc. (Filing Fee PAID \$400 receipt number 0757-1970290) (Attachments: # <u>1</u> Exhibit 1-3, # <u>2</u> Summons, # <u>3</u> Civil Cover Sheet)(Ganzer, Michael)
09/30/2014		NOTICE Regarding assignment of this matter to Chief Judge William C Griesbach ;Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days;the consent/refusal form is available on our web site ;pursuant to Civil Local Rule 7.1 a disclosure statement is to be filed upon the first filing of any paper and should be filed now if not already filed (jcl)
10/01/2014		NOTICE of Electronic Filing Error re <u>1</u> Complaint, Electronically filed documents should not be scanned whenever possible. This document does not need to be re-filed. The attached summons was not prepared using the version found on our website - please follow the instructions and resubmit the summons using the event Request for Issuance of Summons which is found under the heading other documents. Do not include punctuation when entering parties. Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (cav)

10/01/2014	<u>2</u>	NOTICE of Appearance by Sharilee K Smentek on behalf of All Plaintiffs. Attorney(s) appearing: Sharilee K. Smentek (Smentek, Sharilee)
10/01/2014	<u>3</u>	REQUEST for Issuance of Summons by All Plaintiffs (Ganzer, Michael)
10/01/2014		Summons Issued as to TAK Investments LLC. (tlf)
10/14/2014	<u>4</u>	DOCUMENT REFILED. See <u>5</u> Refusal to Jurisdiction by US Magistrate Judge by All Plaintiffs. (Ganzer, Michael) Modified on 10/14/2014 (tlf).
10/14/2014	<u>5</u>	Refusal to Jurisdiction by US Magistrate Judge by All Plaintiffs. (Ganzer, Michael)
10/16/2014	<u>6</u>	DISCLOSURE Statement by All Plaintiffs. (Ganzer, Michael)
10/16/2014	<u>7</u>	AFFIDAVIT of Julette Murphy . (Ganzer, Michael)
11/10/2014	<u>8</u>	WAIVER OF SERVICE Returned Executed by All Defendants. (Ganzer, Michael)
12/22/2014	<u>9</u>	NOTICE of Appearance by Jonathan T Smies on behalf of TAK Investments LLC. Attorney(s) appearing: Jonathan T. Smies (Smies, Jonathan)
12/22/2014	<u>10</u>	ANSWER to <u>1</u> Complaint, by TAK Investments LLC.(Smies, Jonathan)
12/22/2014	<u>11</u>	DISCLOSURE Statement by TAK Investments LLC. (Smies, Jonathan)
12/22/2014	<u>12</u>	Refusal to Jurisdiction by US Magistrate Judge by TAK Investments LLC. (Smies, Jonathan)
12/23/2014	<u>13</u>	NOTICE of Hearing: (cc: all counsel)RULE 16 TELEPHONE Scheduling Conference set for 1/30/2015 09:15 AM before Chief Judge William C Griesbach. As the court will initiate the call, Counsel are to provide the number at which they can be reached to the Office of the Clerk. Notice may be provided by telephone at 920-455-7381 or byemail at wied_clerks_gb@wied.uscourts.gov. Rule 26(f) report due 1/23/2015. (Griesbach, William
01/23/2015	<u>14</u>	Joint REPORT of Rule 26(f) Plan by TAK Investments LLC. (Smies, Jonathan)
01/30/2015	<u>15</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Scheduling Conference held on 1/30/2015, Initial Disclosures to be exchanged by 2/15/2015, Discovery due by 9/15/2015, Plaintiffs Expert Witness List due by 5/15/2015, Defendants Expert Witness List due by 7/15/2015, Motions due by 9/15/2015. (aw)
01/30/2015	<u>16</u>	SCHEDULING ORDER: signed by Chief Judge William C Griesbach on 1/30/2015. (cc: all counsel)(Griesbach, William)
09/14/2015	<u>17</u>	STIPULATION <i>for Stay of Proceedings</i> by TAK Investments LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Smies, Jonathan)
09/14/2015		TEXT ONLY ORDER signed by Chief Judge William C Griesbach on 9-14-15. The stipulation <u>17</u> is approved. All deadlines are hereby stayed. The clerk will schedule the matter for a status conference in approximately 90 days. (cc: all counsel)(Griesbach, William)

09/14/2015		NOTICE of Hearing: Telephone Status Conference set for 12/18/2015 09:00 AM before Chief Judge William C Griesbach. The court will initiate the call. Counsel are to provide the number at which they can be reached to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov (cc: all counsel)(tlf)
12/18/2015	<u>18</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Status Conference held on 12/18/2015. Telephone Status Conference set for 2/12/2016 09:30 AM before Chief Judge William C Griesbach. As the court will initiate the call, Counsel are to provide the number at which they can be reached to the Office of the Clerk. Notice may be provided by telephone at 920-455-7381 or by email at wied_clerks_gb@wied.uscourts.gov. (aw)
02/12/2016	<u>19</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Status Conference held on 2/12/2016. There is a pending motion in Brown County Circuit Court for the return of documents that may be relevant to this case. The Court schedules a Status Conference set for 4/12/2016 09:30 AM before Chief Judge William C Griesbach. (Tape #021216) (cav)
02/12/2016		NOTICE of Hearing: (cc: all counsel) Telephone Status Conference set for 4/12/2016 09:30 AM before Chief Judge William C Griesbach. As the court will initiate the call, Counsel are to provide the number at which they can be reached to the Office of the Clerk. Notice may be provided by telephone at 920-455-7381 or by email at wied_clerks_gb@wied.uscourts.gov.(cav)
04/12/2016	<u>20</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach on 4/12/16. The Court schedules a Telephone Status Conference for 6/17/2016 09:00 AM before Chief Judge William C Griesbach. (Tape #041216) (lh)
04/12/2016		NOTICE of Hearing: (cc: all counsel) Telephone Status Conference set for 6/17/2016 09:00 AM in before Chief Judge William C Griesbach. As the court will initiate the call, Counsel are to provide the number at which they can be reached to the Office of the Clerk. Notice may be provided by telephone at 920-455-7381 or by email at wied_clerks_gb@wied.uscourts.gov(lh)
05/06/2016		NOTICE OF TELEPHONE HEARING RESCHEDULED: (cc: all counsel) Telephone Scheduling Conference rescheduled for 6/10/2016 09:15 AM by Telephone before Chief Judge William C Griesbach. The court will initiate the call. Counsel are to provide the number at which they can be reached to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov(Griesbach, William)
06/10/2016	<u>21</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Telephone Status Conference held on 6/10/2016. The Stay is LIFTED. (Tape #061016) (lh) (Entered: 06/13/2016)
06/24/2016	<u>22</u>	TRANSCRIPT of TELEPHONIC STATUS CONFERENCE held on 4/12/2016 before Judge William Griesbach Court Reporter/Transcriber John Schindhelm, Contact at WWW.JOHNSCHINDHELM.COM to order directly... Or. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website

