

EXHIBIT F

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN - NORTHERN DIVISION
3

4 PRIME ALLIANCE BANK, INC., a
5 Utah banking corporation; and
6 SERTANT CAPITAL, LLC, a Delaware
7 limited liability company,
8 Plaintiffs,

9 v.

Case No. 1:23-cv-

10 THE GREAT LAKES TISSUE COMPANY, 10564-LJM-PTM
11 a Michigan corporation,
12 Defendant.
13

14 VIDEOCONFERENCE DEPOSITION OF KEN SCHLEBEN
15 AS 30(b)(6) REPRESENTATIVE FOR
16 THE GREAT LAKES TISSUE COMPANY

17 DATE: Thursday, May 25, 2023

18 TIME: 10:03 a.m.

19 LOCATION: Remote Proceeding

20 Mount Clemens, MI 48043

21 REPORTED BY: Alexandra Hobrecht, Notary Public

22 JOB NO.: 5936688
23
24
25

A P P E A R A N C E S

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SERTANT CAPITAL, LLC:

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By Mr. McWhorter

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P R O C E E D I N G S

THE REPORTER: Good morning. My name is Alexandra Hobrecht; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 10:03 a.m.

This is the deposition of Ken Schleben taken in the matter of Prime Alliance Bank, Inc., et al. vs The Great Lakes Tissue Company on Thursday, May 25, 2023, remote via Zoom.

I am a notary authorized to take acknowledgments and administer oaths in Michigan. Parties agree I will swear in the witness remotely.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and
- shall constitute written stipulation of such.

At this time will everyone in

1 attendance please identify yourself for the record.

2 MR. SCHLEBEN: My name is Ken Schleben.

3 MR. MCWHORTER: For the record, Robert
4 McWhorter, appearing on behalf of the plaintiffs.

5 MR. JANCZEWSKI: Thomas Janczewski,
6 attorney appearing on behalf of Defendant Great Lakes
7 Tissue Company.

8 THE REPORTER: Thank you. Hearing no
9 objection, I will now swear in the witness.

10 If you could just raise your right hand
11 for me, sir. Thank you.

12 WHEREUPON,

13 KEN SCHLEBEN,
14 called as a witness, and having been first duly sworn
15 to tell the truth, the whole truth, and nothing but
16 the truth, was examined and testified as follows:

17 THE REPORTER: Excellent. We may now
18 begin.

19 MR. MCWHORTER: Tom, before we start I
20 want to just place some of the stipulations -- I think
21 the court reporter may have just covered them just
22 now, but I want to just place some logistical
23 stipulations on the record.

24 Given the fact that we're taking
25 this -- it is stipulated by the parties this

1 deposition can be remote; correct?

2 MR. JANCZEWSKI: Correct.

3 MR. MCWHORTER: And that the location,
4 for purposes of the location of this examination, is
5 Michigan, even though we're remote. Because I believe
6 you're in Wisconsin, I'm in California, and
7 Mr. Schleben is in Michigan; is that correct?

8 MR. JANCZEWSKI: Yes, right. That's
9 correct.

10 MR. MCWHORTER: Okay. That's all I
11 wanted, that's fine.

12 EXAMINATION

13 BY MR. MCWHORTER:

14 Q Mr. Schleben, can you please state your full
15 name for the record?

16 A Kenneth Earl Schleben.

17 Q Okay. Mr. Schleben, have you ever been
18 deposed before?

19 A No, I have not.

20 Q Okay. So I'm going to go over the ground
21 rules. So the court reporter just gave you an oath.
22 So even though this deposition is being taken in a
23 relatively informal setting, you're under oath, you're
24 sworn to tell the truth, and the effect of that oath
25 is the same as if you were testifying in court. Do

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1 you understand that?

2 A Yes, I do.

3 Q Okay. And you have to give audible answers.
4 Even though the court reporter may be recording this
5 deposition, you have to give audible answers so that
6 the court reporter can take that down. Do you
7 understand that?

8 A Yes, I do.

9 Q Okay. And also, because the court reporter
10 can't type over people, let me finish my questions
11 before you answer; fair enough?

12 A Yes, sir.

13 Q Okay. If there's any question that's
14 unclear, or you don't understand to what that question
15 is, let me know, and I will try to rephrase it; fair
16 enough?

