

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

**FORTUNE AVENUE, LLC.,**

Plaintiff(s),

v.

**COURT TRIAL**

Case No. 18-C-1362

**HOWARD BEDFORD,**

Defendant(s).

HONORABLE WILLIAM C. GRIESBACH presiding  
Proceeding Held: September 12, 2019  
Deputy Clerk: Mara

Time Called: 09:01 a.m.  
Time Concluded: 12:04 p.m.  
Tape: 091219

**Appearances:**

**Plaintiff(s):** Robert J. Janssen  
Ryan M. Froelich  
David Van Den Heuvel on behalf of Fortune Avenue, LLC.

**Defendant(s):** Jonathan T. Smies  
Howard Bedford

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9:02 a.m. Mr. Janssen states the parties have stipulated to all exhibits except for plaintiff's Ex. #10 and that the parties have also reached a stipulated amount if the plaintiff prevails.  
The Court receives Exhibit #'s 1-9, 11-12. Parties stipulate to defendant's exhibits.

9:05 a.m. Plaintiff calls witness **David Van Den Heuvel**, Fortune Avenue, LLC. Witness sworn.  
Direct examination by Robert Janssen. Parties address Ex. #'s 1-6, 7, 11-12.

9:24 a.m. Cross examination by Jonathan Smies. Parties address Ex. #'s 1002, 1004-1006, 1009.

9:57 a.m. Re-direct examination by Robert Janssen.

9:59 a.m. Witness excused.

10:00 a.m. Plaintiff calls witness **James Kellam**, bookkeeper for VHC. Witness sworn.  
Direct examination by Robert Janssen. Parties address Ex. #'s 7-8

10:13 a.m. Cross examination by Jonathan Smies. Parties address Ex. #'s 3, 1011.

10:24 a.m. The Court questions Mr. Kellam.

10:26 a.m. Follow up question by Robert Janssen.

10:27 a.m. **Court Recess.**

10:43 a.m. **Court Resumes.**

10:44 a.m. Defendant calls witness, **Howard Bedford**. Witness sworn.  
Direct examination by Jonathan Smies. Parties address Ex. #'s 1005, 1007, 1010, 1011, 6, 11.

11:16 a.m. Cross examination by Robert Janssen. Parties address Ex. #'s 6, 10.

11:47 a.m. Re-direct examination by Jonathan Smies.

11:48 a.m. The Court questions Mr. Bedford. Parties discuss Ex. #'s 2, 1005, 1010.

11:54 a.m. Witness excused.  
Mr. Smies addresses admissibility of plaintiff's Ex. #10. The Court finds the exhibit is admissible.  
The Court receives Ex. #10. The Court also receives defendant's Exhibit #'s 1002, 1004-1011.  
Parties do not believe closing arguments are necessary.

11:56 a.m. **Court Recess.**

11:59 a.m.

**Court Resumes.**

12:00 p.m.

The Court is satisfied there was not a forgiveness of the note.

There was no oral or written discharge of the defendant's obligation to pay the debt.

The Court does not find any evidence to support equitable estoppel.

Parties have stipulated to the judgment amount of defendant Howard Bedford of \$551,946.44.

**Judgment will be entered in favor of plaintiff against defendant in the amount of \$551,946.44.**

12:04 p.m.

Adjourned.