		www.wied.uscourts.gov Redaction Statement due 7/18/2016. Redacted Transcript Deadline set for 7/28/2016. Release of Transcript Restriction set for 9/26/2016. (Schindhelm, John)
06/24/2016	<u>23</u>	TRANSCRIPT of TELEPHONIC STATUS CONFERENCE held on 6/10/2016 before Judge William Griesbach Court Reporter/Transcriber John Schindhelm, Contact at WWW.JOHNSCHINDELM.COM to order directly... Or. Transcripts may be purchased using the Transcript Order Form found on our website or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website www.wied.uscourts.gov Redaction Statement due 7/18/2016. Redacted Transcript Deadline set for 7/28/2016. Release of Transcript Restriction set for 9/26/2016. (Schindhelm, John)
06/30/2016	<u>24</u>	First MOTION for Summary Judgment by All Plaintiffs. (Ganzer, Michael)
06/30/2016	<u>25</u>	BRIEF in Support filed by All Plaintiffs re <u>24</u> First MOTION for Summary Judgment . (Attachments: # <u>1</u> Affidavit Affidavit of Ronald H. Van Den Heuvel, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H)(Ganzer, Michael)
08/01/2016	<u>26</u>	MOTION for Summary Judgment by TAK Investments LLC. (Smies, Jonathan)
08/01/2016	<u>27</u>	BRIEF in Support filed by TAK Investments LLC re <u>26</u> MOTION for Summary Judgment <i>and in Opposition to Plaintiffs' Motion for Summary Judgment <u>24</u></i> . (Smies, Jonathan)
08/01/2016	<u>28</u>	DOCUMENT CORRECTED; See <u>33</u> Supplemental Declaration and <u>32</u> Letter. Declaration of Sharad Tak. (Smies, Jonathan) (tlf)
08/01/2016	<u>29</u>	DECLARATION of Jonathan T. Smies (Attachments: # <u>1</u> Exhibit Indictment, # <u>2</u> Exhibit Plea Agreement, # <u>3</u> Exhibit Order Appointing Counsel, # <u>4</u> Exhibit Notice of Deposition)(Smies, Jonathan)
08/01/2016	<u>30</u>	DOCUMENT CORRECTED; See <u>34</u> Amended Proposed Findings of Fact and <u>32</u> Letter. Proposed Findings of Fact by TAK Investments LLC (Smies, Jonathan) (tlf)
08/03/2016	<u>31</u>	STIPULATION by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order) (Ganzer, Michael) (Attachment 1 replaced on 8/3/2016) (cav).
08/10/2016		TEXT ONLY ORDER approving <u>31</u> Stipulation to briefing deadlines filed by Tissue Technology LLC, Partners Concepts Development Inc, Tissue Products Technology Corp, and Oconto Falls Tissue Inc., signed by Chief Judge William C Griesbach on 08/10/2016. Plaintiffs shall file the response to <u>26</u> Motion for Summary Judgment and reply to <u>24</u> Motion for Summary Judgment no later than September 1, 2016. (cc: all counsel)(Griesbach, William)
08/18/2016	<u>32</u>	LETTER from Jonathan Smies . (Smies, Jonathan)
08/18/2016	<u>33</u>	SUPPLEMENTAL DECLARATION of Sharad Tak. (Smies, Jonathan)
08/18/2016	<u>34</u>	

		AMENDED Proposed Findings of Fact by TAK Investments LLC. (Smies, Jonathan)
09/01/2016	<u>35</u>	REPLY BRIEF in Support filed by All Plaintiffs re <u>24</u> First MOTION for Summary Judgment , <u>26</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Affidavit Affidavit of Michael J. Ganzer, # <u>2</u> Exhibit Ex A to Affidavit, # <u>3</u> Exhibit Ex B to Affidavit, # <u>4</u> Exhibit Ex C to Affidavit, # <u>5</u> Exhibit Ex D to Affidavit)(Ganzer, Michael)
09/01/2016	<u>36</u>	Proposed Findings of Fact by All Plaintiffs (Ganzer, Michael)
09/19/2016	<u>37</u>	REPLY BRIEF in Support filed by TAK Investments LLC re <u>26</u> MOTION for Summary Judgment . (Smies, Jonathan)
09/19/2016	<u>38</u>	DECLARATION of Sharad Tak - <i>Second Supplemental</i> (Smies, Jonathan)
09/19/2016	<u>39</u>	DECLARATION of Jonathan T. Smies - <i>Second Declaration</i> (Attachments: # <u>1</u> Exhibit Defendant's First Requests for Discovery to Plaintiffs, # <u>2</u> Exhibit Plaintiff's Responses to Defendant's First Requests for Discovery)(Smies, Jonathan)
12/02/2016	<u>40</u>	ORDER signed by Chief Judge William C Griesbach on 12-2-16 denying <u>24</u> Motion for Summary Judgment; granting <u>26</u> Motion for Summary Judgment. (cc: all counsel) (Griesbach, William)
12/06/2016		NOTICE of Hearing: (cc: all counsel) Scheduling Conference set for 12/14/2016 01:30 PM By Telephone before Chief Judge William C Griesbach. As the court will initiate the call, Counsel are to provide the number at which they can be reached to the Office of the Clerk. Notice may be provided by telephone at 920-455-7380 or by email at wied_clerks_gb@wied.uscourts.gov(cav)
12/14/2016	<u>41</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Telephone Scheduling Conference held on 12/14/2016. Plaintiff's motion for leave to amend the complaint is due on or before 1/16/2017. (Tape #121416) (tlf)
01/04/2017	<u>42</u>	NOTICE by All Plaintiffs (Ganzer, Michael)
01/09/2017	<u>43</u>	MOTION for Leave to File <i>amended pleadings</i> by All Plaintiffs. (Ganzer, Michael) (Additional attachment(s) added on 1/9/2017: # <u>1</u> Proposed Amended Complaint) (tlf).
01/09/2017	<u>44</u>	BRIEF in Support filed by All Plaintiffs re <u>43</u> MOTION for Leave to File <i>amended pleadings</i> . (Attachments: # <u>1</u> Declaration of Ronald Van Den Heuvel) (Ganzer, Michael) Modified on 1/10/2017 to correct attachment name (mac).
01/17/2017	<u>45</u>	STIPULATION by TAK Investments LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Smies, Jonathan)
01/27/2017		TEXT ONLY ORDER approving <u>45</u> Stipulation filed by TAK Investments LLC, signed by Chief Judge William C Griesbach on 01/27/2017. Tak Investments has through February 6, 2017 to file a memorandum of law in opposition to Plaintiffs Motion to Permit Amendment of Complaint [ECF No. 43]. (cc: all counsel)(Griesbach, William)