17 A Yes, sir.

18 Q Okay. And if you provide an answer, I'm
19 going to assume that you understood the question.

20 A Yes, sir.

21 Q And if you need a break at any time, let me
22 know. We're happy to take any break.

23 In terms of the deposition transcript,
24 you'll be given an opportunity to review that
25 transcript. And if you make changes to that

1 transcript, we have the right to comment on the
2 credibility of those changes. Do you understand that?

3 A Yes, I do.

4 Q Okay. I'm entitled to your best estimate as
5 to the information. Do you understand the difference
6 between an estimate and a guess?

7 A Yes.

8 Q Okay. Just so you understand, make sure
9 it's clear, you know, if I asked you to estimate the
10 length of the table in your dining room, you could do
11 that because you've seen it. But you couldn't
12 estimate the table in my dining room because you have
13 never been there, and that would be a guess.
14 Understand the difference?

15 A Yes -- yes.

16 Q Okay. Have you taken any medication or is
17 there any reason that would affect your ability to
18 testify truthfully today?

19 A No.

20 Q Okay. And so is there any reason why you
21 can't testify competently today?

22 A No.

23 Q Okay. Great. Mr. Schleben, you reside at
24 6905 US Highway 23, Cheboygan, Michigan; correct?

25 A Yes.

1 Q Okay. What's your educational background
2 briefly?

3 A Twelve years high school, one year college.

4 Q And where did you attend the one year?

5 A Petoskey College.

6 Q What did you study?

7 A Computer.

8 Q Who is your current employer?

9 A Tissue Depot.

10 Q Is that Tissue Depot, Inc.?

11 A Yes.

12 Q Are you currently employed with any other
13 entity?

14 A No.

15 Q How long have you been employed with Tissue
16 Depot, Inc.?

17 A Since first of the year.

18 Q So since January 1, 2023?

19 A Correct.

20 Q Okay. What is your current position with
21 Tissue Depot, Inc.?

22 A President.

23 Q And how long have you been president of
24 Tissue Depot, Inc.

25 A Eight days.

1 Q You became president May 15, 2023?

2 A Yes.

3 Q Prior to May 15, 2023, what position did you
4 hold at Tissue Depot, Inc.?

5 A Team leader for two years, manager for 18
6 years.

7 Q So when you say you were a team leader for
8 two years and a manager for 18 years, so that's a
9 total of twenty years; right?

10 A Yes.

11 Q Okay. So you indicate 20 years, yet you
12 started with Tissue Depot, Inc. as of January 1, 2023.
13 Is that because prior to January 1, 2023, you were
14 employed by The Great Lakes Tissue Company, Inc.;
15 correct?

16 A Correct.

17 Q And just for the ease of sake of not having
18 to say that whole entire lengthy name, I'm just going
19 to call it Great Lakes; is that fair enough?

20 A Correct. Yeah, that's good. That's okay.

21 Q That's a long name. So --

22 MR. JANCZEWSKI: Can I make a point to
23 keep the record clear? Because there are two entities
24 named Great Lakes, can you be clear whether you're
25 talking about the company or the group? There is also

1 an entity called The Great Lakes Tissue Group, so --

2 MR. MCWHORTER: So if I refer to Great
3 Lakes Tissue Group, LLC, I will specifically identify
4 that as opposed -- everything else Great Lakes will be
5 the defendant in this case; is that clear enough?

6 MR. JANCZEWSKI: Okay, perfect.

7 Perfect, yes.

8 BY MR. MCWHORTER:

9 Q Is that fair enough, sir?

10 A Yes.

11 Q Okay. So just so I understand, from May 15,
12 2023 -- sorry. From January 1, 2023, to May 15, 2023,
13 you were a team leader at the Tissue Depot, Inc.;
14 correct?

15 A Yes.

16 Q And then prior to that you were a team
17 leader for Great Lakes?

18 A Correct.

19 Q Okay. What were your duties and
20 responsibilities as team leader?

21 A My duties consisted of employee management,
22 time, safety duties. Also monitoring the entire
23 facility for fire safety.

24 Q Anything else?

25 A No, that's -- that's -- I -- I was the one

1 leading the individuals on my crew.

