

# **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RNS SERVICING, INC., an )  
Illinois Limited )  
Liability Company, )  
Plaintiff, )  
vs. ) No. 1:17-CV-108  
SPIRIT CONSTRUCTION )  
SERVICES, INC., a )  
Delaware Corporation, )  
STEVEN CAN DEN HEUVEL, a )  
citizen of the State of )  
Wisconsin, ST PAPER, LLC, )  
a Delaware Limited )  
Liability Company, and )  
SHARAD TAK, a citizen of )  
the State of Maryland, )  
Defendants. )

The deposition of STEVEN VAN DEN  
HEUVEL, called by the Plaintiff for examination,  
taken pursuant to notice and pursuant to the Federal  
Rules of Civil Procedure for the United States  
District Courts pertaining to the taking of  
depositions, taken before Meagan M. Cahill, Certified  
Shorthand Reporter, at 120 South Riverside Plaza,  
Suite 2200, Chicago, Illinois, commencing at  
8:30 a.m. on the 18th day of December, 2018.

1 at issue in this case?

2 A. Yes.

3 Q. Did you review the complaint at all?

4 A. No.

5 Q. Okay. I want to go just briefly through  
6 your work experience. Where are you currently  
7 employed?

8 A. Spirit Construction Services.

9 Q. Are you employed anywhere else as well,  
10 or is that --

11 A. No. That is the only place.

12 Q. And what is your title there?

13 A. Vice president of finance.

14 Q. How long have you been the vice president  
15 of finance at Spirit Construction Services?

16 A. Two or three years.

17 Q. And before that, were you at Spirit  
18 Construction Services or another company?

19 A. I was at Spirit Construction.

20 Q. What was your title then?

21 A. President.

22 Q. Okay. And how long were you a president  
23 of Spirit Construction Services during that term?

24 A. From 2002 until --

1 VHC?

2 A. I don't know.

3 Q. Is he an officer of the company?

4 A. Yes.

5 Q. Does he have any ownership in the

6 company?

7 A. Yes.

8 Q. Is he related to you?

9 A. No.

10 Q. So he's not a brother-in-law?

11 A. No.

12 Q. How did you get to know James Kellam?

13 A. When he came to work for us. That was  
14 the first...

15 Q. So you didn't know him before he started  
16 to work for you?

17 A. No -- yes. He is married to a person  
18 that I babysat when I was very young. So, yes, I did  
19 know him, but outside of business.

20 Q. Gotcha. Craig Kassner, I think you said  
21 his name earlier. He's a brother-in-law; is that  
22 correct?

23 A. Yes.

24 Q. And he has ownership in Spirit as well?

1 A. Yes.

2 Q. What about the company Vos Electric,  
3 Inc.?

4 A. It's a company owned by VHC.

5 Q. A company owned by VHC. Okay. A hundred  
6 percent?

7 A. Yes.

8 Q. And VHC is the holding company we've been  
9 talking about. What about Oconto Falls Tissue Plant,  
10 Inc.? Are you familiar with that company?

11 A. No.

12 Q. Okay.

13 A. No.

14 Q. Is Oconto Falls Tissue Plant, Inc., is  
15 that a company that Spirit Construction performed  
16 upgrades for, or are we talking --

17 A. Yes. We have performed work there.

18 Q. You performed work at the plant. But do  
19 you know if you performed work for that specific  
20 company?

21 A. I -- I don't -- don't know.

22 Q. Okay. How about Eco-Fibre, Inc., and  
23 what's formally known as Re-Box Paper, Inc.? Are you  
24 familiar --

1 Q. Was it an EPC contract?

2 A. No.

3 Q. What kind of contract was it?

4 A. It was a lump sum.

5 Q. Was the trial also a lump sum contract,  
6 or was that a time and materials contract?

7 A. That was a lump sum also.

8 Q. And for the arbitration, who sued who in  
9 that case?

10 A. We sued.

11 Q. Who did you sue?

12 A. American Cement.

13 Q. And where is American Cement located?

14 A. Florida.

15 Q. Was that with the American Arbitration  
16 Association, do you know?

17 A. Yes.

18 Q. And then you said you've been deposed  
19 three or four times. So we've got three. This is  
20 the fourth. Are there any others, or is that it?

21 A. I may have been deposed twice in the  
22 Jedson.

23 Q. In Jedson. Okay.

24 So deposed twice and testified,

1 correct?

2 A. Correct.

3 Q. Did you testify at the arbitration  
4 proceedings with the cement plant?

5 A. Yes.

6 Q. I'm going to switch gears a little bit  
7 again. I have here a copy of the answer that you and  
8 Spirit Construction filed in this case.

9 MR. LANGS: We'll mark this one as Exhibit 1.

10 (Van Den Heuvel Deposition  
11 Exhibit No. 1 marked as  
12 requested.)

13 BY MR. LANGS:

14 Q. If you can just page through that answer  
15 and --

16 MR. ROMASHKO: I'm sorry, Brian. Do you have  
17 a copy of that?

18 MR. LANGS: You know, I only have three  
19 copies.

20 BY MR. LANGS:

21 Q. I'll represent to you that this is the  
22 answer that you, Steve Van Den Heuvel, and Spirit  
23 Construction filed in this case. Have you ever seen  
24 the answer before it was filed?

1           A.     Yes.

2           Q.     And you reviewed answers and spoke to  
3 your attorney about them?

4           A.     Yes.

5           Q.     Does the answer I just put in front of  
6 you look like the answer that you reviewed when this  
7 was filed back in October of 2017, to the best of  
8 your knowledge?

9           A.     Yes.

10          Q.     Okay. I want to go through just a couple  
11 of your answers with you and just ask you some  
12 follow-up questions.

13          A.     Okay.

14          Q.     If you could turn to Page 6, please. And  
15 I'm looking at Paragraph 19. And the second sentence  
16 or third sentence of Paragraph 19 says, "During the  
17 relevant time period, Ron" -- and that's your  
18 brother, Ron Van Den Heuvel -- "owned and/or operated  
19 TPTC, PCDI, Eco-Fibre, and Oconto Falls."

20                   And one of your answers was that the  
21 Spirit defendants lacked knowledge and information  
22 sufficient to admit or deny the remaining  
23 allegations.

24                   Do you know whether or not Ron

1 was involved with Ron's ownership interest in VHC  
2 being frozen?

3 A. I don't know if that particular one was  
4 or not.

5 Q. Okay. Give me a minute here. I'm just  
6 trying to shortcut a couple of these questions for  
7 everybody's sake.

8 Could you take a look at  
9 Paragraph 61? And Paragraph 61 includes five  
10 subparagraphs, A through E. It's on Page 17 of the  
11 answer. I'm not going to read it out loud for the  
12 record, but could you just read that paragraph and  
13 those subparagraphs and let me know when you're  
14 finished?

15 A. Okay.

16 Q. And actually, could you take a look at  
17 the previous paragraph too? And you don't need to  
18 read the whole thing. But it just references that  
19 the meeting that Paragraph 61 is talking about, at  
20 least what the plaintiff is alleging in this case,  
21 occurred in March or April of 2007. Do you see that?

22 MR. ROMASHKO: Objection, form.

23 BY MR. LANGS:

24 Q. Okay. And your answer to Paragraph 61