02/06/2017	<u>46</u>	BRIEF in Opposition filed by TAK Investments LLC re <u>43</u> MOTION for Leave to File <i>amended pleadings</i> . (Attachments: # <u>1</u> Exhibit Non Typical, Inc. v. Transglobal Logistics Group, Inc.)(Smies, Jonathan)
02/17/2017	<u>47</u>	REPLY BRIEF in Support filed by All Plaintiffs re <u>43</u> MOTION for Leave to File <i>amended pleadings</i> . (Ganzer, Michael)
04/03/2017	<u>48</u>	ORDER signed by Chief Judge William C Griesbach on 4-3-17 granting <u>43</u> Motion for Leave to File. (cc: all counsel) (Griesbach, William)
04/03/2017	<u>49</u>	AMENDED COMPLAINT against All Defendants filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibits)(cav) (Entered: 04/05/2017)
04/05/2017		NOTICE of Hearing: (cc: all counsel) Scheduling Conference set for 4/12/2017 09:30 AM By Telephone before Chief Judge William C Griesbach. The court will initiate the call. Counsel are to provide the telephone number at which they can be reached (direct dial preferred) at least two days prior to the telephone conference. In the event counsel are unavailable at the scheduled time of the telephone conference, the conference may be rescheduled and counsel may be required to appear in person. Please provide your telephone number to the Office of the Clerk at wied_clerks_gb@wied.uscourts.gov(cav)
04/11/2017	<u>50</u>	REQUEST for Issuance of Summons by All Plaintiffs (Ganzer, Michael)
04/11/2017		Summons Issued as to Sharad Tak. (mac)
04/12/2017	<u>51</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Telephone Scheduling Conference held on 4/12/2017. Discovery due by 9/1/2017. Parties are to disclose to each other on or before 7/1/1/7 if experts are to be disclosed. Court Trial set for 9/18/2017 09:00 AM in Courtroom 201, 125 S. Jefferson St., Green Bay, WI 54301 before Chief Judge William C Griesbach. (Tape #041217) (lh)
04/14/2017		NOTICE of Hearing: (cc: all counsel) Court Trial set for 9/18/2017 at 09:00 AM in Courtroom 201, 125 S. Jefferson St., Green Bay, WI 54301 before Chief Judge William C Griesbach. (lh)
04/17/2017	<u>52</u>	ANSWER to <u>49</u> Amended Complaint by TAK Investments LLC.(Smies, Jonathan)
05/03/2017	<u>53</u>	MOTION for Order to <i>Certify for Interlocutory Appeal the Court's Decision and Order Granting, in Part, Plaintiffs' Motion for Leave to Amend Pleadings</i> by TAK Investments LLC. (Smies, Jonathan)
05/03/2017	<u>54</u>	BRIEF in Support filed by TAK Investments LLC re <u>53</u> MOTION for Order to <i>Certify for Interlocutory Appeal the Court's Decision and Order Granting, in Part, Plaintiffs' Motion for Leave to Amend Pleadings</i> . (Attachments: # <u>1</u> Exhibit DeKeyser v. Thyssenkrupp Waupaca, Inc., # <u>2</u> Exhibit United States v. NCR Corp., # <u>3</u> Exhibit Kohler Co. v. United States)(Smies, Jonathan)
05/08/2017		TEXT ONLY ORDER directing Plaintiffs to respond to TAK Investments LLC's <u>53</u> MOTION for Order to <i>Certify for Interlocutory Appeal the Court's Decision and Order Granting, in Part, Plaintiffs' Motion for Leave to Amend</i>

		<i>Pleadings</i> on or before May 24, 2017, signed by Chief Judge William C Griesbach on 5/8/2017. (cc: all counsel) (Griesbach, William)
05/24/2017	<u>55</u>	BRIEF in Opposition filed by All Plaintiffs re <u>53</u> MOTION for Order to <i>Certify for Interlocutory Appeal the Court's Decision and Order Granting, in Part, Plaintiffs' Motion for Leave to Amend Pleadings</i> . (Attachments: # <u>1</u> Affidavit of Ronald Van Den Heuvel)(Ganzer, Michael) Modified on 5/25/2017 to correct filing event (mac).
05/25/2017		NOTICE of Electronic Filing Error re <u>55</u> Brief in Opposition; 1) The Affidavit with exhibits should have been filed as a separate entry. This document does not need to be re-filed. 2) Electronically filed documents should not be scanned whenever possible. This document does not need to be re-filed; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (mac)
06/07/2017	<u>56</u>	REPLY BRIEF in Support filed by TAK Investments LLC re <u>53</u> MOTION for Order to <i>Certify for Interlocutory Appeal the Court's Decision and Order Granting, in Part, Plaintiffs' Motion for Leave to Amend Pleadings</i> . (Smies, Jonathan)
06/21/2017	<u>57</u>	ORDER denying <u>53</u> Motion for Order to certify an interlocutory appeal signed by Chief Judge William C Griesbach on 6/21/2017.(cc: all counsel) (Griesbach, William)
06/27/2017	<u>58</u>	MOTION for Extension of Time by All Plaintiffs. (Ganzer, Michael)
06/27/2017	<u>59</u>	BRIEF in Support filed by All Plaintiffs re <u>58</u> MOTION for Extension of Time . (Attachments: # <u>1</u> Affidavit)(Ganzer, Michael)
07/14/2017	<u>60</u>	MOTION for Summary Judgment by TAK Investments LLC. (Smies, Jonathan)
07/14/2017	<u>61</u>	BRIEF in Support filed by TAK Investments LLC re <u>60</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit Order on Defendant's Motion for Summary Judgment, Case 12-C-1305)(Smies, Jonathan)
07/14/2017	<u>62</u>	DECLARATION of Sharad Tak <i>in Support of Tak Investments, LLC's Motion for Summary Judgment</i> (Smies, Jonathan)
07/14/2017	<u>63</u>	Proposed Findings of Fact by TAK Investments LLC (Smies, Jonathan)
07/20/2017	<u>64</u>	STIPULATION <i>To Enlarge Time</i> by All Plaintiffs. (Attachments: # <u>1</u> Acceptance of Service signed by Sharad Tak, # <u>2</u> Text of Proposed Order) (Ganzer, Michael) Modified description of attachment on 7/21/2017 (lh).
07/21/2017		NOTICE of Electronic Filing Error re <u>64</u> Stipulation filed by Tissue Technology LLC, Partners Concepts Development Inc, Tissue Products Technology Corp, Oconto Falls Tissue Inc ; Certain attachments to this document (Acceptance of Service) should have been filed as separate entries. This document does not need to be re-filed; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (lh)
07/21/2017	<u>65</u>	TEXT ONLY ORDER approving re <u>64</u> Stipulation filed by Tissue Technology LLC, Partners Concepts Development Inc, Tissue Products Technology Corp, Oconto Falls Tissue Inc. Time for service to defendant, Sharad Tak, is extended