2 Q So is it fair to say that basically you
3 would oversee operations of the mill; is that fair?

4 A Yes, plant wide.

5 Q And did part of that supervision or
6 oversight involve the equipment located at the mill?

7 A Only as far as runnability and the safe
8 running of equipment that we were currently using.

9 Q What do you mean by runnability?

10 A Make sure it had truck check list done,
11 check the fluids, make sure it was safe to run for the
12 employee to use.

13 Q So runnability means checking the fluids and
14 making sure that it has the proper oil, or whatever
15 other --

16 A Correct.

17 Q Got it. Just so we're clear, where is the
18 mill located?

19 A Cheboygan, Michigan, 49721.

20 Q It's located at 437 South Main; correct?
21 Cheboygan, Michigan?

22 A Correct.

23 Q Okay. With respect to Great Lakes -- I'm
24 talking about Great Lakes -- did Great Lakes, at least
25 prior to January 1, 2023, only operate at one

1 location?

2 A As far as I know, yes.

3 Q Okay. And is that true today that the
4 Tissue Depot only operates at one location?

5 A I don't know all the facts about Tissue
6 Depot. I -- I can't answer that without -- I'm -- I'm
7 confused about the question.

8 Q Okay. So Great Lakes' principal place of
9 business is the 437 South Main, Cheboygan, Michigan,
10 address; correct?

11 A Yes.

12 Q Okay. What is the principal place of
13 business of Tissue Depot, Inc.?

14 A 437 South Main Street.

15 Q Okay. In Michigan, does Tissue Depot, Inc.
16 operate anywhere else, to your knowledge?

17 A No. No, not to my knowledge.

18 Q Okay. Tissue Depot, Inc. also has
19 facilities in Wisconsin; correct?

20 A So I'm told. I don't know that factually.

21 Q Okay. You've never been there?

22 A I've never been there.

23 Q Okay. Are you familiar with the address 502
24 South Main?

25 A Yes, I am.

1 Q What is that?

2 A That is our -- what we call west warehouse.

3 Q Is that connected to 437 South Main?

4 A No, it's a separate building.

5 Q Got it. Who occupies 502 South Main?

6 A I'm told it's a -- a new biofuel company.

7 Q Do you know what the name of the biofuel
8 company is?

9 A No, I don't. Not offhand. Not without
10 guessing.

11 Q Is it Patriot Advanced Environmental
12 Technologies, LLC?

13 A Yes.

14 Q Is someone sitting next to you that's
15 talking to you?

16 A Yes, Sherry. You want her out of the room?

17 Q Well, I'd prefer to have her not answer the
18 questions.

19 MR. JANCZEWSKI: Yeah, Ken, you should
20 have Sherry leave.

21 THE WITNESS: She's leaving.

22 MR. JANCZEWSKI: And if you -- if we
23 need Sherry to answer certain questions, then we can
24 get her sworn in and she can give testimony.

25 THE WITNESS: Got it. I didn't -- I

1 apologize. I'm sorry.

2 MR. MCWHORTER: Okay.

3 BY MR. MCWHORTER:

4 Q So 502 South Main is currently occupied by
5 Patriot Advanced Environmental Technologies, LLC;
6 correct?

7 A The -- all the names -- I -- I don't have
8 the answer for that because they're not even in the
9 set up stage yet. It's -- they bought the building,
10 there's plans to move forward with the business in
11 there, but they not -- they are not currently in there
12 that I know of.

13 Q Prior to January 1, 2023, did Great Lakes
14 occupy 502 South Main?

15 A Yes.

16 Q And what did Great Lakes use that facility
17 for?

18 A To put excess polly in that building.

19 Q I'm sorry, excess polly?

20 A Yes, it's a plastic waste that we get out of
21 our paper making process.

22 Q So does Great Lakes still -- I'm sorry, did
23 you say to store the polly -- the excess polly?

24 A Yes.

25 Q You store it?

1 A Yes. They were moving it from 437 South
2 Main Street to 502 because they had floor space over
3 there, to clean up this side of the building so they
4 could make it cleaner for the employees on this side.