		to 7/20/2017 in recognition of Tak's agreement to accept service. (cc: all counsel)(Griesbach, William)
07/28/2017	<u>66</u>	TEXT ONLY ORDER dismissing as moot <u>58</u> MOTION for Extension of Time to Serve, filed by Tissue Technology LLC, Partners Concepts Development Inc, Tissue Products Technology Corp, Oconto Falls Tissue Inc, signed by Chief Judge William C Griesbach on 07/28/2017. Counsel filed a Stipulation regarding the issue, ECF [64}, which was resolved via text order, {65}. (cc: all counsel)(Griesbach, William)
08/08/2017	<u>67</u>	NOTICE of Appearance by Jonathan T Smies on behalf of Sharad Tak. Attorney (s) appearing: Jonathan T. Smies (Smies, Jonathan)
08/08/2017	<u>68</u>	ANSWER to <u>49</u> Amended Complaint by Sharad Tak.(Smies, Jonathan)
08/11/2017	<u>69</u>	RESPONSE to Motion filed by All Plaintiffs re <u>60</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Affidavit of Michael J. Ganzer, # <u>2</u> Declaration of Edward M Kolasinski, # <u>3</u> Declaration of Ronald Van Den Heuvel)(Ganzer, Michael) Modified to remove duplicate text on 8/14/2017 (lh).
08/11/2017	<u>70</u>	Proposed Findings of Fact by All Plaintiffs (Ganzer, Michael)
08/14/2017		NOTICE of Electronic Filing Error re <u>69</u> Response to Motion, filed by Tissue Technology LLC, Partners Concepts Development Inc, Tissue Products Technology Corp, Oconto Falls Tissue Inc ; Certain attachments (Affidavits/Declarations) to this document should have been filed as separate entries. This document does not need to be re-filed. The description of the attachments contained duplicate text. In the future, when attaching documents to the main document you may select a description from the category drop-down list but then you should not repeat that word in the description text box. For example, if you choose Exhibit from the drop-down list, then you may simply type A in the description text box and Exhibit A will appear on the docket. This document does not need to be re-filed; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (lh)
08/25/2017	<u>71</u>	REPLY BRIEF in Support filed by TAK Investments LLC re <u>60</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit Tissue Technology, LLC, et al. v. Tak Investments, LLC, Order on Defendant's Motion for Summary Judgment, # <u>2</u> Exhibit McKinnie v. Meirtran, Incorporated)(Smies, Jonathan)
08/25/2017	<u>72</u>	RESPONSE filed by TAK Investments LLC re <u>70</u> Proposed Findings of Fact (Smies, Jonathan)
08/25/2017	<u>73</u>	DECLARATION of Jonathan T. Smies (Attachments: # <u>1</u> Exhibit Pages to August 2, 2017 Deposition Transcript of Ronald Van Den Heuvel, # <u>2</u> Exhibit Ex. 8 to August 2, 2017 Ronald Van Den Heuvel Deposition, # <u>3</u> Exhibit Ex. 11 to August 2, 2017 Ronald Van Den Heuvel Deposition, # <u>4</u> Exhibit Ex. 16 to August 2, 2017 Ronald Van Den Heuvel Deposition, # <u>5</u> Exhibit Ex. 17 to August 2, 2017 Ronald Van Den Heuvel Deposition)(Smies, Jonathan)
08/25/2017	<u>74</u>	MOTION for Judgment on the Pleadings by Sharad Tak. (Smies, Jonathan)
08/25/2017	<u>75</u>	MOTION for Summary Judgment by Sharad Tak. (Smies, Jonathan)

08/25/2017	<u>76</u>	Proposed Findings of Fact by Sharad Tak (Smies, Jonathan)
08/25/2017	<u>77</u>	MOTION for Hearing <i>Before Trial</i> by TAK Investments LLC, Sharad Tak. (Smies, Jonathan)
08/29/2017		NOTICE of Hearing on <u>60</u> , <u>75</u> Motions for Summary Judgment, <u>74</u> Motion for Judgment on the Pleadings, and <u>77</u> Motion for Hearing before Trial : Motion Hearing set for 9/5/2017 10:00 AM in Courtroom 201, 125 S. Jefferson St., Green Bay, WI 54301 before Chief Judge William C Griesbach. (cc: all counsel) (tlf)
09/01/2017	<u>78</u>	DECLARATION (Supplemental) of Jonathan T. Smies (Attachments: # <u>1</u> Exhibit Baylake Bank Assignment of Note dtd. 3-12-2008, # <u>2</u> Exhibit Baylake Bank Assignment of Note dtd. 12-28-2009)(Smies, Jonathan)
09/05/2017	<u>79</u>	Minute Order. Proceedings held before Chief Judge William C Griesbach: denying <u>60</u> Motion for Summary Judgment; denying <u>74</u> Motion for Judgment on the Pleadings; denying <u>75</u> Motion for Summary Judgment. The case will proceed to trial on 9/18/2017. Pretrial documents due on or before 9/13/2017. (Tape #090517.) (cav)
09/12/2017	<u>80</u>	TRANSCRIPT of MOTION HEARING held on 9/5/17 before Judge WILLIAM C. GRIESBACH Court Reporter/Transcriber EXCEPTIONAL REPORTING, Contact at 361 949-2988 X 0. Tape Number: 9/5/17. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 10/6/2017. Redacted Transcript Deadline set for 10/16/2017. Release of Transcript Restriction set for 12/14/2017. (Exceptional Reporting Services,)
09/13/2017	<u>81</u>	<i>Final</i> PRETRIAL REPORT by All Plaintiffs. (Ganzer, Michael)
09/13/2017	<u>82</u>	Proposed Findings of Fact by All Plaintiffs. (Ganzer, Michael)
09/13/2017	<u>83</u>	Exhibit List by All Plaintiffs. (Ganzer, Michael)
09/13/2017	<u>84</u>	PRETRIAL REPORT by TAK Investments LLC, Sharad Tak. (Smies, Jonathan)
09/13/2017	<u>85</u>	Exhibit List by TAK Investments LLC, Sharad Tak. (Smies, Jonathan)
09/14/2017	<u>86</u>	Exhibit List by All Plaintiffs. (Ganzer, Michael)
09/18/2017	<u>87</u>	Minute Entry for proceedings held before Chief Judge William C Griesbach: Court Trial held on 9/18/2017 and completed on 9/19/2017. Parties will submit briefing after the receipt of the trial transcript. (Tape #091817 and 091917) (cav) (Entered: 09/19/2017)
09/19/2017	<u>88</u>	EXHIBITS received for All Parties Exhibit list filed. (Attachments: # <u>1</u> Exhibit List) (cav)
10/04/2017	<u>89</u>	TRANSCRIPT of COURT TRIAL - DAY 1 held on 9/18/17 before Judge WILLIAM C. GRIESBACH Court Reporter/Transcriber EXCEPTIONAL

		REPORTING, Contact at 361 949-2988 X 0. Tape Number: 9/18/17. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 10/30/2017. Redacted Transcript Deadline set for 11/9/2017. Release of Transcript Restriction set for 1/5/2018. (Exceptional Reporting Services,)
10/04/2017	<u>90</u>	TRANSCRIPT of COURT TRIAL - DAY 2 held on 9/19/17 before Judge WILLIAM C. GRIESBACH Court Reporter/Transcriber EXCEPTIONAL REPORTING, Contact at 361 949-2988 X 0. Tape Number: 9/19/17. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 10/30/2017. Redacted Transcript Deadline set for 11/9/2017. Release of Transcript Restriction set for 1/5/2018. (Exceptional Reporting Services,)
11/03/2017	<u>91</u>	BRIEF filed by All Plaintiffs <i>Post Trial</i> . (Ganzer, Michael)

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-64

RONALD VAN DEN HEUVEL,

Defendant.