5 Q Got it. So was the cleaning up, was that
6 occurring prior to January 1, 2023?

7 A Yes, it was.

8 Q Okay. How long had that been occurring?

9 A The exact days, I don't know.

10 Q Okay. Was it more than a year?

11 A Months -- months.

12 Q Months?

13 A It was -- I'm going to say four months.

14 Q Okay. And so since January 1, 2023, is that
15 process going forward? Are you continuing to store
16 excess polly -- let me strike that.

17 Since January 1, 2023, is Tissue Depot, Inc.
18 now storing the excess polly at the 502 South
19 warehouse?

20 A There's no -- no, we're -- we're not even
21 running, so we're not making polly at this point in
22 time.

23 Q Got it. Do you know when the biofuel
24 company bought the building at 502 South Main Street?

25 A No, that was before my time sitting here. I

1 don't have that date.

2 Q What do you mean before your time? You've
3 been with the company for 20 years plus.

4 A Right. Some information was not given to
5 just everybody.

6 Q Got it. So you don't have any knowledge or
7 information relating to the purchase of 502 South Main
8 Street?

9 A Yes, that's what I'm saying. I -- I don't
10 know them dates.

11 Q Okay. But prior to January 1, 2023, Great
12 Lakes used 502 South Main Street in its operations?

13 A Yes.

14 Q Okay. And after January 1, 2023, Great
15 Lakes no longer used 502 South Main Street; is that
16 fair?

17 A Yes.

18 Q Okay. So why did you become president on
19 May 15, 2023?

20 A The executive vice president, Brent
21 Herriman, had another job offer and resigned from the
22 position. With a background of management, they asked
23 me if I would step up and help the company. And I
24 said yes. And I'm doing -- oops, sorry.

25 Q No, go ahead. I'm sorry, I didn't

1 mean -- go ahead, sir.

2 A The main reason why I stepped up and took
3 this position is for the 38 employees and families
4 that are currently here needing a job, and the other
5 60 plus employees that are laid off, and their
6 families, hoping to get them all back to work so we
7 can continue to thrive in Cheboygan.

8 Q Was Mr. Herriman the president of Tissue
9 Depot, Inc. prior to May 15, 2023?

10 A No.

11 Q He was the vice president?

12 A What date are you asking about?

13 Q Well, prior to you becoming president, who
14 was the president of Tissue Depot, Inc.?

15 A That I don't know. Brent Herriman was the
16 executive vice president.

17 Q Was Jeff Prange the president of Tissue
18 Depot, Inc. prior to May 15th?

19 A I do not know that answer.

20 Q Who are the other officers of Tissue Depot,
21 Inc.?

22 A I only know of one that is currently here,
23 and that would be Mike Ball.

24 Q And what's Mike Ball's title?

25 A Part owner, officer. I -- like I said,

1 I -- I don't know that -- that list of names.

2 Q Okay.

3 MR. JANCZEWSKI: Can I -- I'm going to
4 object in the sense this is a 30(b)(6), and this
5 witness was specifically put forth to talk about the
6 equipment. And he's being asked a lot of questions
7 about ownership interests, and who owns what, and
8 positions.

9 It's really, you know, it's outside of
10 the scope of what he's here to present. You can ask
11 them but, you know, I don't think it's going to be
12 fruitful information, you know, or binding on Great
13 Lakes Tissue Company.

14 MR. MCWHORTER: Well, I'm just trying
15 to figure out why I have the president of Tissue
16 Depot, Inc. when we're talking about Great Lakes. So
17 I think I have a right to go into this to explore who
18 was designated, and what the background is.

19 MR. JANCZEWSKI: Well, the reason
20 you're talking to Ken first is because you wanted to
21 talk about the equipment. If you want to talk about,
22 you know, some of the other questions you're asking,
23 those would be more appropriate for Don when the time
24 comes.

25 But, you know, I'll let you continue.

1 But I just, you know, maybe it would -- you know,
2 understand that Ken is probably not the correct
3 witness for the questions that you're asking.

4 MR. MCWHORTER: Okay.

5 BY MR. MCWHORTER:

6 Q So Mike Ball is an officer of Tissue Depot,
7 Inc.; correct?

8 A Again, I don't know all that information.
9 His exact title I don't know. I just know that he's
10 here.

11 Q What does Mike Ball do?

12 A He helps us to achieve startup of the tissue
13 machine.

14 Q How long has Mike Ball been employed by
15 Tissue Depot, Inc., if you know?

16 A Oh, I don't know that answer.

17 Q Was Mike Ball employed with Great Lakes
18 prior to January 1, 2023?

19 A No, I -- no.

20 Q You testified that the reason you became
21 president is for the 38 employees and the 60 laid off
22 employees; correct?