PLEA AGREEMENT

1. The United States of America, by its attorneys, Gregory J. Haanstad, United States Attorney for the Eastern District of Wisconsin, and Mel S. Johnson and Matthew D. Krueger, Assistant United States Attorneys, and the defendant, Ronald Van Den Heuvel, individually and by attorney Robert LeBell, pursuant to Rule 11 of the Federal Rules of Criminal Procedure, enter into the following plea agreement:

CHARGES

2. The defendant has been charged in all counts of a nineteen-count indictment, which alleges violations of Title 18, United States Code, Sections 2, 371, 1014, and 1344.

3. The defendant has read and fully understands the charges contained in the indictment. He fully understands the nature and elements of the crimes with which he has been charged, and those charges and the terms and conditions of the plea agreement have been fully explained to him by his attorney.

4. The defendant voluntarily agrees to plead guilty to the following count set forth in full as follows:

COUNT ONE

THE GRAND JURY CHARGES:

From on or about January 1, 2008 through on or about September 30, 2009, in the state and Eastern District of Wisconsin,

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

knowingly conspired with each other and others to:

- a. Devise and participate in a scheme to defraud Horicon Bank and to obtain money under the custody and control of Horicon Bank, the accounts of which were insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344; and*
- b. Make material false statements to Horicon Bank, the deposits of which were insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the actions of the bank to issue loans, in violation of Title 18, United States Code, Section 1014.*

Scheme

The scheme in this count is as follows:

- a. During the period of the scheme, defendant Piikkila was employed as a loan officer for Horicon Bank (hereinafter "the bank"), working at the Appleton, Wisconsin branch. He had authority to make loans up to a \$250,000 limit. Loans he proposed to make above that limit needed to be approved by the bank's Business Lenders Committee.*
- b. During the period of the scheme, defendant Ronald Van Den Heuvel represented himself to be a businessman in the area of Green Bay, Wisconsin. He operated and controlled at least seven purported business entities that he used interchangeably.*

c. *During the period of the scheme, Kelly Van Den Heuvel was the wife of Ronald Van Den Heuvel and was also the owner and operator of KYHKJG, a limited liability corporation.*

d. *In December of 2007, or early January of 2008, Ronald Van Den Heuvel approached Piikkila and asked him to issue loans from the bank to Ronald Van Den Heuvel or his business entities.*

e. *On or about January 17, 2008, Piikkila authorized a loan of \$250,000 from the bank to RVDH, Inc., one of Ronald Van Den Heuvel's business entities. Ronald Van Den Heuvel signed the business note for RVDH, Inc. According to the note, the loan was to be repaid at 7.25% interest by January 15, 2009. It was never repaid and, after collection efforts, the bank charged off a loss of \$237,109.*

f. *In March of 2008, Piikkila proposed that the bank loan \$7,100,000 to Source of Solutions, LLC, another of Ronald Van Den Heuvel's business entities. The bank's Business Lenders Committee refused to authorize that loan because their attempts to investigate Ronald Van Den Heuvel's financial record convinced them that Ronald Van Den Heuvel was not a good credit risk.*

g. *Piikkila made attempts to restructure this \$7,100,000 loan but those attempts did not gain the approval of the Business Lenders Committee. Eventually, Piikkila's superiors instructed him not to make any loans to Ronald Van Den Heuvel or his business entities.*

h. *After that, Piikkila made a series of loans from the bank for the benefit of Ronald Van Den Heuvel and his business entities. All of these subsequent loans were \$250,000 or less so were within Piikkila's lending authority and did not have to be approved by higher authorities within the bank. None of them were to Ronald Van Den Heuvel personally and most of them were to individuals who were not actually receiving the loan proceeds and did not regard themselves*

as responsible for repaying the loans (hereinafter referred to as "straw borrowers"). The conspirators knew that these loans were not actually going to the straw borrowers because the funds were being used by Ronald Van Den Heuvel and his business entities.

i. A predominant share of the money from these loans was disbursed for the purposes of Ronald Van Den Heuvel and his business entities even though they were not represented to be the borrowers. The loan proceeds were used for purposes other than those represented on the loan requests submitted to the bank.

j. With one exception, the loans made as part of this scheme were not repaid. The straw borrowers regarded the debts as Ronald Van Hen Heuvel's so felt no duty to repay the bank. Ronald Van Den Heuvel did not repay the bank even though the loan money was used for his benefit and the benefit of his business entities.

k. Collateral pledged as security for these loans actually belonged to Ronald Van Den Heuvel but was not sufficient to allow the bank to recover the principal or interest on these loans.

l. Despite the bank's efforts to collect, the loans granted as part of this scheme resulted in losses for the bank exceeding \$700,000.

Overt Acts

In furtherance of the conspiracy and to effect its objects, the defendants performed the following overt acts.

1. Prior to September 12, 2008, Ronald Van Den Heuvel persuaded his employee, S.P., to act as a straw borrower to obtain loans for Ronald Van Den Heuvel from Horicon Bank.

2. On or about September 12, 2008, Piikkila authorized a loan of \$100,000 to straw borrower S.P. Proceeds from that loan were transferred to two of Ronald Van Den Heuvel's business entities.

3. On or about November 7, 2008, Piikkila authorized two loans of \$250,000 and \$70,000, respectively, to KYHKJG, LLC.

4. Prior to January 2, 2009, Ronald Van Den Heuvel persuaded W.B. to act as a straw borrower to obtain a loan for Ronald Van Den Heuvel from Horicon Bank.

5. On or about January 2, 2009, Piikkila authorized a loan of \$240,000 to straw borrower W.B., a former relative of Ronald Van Den Heuvel by marriage. These funds were used to pay personal expenses of Ronald Van Den Heuvel and to pay off different loans obtained for Ronald Van Den Heuvel at different banks.

6. On or about February 11, 2009, Piikkila authorized a loan of \$30,000 to straw borrower S.P. Those funds were promptly used for the benefit of two of Ronald Van Den Heuvel's business entities.

7. On or about May 15, 2009, Piikkila authorized a loan of \$129,958 to straw borrower S.P. This loan consolidated the debts due on the loans noted in paragraphs 2 and 6 above.

8. Prior to May 15, 2009, Ronald and Kelly Van Den Heuvel persuaded their employee, J.G., to act as a straw borrower to obtain a loan for the Van Den Heuvels from Horicon Bank.

9. On or about May 15, 2009, Piikkila authorized a loan of \$25,000 to straw borrower J.G., an employee of Ronald and Kelly Van Den Heuvel. These funds were promptly paid to RVDH, Inc. and KYHKJG, LLC; paid to S.P. as a payment on the loan noted in paragraph 7 above; or paid to W.B. to be used as payment on the loans noted in paragraph 5 above.

10. On or about September 11, 2009, Piikkila authorized a loan of \$240,000 to Source of Solutions, LLC, one of Ronald Van Den Heuvel's business entities. Signing the

business note for Source of Solutions was D.S., Ronald Van Den Heuvel's administrative assistant. These funds were promptly transferred to Ronald Van Den Heuvel's other business entities, paid out to Ronald Van Den Heuvel's employees, used to pay off Ronald Van Den Heuvel's debts to other companies and other banks, and used to make payments against balances due on the loans noted in paragraphs e., 7, and 9 above.

11. *On or about September 25, 2009, Piikkila authorized a loan of \$10,000 to RVDH, Inc. These funds were promptly transferred to another of Ronald Van Den Heuvel's business entities.*

All in violation of Title 18, United States Code, Section 371.

5. The defendant acknowledges, understands, and agrees that he is, in fact, guilty of the offense described in paragraph 4. The parties acknowledge and understand that if this case were to proceed to trial, the government would be able to prove the following facts beyond a reasonable doubt. The defendant admits that these facts are true and correct and establish his guilt beyond a reasonable doubt:

The evidence to prove the conspiracy comes from several general sources. All involved personnel from the Horicon Bank and all individuals serving as straw borrowers to obtain loans have been interviewed. Records have been obtained from the Horicon Bank and other banks which made loans for the benefit of the defendant, which loans from Horicon were used to repay. Co-defendant Paul Piikkila has made several statements, admitting the factual basis of these charges.

During the period of the scheme, Paul Piikkila was employed as a loan officer for Horicon Bank (hereinafter "the bank") working at the Appleton, Wisconsin branch. He had authority to make loans up to a \$250,000 limit. Any loans he proposed above that limit needed to be approved by the bank's Business Lenders Committee.

During the scheme, the defendant represented himself to be a businessman in the Green Bay area.

In late 2007 or early 2008, the defendant approached Piikkila about issuing loans from the bank to him or his business entities.

On or about January 17, 2008, Piikkila authorized a loan of \$250,000 from the bank to RVDH, Inc., one of the defendant's business entities. The defendant signed the business note for RVDH, Inc.

About two months later, on or about March 20, 2008, at the defendant's urging, Piikkila proposed to the loan committee that the bank loan \$7,100,000 to Source of Solutions, LLC, another of the defendant's business entities. The loan committee would not approve this loan. Piikkila tried to restructure it a couple of times but that did not change the committee's decision. Piikkila's superiors at the bank instructed him that the bank did not wish to make any loans to the defendant or his businesses so Piikkila should not.

Thereafter, in agreement with the defendant's requests, Piikkila authorized a series of loans in the names of other people which were mainly for the defendant's benefit or the benefit of his companies.

The first such loan was on or about September 12, 2008, when Piikkila approved a loan of \$100,000 to S.P. Of that loan amount, \$40,000 was immediately transferred to two other of the defendant's business entities. The remaining \$60,000 was transferred to Nicolet Bank to pay off an earlier loan that S.P. had obtained for the benefit of the defendant. S.P. fully admits that he, the defendant, and Piikkila all had the understanding that none of the money was going to him and that he had no obligation to pay back the loan since they understood that the defendant was responsible for that.

On January 2, 2009, Piikkila approved a loan of \$240,000 to W.B. W.B. is a former business partner of the defendant's and a former brother-in-law. All of the \$240,000 was quickly disbursed. The large majority of it went to pay off earlier loan debts at other banks that the defendant had caused to be incurred, either in the defendant's own name or in W.B.'s name. The money left over after these loan payments was used for personal debts of the defendant or for his businesses.

On or about February 11, 2009, another loan was made to S.P. of \$30,000. All of that money was transferred to business entities belonging to the defendant.

On or about May 15, 2009, a third loan was made to S.P. It was for \$129,958. That consolidated the amounts remaining due on the two loans earlier obtained in the name of S.P.

On the same date, May 15, 2009, Piikkila approved a loan of \$25,000 to J.G. J.G. was a nanny for the Van Den Heuvel's children. The money borrowed in her name was immediately distributed to make a payment on the S.P. loan, make a payment on the W.B. loan, to transfer money to the defendant's company, RVDH, and to transfer money to KYHKJG.

On or about September 11, 2009, Piikkila approved a loan of \$240,000 to Source of Solutions. The loan application was signed off on by D.S. She served for years as an administrative assistant and jack-of-all-trades for the defendant. None of the money went to Source of Solutions. Much of the money was transferred to the defendant's other business entities. Some was used to pay for personal expenses of the Van Den Heuvels. Lump sum payments were made to employees, including \$5,000 to D.S. Payments were made against the

other Horicon loans in an attempt to keep the other loan payments current. Piikkila was repaid for having personally covered a short-fall of the defendant in a different account at Horicon Bank.

The last loan was on or about September 25, 2009 where Piikkila approved a \$10,000 loan to Tissue Technology, another of the defendant's entities. \$1,000 was deposited into the Tissue Technology account and the remaining \$9,000 was taken out in cash.

The defendant had a motive to arrange these loans since they allowed him to obtain large quantities of money which he could use for his own purposes. Each of the loans was purportedly for some general business purpose such as the purchase of equipment or operating capital. However, a large portion of the loan proceeds consistently went to pay off the defendant's old loans, or to pay off his personal expenses.

The reason for obtaining the loans through straw borrowers was that the bank would not loan any money to the defendant or his entities, as Piikkila knew. The fact that the defendant was responsible for these loans, rather than the straw borrowers, is supported by the fact that whatever collateral was offered as security for these loans was collateral owned or controlled by the defendant, not by the straw borrowers. Once the bank started to try to collect on this collateral after there was default on the loans, the bank representatives learned that the collateral was often inadequate as security for the loans. In addition, in certain written and oral communications from the defendant, he acknowledged responsibility for repayment of the loans.

With the exception of the J.G. loan, which was paid off from the proceeds of the Source of Solutions loan, none of these loans were paid off. After attempting to use the collateral to collect the amounts due, the bank wrote off all the loans except the J.G. loan for a total loss of \$316,445.79.

This information is provided for the purpose of setting forth a factual basis for the plea of guilty. It is not a full recitation of the defendant's knowledge of, or participation in this offense.

PENALTIES

6. The parties understand and agree that the offense to which the defendant will enter a plea of guilty carries the following maximum term of imprisonment and fine: Five years and \$250,000. Count One also carries a mandatory special assessment of \$100, and a maximum of three years of supervised release. The parties further recognize that a restitution order may be entered by the court. The parties' acknowledgments, understandings, and agreements with regard to restitution are set forth in paragraph 29 of this agreement.

7. The defendant acknowledges, understands, and agrees that he has discussed the relevant statutes as well as the applicable sentencing guidelines with his attorney.