23 A Yes.

24 Q Okay. Is that how many employees are
25 currently employed at the mill?

1 A No, 38 is -- that's the number we have right
2 now.

3 Q Thirty-eight employees at 437 South Main;
4 correct?

5 A Yes.

6 Q Okay. And of those 38 employees, were those
7 38 employees employed with Great Lakes prior to
8 January 1, 2023?

9 A Yes.

10 Q And are those same 38 employees now employed
11 with Tissue Depot, Inc.?

12 A Yes.

13 Q And you said that there were 60 laid off
14 employees. What did you mean by that?

15 A Great -- Great Lakes Tissue Group laid off
16 individuals when they shut the paper machine down and
17 took the roof off the north end.

18 Q That was in December of 2022; correct?

19 A Yes.

20 Q So since at least December 2022, Great Lakes
21 laid off 60 employees?

22 A Give or take. I don't know the exact
23 number. Don't quote me just on 60. It could be 58,
24 it could have been 62. I don't have that exact
25 number.

1 Q Understand. But you're confident there are
2 currently 38?

3 A Yes.

4 Q Have there been any layoffs since January 1,
5 2023, of employees?

6 A No.

7 Q Okay. Who is the president of Great Lakes
8 currently?

9 A I don't have that answer -- I don't have
10 that answer.

11 Q Are you a director of Tissue Depot, Inc.?

12 A No.

13 Q Are you a shareholder --

14 MR. JANCZEWSKI: Hold on. What do you
15 mean by director? Director of what?

16 MR. MCWHORTER: There's a board of
17 directors for a corporation. You can -- shareholders
18 elect directors, directors run the company, directors
19 appoint the officers.

20 THE WITNESS: No.

21 MR. MCWHORTER: That's how corporations
22 work.

23 BY MR. MCWHORTER:

24 Q So are you a director?

25 A No.

1 Q Okay. Are you a shareholder of Tissue
2 Depot, Inc.?

3 A They had given me shares just last week.

4 Q So you have shares in Tissue Depot, Inc.?

5 A Yes, that's what they tell me.

6 Q Do you know how many shares you have?

7 A No, I haven't even seen that document. I
8 don't -- to say I have shares, I've signed nothing,
9 I've seen nothing. This is all verbal.

10 Q And Tissue Depot, Inc. is a Wisconsin
11 corporation; correct?

12 A Yes, that's what I'm told.

13 MR. JANCZEWSKI: Again, I'm going to
14 object that it's way outside the scope of this
15 witness' information, and it's not why he's put forth.
16 BY MR. MCWHORTER:

17 Q Mr. Schleben, do you know why is it that as
18 of January 1st you're now employed with Tissue Depot,
19 Inc., whereas prior to that time you were employed by
20 Great Lakes?

21 MR. JANCZEWSKI: Object. This witness
22 is presented to answer questions about the equipment.
23 BY MR. MCWHORTER:

24 Q Mr. Schleben?

25 A Yes, sir?

1 Q Can you answer that question?

2 MR. JANCZEWSKI: You can answer it,
3 Ken.

4 THE WITNESS: Repeat it, please.

5 BY MR. MCWHORTER:

6 Q Why is it that as of January 1, 2023, you
7 were employed by Tissue Depot, Inc., but prior to that
8 time you were employed by Great Lakes?

9 A They sold the company. It changed hands,
10 ownership.

11 Q Were you involved at all in the change of
12 ownership between Great Lakes and the Tissue Depot,
13 Inc.?

14 A No, I was not.

15 Q Okay. Just so I'm clear, I think I asked
16 this. Prior to January 1, 2023, did Great Lakes have
17 any other manufacturing plant other than the 437 South
18 Main?

19 A I don't -- I don't know that. I don't know
20 that.

21 Q Okay. You indicated that in December 2022,
22 they had to take the roof off.

23 A Yes.

24 Q Okay. Why did they have to take the roof
25 off?

1 A They took it off because it was an employee
2 hazard to go underneath it. And they took it off
3 because they have plans on putting a new roof on it,
4 the new building there.