DISMISSAL OF REMAINING COUNTS OF INDICTMENT

8. The government agrees to move to dismiss the remaining counts of the indictment against the defendant at the time of sentencing.

9. The government agrees to move to dismiss any charges in this case against co-defendant Kelly Van Den Heuvel at the time of sentencing of Ronald Van Den Heuvel.

ELEMENTS

10. The parties understand and agree that in order to sustain the charge of conspiracy as set forth in Count One, the government must prove each of the following propositions beyond a reasonable doubt:

First, the conspiracy as charged in Count One existed;

Second, the defendant knowingly became a member of the conspiracy with an intent to advance the conspiracy; and

Third, at least one of the conspirators committed an overt act in an effort to advance the goals of the conspiracy.

SENTENCING PROVISIONS

11. The parties agree to waive the time limits in Fed. R. Crim. P. 32 relating to the presentence report, including that the presentence report be disclosed not less than 35 days before the sentencing hearing, in favor of a schedule for disclosure, and the filing of any objections, to be established by the court at the change of plea hearing.

12. The parties acknowledge, understand, and agree that any sentence imposed by the court will be pursuant to the Sentencing Reform Act, and that the court will give due regard to the Sentencing Guidelines when sentencing the defendant.

13. The parties acknowledge and agree that they have discussed all of the sentencing guidelines provisions which they believe to be applicable to the offense set forth in paragraph 4. The defendant acknowledges and agrees that his attorney in turn has discussed the applicable sentencing guidelines provisions with him to the defendant's satisfaction.

14. The parties acknowledge and understand that prior to sentencing the United States Probation Office will conduct its own investigation of the defendant's criminal history. The parties further acknowledge and understand that, at the time the defendant enters a guilty plea, the parties may not have full and complete information regarding the defendant's criminal history. The parties acknowledge, understand, and agree that the defendant may not move to withdraw the guilty plea solely as a result of the sentencing court's determination of the defendant's criminal history.

Sentencing Guidelines Calculations

15. The defendant acknowledges and understands that the sentencing guidelines recommendations contained in this agreement do not create any right to be sentenced within any particular sentence range, and that the court may impose a reasonable sentence above or below the guideline range. The parties further understand and agree that if the defendant has provided false, incomplete, or inaccurate information that affects the calculations, the government is not bound to make the recommendations contained in this agreement.

Relevant Conduct

16. The parties acknowledge, understand, and agree that pursuant to Sentencing Guidelines Manual § 1B1.3, the sentencing judge may consider relevant conduct in calculating the sentencing guidelines range, even if the relevant conduct is not the subject of the offense to which the defendant is pleading guilty.

Base Offense Level

17. The parties agree to recommend to the sentencing court that the applicable base offense level for the offense charged in Count One is six under Sentencing Guidelines Manual § 2B1.1.

Specific Offense Characteristics

18. The parties agree to recommend to the sentencing court that a twelve-level increase for amount of loss under Sentencing Guidelines Manual § 2B1.1 is applicable to the offense level for the offense charged in Count One.

Role in the Offense

19. Pursuant to Sentencing Guidelines Manual section 3B1.1(c), the government will recommend to the sentencing court that a two-level increase be given for an aggravating role in the offense, as the defendant was an organizer, leader, manager, or supervisor in this offense. The parties further acknowledge and understand that the defendant will not join in this recommendation.

Acceptance of Responsibility

20. The government agrees to recommend a two-level decrease for acceptance of responsibility as authorized by Sentencing Guidelines Manual § 3E1.1(a), but only if the defendant exhibits conduct consistent with the acceptance of responsibility. In addition, if the court determines at the time of sentencing that the defendant is entitled to the two-level reduction under § 3E1.1(a), the government agrees to make a motion recommending an additional one-level decrease as authorized by Sentencing Guidelines Manual § 3E1.1(b) because the defendant timely notified authorities of his intention to enter a plea of guilty.

Sentencing Recommendations

21. Both parties reserve the right to provide the district court and the probation office with any and all information which might be pertinent to the sentencing process, including but not limited to any and all conduct related to the offense as well as any and all matters which might constitute aggravating or mitigating sentencing factors.

22. Although the parties do not presently believe other enhancements to the Guideline levels exist, both parties reserve the right to make any recommendation any enhancements or other matters not specifically addressed by this agreement.

23. The government agrees to recommend a sentence at the low end of the applicable sentencing guideline range, as determined by the court.

Court's Determinations at Sentencing

24. The parties acknowledge, understand, and agree that neither the sentencing court nor the United States Probation Office is a party to or bound by this agreement. The United States Probation Office will make its own recommendations to the sentencing court. The sentencing court will make its own determinations regarding any and all issues relating to the imposition of sentence and may impose any sentence authorized by law up to the maximum penalties set forth above. The parties further understand that the sentencing court will be guided by the sentencing guidelines but will not be bound by the sentencing guidelines and may impose a reasonable sentence above or below the calculated guideline range.

25. The parties acknowledge, understand, and agree that the defendant may not move to withdraw the guilty plea solely as a result of the sentence imposed by the court.

FINANCIAL MATTERS

26. The defendant acknowledges and understands that any and all financial obligations imposed by the sentencing court are due and payable in full upon entry of the

judgment of conviction. The defendant further understands that any payment schedule imposed by the sentencing court shall be the minimum the defendant is expected to pay and that the government's collection of any and all court imposed financial obligations is not limited to the payment schedule. The defendant agrees not to request any delay or stay in payment of any and all financial obligations. If the defendant is incarcerated, the defendant agrees to participate in the Bureau of Prisons' Inmate Financial Responsibility Program, regardless of whether the court specifically directs participation or imposes a schedule of payments.

27. The defendant agrees to provide to the Financial Litigation Unit (FLU) of the United States Attorney's Office, at least 30 days before sentencing, upon request of the FLU during any period of probation or supervised release imposed by the court, a complete and sworn financial statement on a form provided by FLU and any documentation required by the form. The defendant further agrees, upon request of FLU whether made before or after sentencing, to promptly: cooperate in the identification of assets in which the defendant has an interest, cooperate in the liquidation of any such assets, and participate in an asset deposition.

Special Assessment

28. The defendant agrees to pay the special assessment in the amount of \$100 prior to or at the time of sentencing.

Restitution

29. The defendant agrees to pay restitution in the amount of \$316,445.79 to Horicon Bank. The defendant understands that because restitution for the offense is mandatory, the amount of restitution shall be imposed by the court regardless of the defendant's financial resources. The defendant agrees to cooperate in efforts to collect the restitution obligation. The defendant understands that imposition or payment of restitution will not restrict or preclude the filing of any civil suit or administrative action.