5 Q A new building or a new roof?

6 A A -- it'll be a new building: walls, sides,
7 roof.

8 Q And who's the "they"?

9 A That I don't know -- Tissue Depot, I
10 believe. I'm speculating, I don't know that answer a
11 hundred percent confidently.

12 Q Okay. How many employees currently does
13 Great Lakes have?

14 A I do not know. Zero that I'm aware of,
15 'cause we're Tissue Depo now.

16 Q Okay. And how many employees did Great
17 Lakes have as of December 31, 2022?

18 A Thirty-eight, the others got laid off.

19 Q And how many employees did Great Lakes have
20 as of September 1, 2022?

21 A The 38 plus the laid off individuals.

22 Q Got it. Sherry Caldwell was here a few
23 minutes ago and we asked her to leave. What is her
24 title?

25 A I -- I don't know what title she was given,

1 but she's up front as -- I'm not sure her title.

2 Q Is she a sales and customer service person?

3 A Yes, that's part of her responsibility.

4 Q Okay. And she was a sales and customer
5 service person for Great Lakes?

6 A Yes.

7 Q How long was Sherry Caldwell employed with
8 Great Lakes approximately?

9 A Approximately --

10 MR. JANCZEWSKI: Again, I'm going to
11 object that this has nothing to do with equipment.
12 That's why this witness is testifying, that's why we
13 put him up first. If you want to ask these questions,
14 you should have asked Don to go first.

15 But you may answer, Ken, if you can.

16 THE WITNESS: All right. The whole
17 time Great Lakes was the owner, she was here.

18 BY MR. MCWHORTER:

19 Q And she's now employed with Tissue Depot;
20 correct?

21 A Correct.

22 Q Okay. If you can -- do you have the
23 exhibits that were sent?

24 A No, I don't. What do you mean exhibits?

25 MR. MCWHORTER: Tom, did you provide

1 the exhibits that I emailed last night? You're on
2 mute.

3 MR. JANCZEWSKI: I did not send him the
4 exhibits yet. I assumed you would bring them up on
5 your screen.

6 MR. MCWHORTER: Okay.

7 BY MR. MCWHORTER:

8 Q Mr. Schleben, I'm going to show you what's
9 marked as Exhibit 1.

10 (Exhibit 1 was marked for
11 identification.)

12 It's a Notice of Deposition of The Great
13 Lakes Tissue Company per Rule 30(b)(6) of the Federal
14 Civil Procedure. Have you seen this document before?

15 A Yes, I -- yes. That's one I was working on.

16 Q Okay. When were you given Exhibit 1?

17 A Monday.

18 Q So May 22, 2023; correct?

19 A Correct.

20 Q Okay. And so do you recall whether you were
21 given it in the morning or the evening?

22 A In the morning.

23 Q Morning, okay. And so you were designated
24 for topics 1 through 11 of Exhibit 1; correct?

25 A Yes.

1 Q Okay. And given that you are the president
2 of Tissue Depot, Inc. as opposed to a representative
3 of Great Lakes, why are you the appropriate person to
4 speak on behalf of Great Lakes regarding topics 1
5 through 11?

6 A I believe Tom would have to answer that
7 question.

8 Q You don't know?

9 A No, they -- they asked me to do it.

10 Q Who's "they"?

11 A Tom.

12 MR. JANCZEWSKI: I'm going to object.
13 He is presented because, you know, we needed to
14 educate someone who could get up to speed on the
15 equipment, and, as you can tell, we're operating on a
16 shoestring here. But the witness himself would not
17 know necessarily why he is the most appropriate
18 witness to testify about these topics.

19 BY MR. MCWHORTER:

20 Q Okay. What did you to do prepare for
21 today's deposition to testify regarding topics 1
22 through 11?

23 A I interviewed three individuals that I knew
24 would have helped, or knew, or had information about
25 these 21 pieces of equipment that are in question.

1 And I also got ahold of the company where the
2 equipment was disposed of and asked for documents
3 proving that that equipment did, and when it arrived
4 there.