DEFENDANT'S WAIVER OF RIGHTS

30. In entering this agreement, the defendant acknowledges and understands that he surrenders any claims he may have raised in any pretrial motion, as well as certain rights which include the following:

- a. If the defendant persisted in a plea of not guilty to the charges against him, he would be entitled to a speedy and public trial by a court or jury. The defendant has a right to a jury trial. However, in order that the trial be conducted by the judge sitting without a jury, the defendant, the government and the judge all must agree that the trial be conducted by the judge without a jury.
- b. If the trial is a jury trial, the jury would be composed of twelve citizens selected at random. The defendant and his attorney would have a say in who the jurors would be by removing prospective jurors for cause where actual bias or other disqualification is shown, or without cause by exercising peremptory challenges. The jury would have to agree unanimously before it could return a verdict of guilty. The court would instruct the jury that the defendant is presumed innocent until such time, if ever, as the government establishes guilt by competent evidence to the satisfaction of the jury beyond a reasonable doubt.
- c. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all of the evidence, whether or not he was persuaded of defendant's guilt beyond a reasonable doubt.
- d. At such trial, whether by a judge or a jury, the government would be required to present witnesses and other evidence against the defendant. The defendant would be able to confront witnesses upon whose testimony the government is relying to obtain a conviction and he would have the right to cross-examine those witnesses. In turn the defendant could, but is not obligated to, present witnesses and other evidence on his own behalf. The defendant would be entitled to compulsory process to call witnesses.
- e. At such trial, defendant would have a privilege against self-incrimination so that he could decline to testify and no inference of guilt could be drawn from his refusal to testify. If defendant desired to do so, he could testify on his own behalf.

31. The defendant acknowledges and understands that by pleading guilty he is waiving all the rights set forth above. The defendant further acknowledges the fact that his attorney has explained these rights to him and the consequences of his waiver of these rights.

The defendant further acknowledges that as a part of the guilty plea hearing, the court may question the defendant under oath, on the record, and in the presence of counsel about the offense to which the defendant intends to plead guilty. The defendant further understands that the defendant's answers may later be used against the defendant in a prosecution for perjury or false statement.

32. The defendant acknowledges and understands that he will be adjudicated guilty of the offense to which he will plead guilty and thereby may be deprived of certain rights, including but not limited to the right to vote, to hold public office, to serve on a jury, to possess firearms, and to be employed by a federally insured financial institution.

33. The defendant knowingly and voluntarily waives all claims he may have based upon the statute of limitations, the Speedy Trial Act, and the speedy trial provisions of the Sixth Amendment. The defendant agrees that any delay between the filing of this agreement and the entry of the defendant's guilty plea pursuant to this agreement constitutes excludable time under the Speedy Trial Act.

34. The defendant has been charged with other federal offenses in *United States v. Ronald H. Van Den Heuvel*, Case No. 17-CR-160 (E.D. Wis.). Consequently, if the defendant is sentenced in this case to a period of incarceration, the government will not object to the defendant remaining out of custody to face the charges in Case No. 17-CR-160 for a minimum period of six months from the date of sentencing in this case, except that if Case No. 17-CR-160 (E.D. Wis.) resolves, whether by plea, verdict, or dismissal, the parties reserve the right to request that the defendant begin to serve the period of incarceration in this case.

Further Civil or Administrative Action

35. The defendant acknowledges, understands, and agrees that the defendant has discussed with his attorney and understands that nothing contained in this agreement, including

any attachment, is meant to limit the rights and authority of the United States of America or any other state or local government to take further civil, administrative, or regulatory action against the defendant, including but not limited to any listing and debarment proceedings to restrict rights and opportunities of the defendant to contract with or receive assistance, loans, and benefits from United States government agencies.

GENERAL MATTERS

36. The parties acknowledge, understand, and agree that this agreement does not require the government to take, or not to take, any particular position in any post-conviction motion or appeal.

37. The parties acknowledge, understand, and agree that this plea agreement will be filed and become part of the public record in this case.

38. The parties acknowledge, understand, and agree that the United States Attorney's office is free to notify any local, state, or federal agency of the defendant's conviction.

39. The defendant understands that pursuant to the Victim and Witness Protection Act, the Justice for All Act, and regulations promulgated thereto by the Attorney General of the United States, the victim of a crime may make a statement describing the impact of the offense on the victim and further may make a recommendation regarding the sentence to be imposed. The defendant acknowledges and understands that comments and recommendations by a victim may be different from those of the parties to this agreement.

Further Action by Internal Revenue Service

40. Nothing in this agreement shall be construed so as to limit the Internal Revenue Service in discharging its responsibilities in connection with the collection of any additional tax, interest, and penalties due from the defendant as a result of the defendant's conduct giving rise to the charges alleged in the indictment.

EFFECT OF DEFENDANT'S BREACH OF PLEA AGREEMENT

41. The defendant acknowledges and understands if he violates any term of this agreement at any time, engages in any further criminal activity prior to sentencing, or fails to appear for sentencing, this agreement shall become null and void at the discretion of the government. The defendant further acknowledges and understands that the government's agreement to dismiss any charge is conditional upon final resolution of this matter. If this plea agreement is revoked or if the defendant's conviction ultimately is overturned, then the government retains the right to reinstate any and all dismissed charges and to file any and all charges which were not filed because of this agreement. The defendant hereby knowingly and voluntarily waives any defense based on the applicable statute of limitations for any charges filed against the defendant as a result of his breach of this agreement. The defendant understands, however, that the government may elect to proceed with the guilty plea and sentencing.

VOLUNTARINESS OF DEFENDANT'S PLEA

42. The defendant acknowledges, understands, and agrees that he will plead guilty freely and voluntarily because he is in fact guilty. The defendant further acknowledges and agrees that no threats, promises, representations, or other inducements have been made, nor agreements reached, other than those set forth in this agreement, to induce the defendant to plead guilty.

ACKNOWLEDGMENTS

I am the defendant. I am entering into this plea agreement freely and voluntarily. I am not now on or under the influence of any drug, medication, alcohol, or other intoxicant or depressant, whether or not prescribed by a physician, which would impair my ability to understand the terms and conditions of this agreement. My attorney has reviewed every part of this agreement with me and has advised me of the implications of the sentencing guidelines. I have discussed all aspects of this case with my attorney and I am satisfied that my attorney has provided effective assistance of counsel.

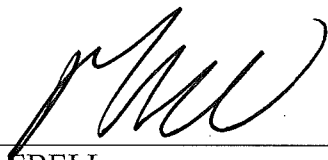
Date: 10-4-2017



RONALD VAN DEN HEUVEL
Defendant

I am the defendant's attorney. I carefully have reviewed every part of this agreement with the defendant. To my knowledge, my client's decision to enter into this agreement is an informed and voluntary one.

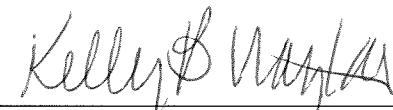
Date: 10/4/17



ROBERT LEBELL
Attorney for Defendant

For the United States of America:

Date: 10/4/17


for _____
GREGORY J. HAANSTAD
United States Attorney

Date: Oct. 4, 2017



MEL S. JOHNSON
Assistant United States Attorney

Date: 10/4/2017



MATTHEW D. KRUEGER
Assistant United States Attorney