5 Q Got it. Who were the three individuals that
6 you spoke with or interviewed?

7 A They were my mechanics. One was Darrin
8 Edler.

9 Q Spell it?

10 A D-A-R-R-I-N E-D-L-E-R.

11 Q Okay. What's the next person's name?

12 A Bill, B-I-L-L, Sidlinker, S-I-D-L-I-N-K-E-R.

13 Q And the third person?

14 A I only know his first name, Nate. He's our
15 truck mechanic.

16 Q Okay. What is Darrin Edler's position?

17 A He is supervising the maintenance
18 department.

19 Q Does he have any other title to your
20 knowledge?

21 A No.

22 Q How long has Mr. Edler been employed with
23 Great Lakes?

24 A The whole time they owned it.

25 Q And he's now a Tissue Depot employee?

1 A Correct.

2 Q Bill Sidlinker, I'm not sure if I pronounced
3 that correctly. What is his title?

4 A Maintenance.

5 Q And you have Nate, the truck mechanic.
6 Okay. So let me ask you a question. Did you make a
7 determination -- on the equipment that's identified in
8 topic 1, the 21 pieces of equipment, did you confirm
9 whether or not that equipment is located at 437 South
10 Main?

11 A Yes.

12 Q And what did you determine?

13 A None of that equipment is here in this -- at
14 437 South Main.

15 Q So it's fair to say that -- just for the
16 sake of ease, I'm going to call that the missing
17 equipment, because I need to call it something; is
18 that fair?

19 A Yes.

20 Q Okay. Is it fair to say that neither Tissue
21 Depot, Inc. nor Great Lakes are in possession,
22 custody, or control of any of the missing equipment;
23 correct?

24 A Correct.

25 Q Okay. And so did you come to a

1 determination as to what happened to the missing
2 equipment?

3 A Yes.

4 Q Okay. And what conclusion did you reach?

5 A The equipment was inoperable, unsafe to use,
6 and scrapped.

7 Q And is that for all of the 21 pieces of
8 equipment?

9 A Yes.

10 Q Okay. So if I went through each and every
11 list, your answer would be the same to each of the 21
12 pieces of equipment?

13 A Yes.

14 Q Okay. And how did you learn that the
15 equipment was inoperable or scrapped?

16 A Well, inoperable would have been the truck
17 mechanic, Nate, confirmed it. Scrapped was the
18 receipts received from Kling's, which also had dates
19 on them.

20 Q Okay. So let's do it this way, let's -- you
21 said you spoke to Mr. Edler; correct?

22 A Yes.

23 Q Okay. How many times did you speak with
24 him?

25 A One time.

1 Q Okay. How long was your conversation with
2 him?

3 A Twenty minutes.

4 Q Okay. Was it in person?

5 A Yes.

6 Q Was anyone else present?

7 A No.

8 Q What did Mr. Edler say to you?

9 A I -- all I -- I asked him specific questions
10 and he gave me specific answers.

11 Q Well, do you recall what he said to you?

12 A Yes.

13 Q What did he say to you?

14 A I went down through the list one by one and
15 asked him if the equipment was operable, fixable. And
16 he went down through the list. And then I asked him
17 if he knew where that equipment went, and he gave me
18 an answer.

19 I asked him was it Tissue Depot or Great
20 Lakes and he gave me that answer. And then the next
21 question I asked him is if it was Tissue Depot, what
22 time of the year do you think it happened.

23 Q Okay. And so what did Mr. Edler say
24 regarding whether the -- is there anything else that
25 you asked him?

1 A No, them are the only questions.

2 Q Okay. What did Mr. Edler say relating
3 to -- well, first of all, let me say this -- was
4 Mr. Edler familiar with the list of the equipment?

5 A Every one of them except one.

6 Q Which one was that?

7 A Hold on one minute, let me get the list.
8 Number 16, the Nissan #8.

9 Q He was not familiar with number 16?

10 A Correct.

11 Q Okay. But he was familiar with the other
12 20?

13 A Correct.

14 Q Okay. And Mr. Edler indicated to you that
15 the equipment was inoperable; is that fair?

16 A Yes.

17 Q And he indicated that it couldn't be fixed;
18 correct?

19 A Correct.

20 Q Okay. Did he explain why any of the
21 equipment couldn't be fixed, or why it was inoperable?

22 A No, I -- no. I didn't get -- I didn't get
23 into it that specific.

24 Q Got it. And so you asked him if he knew
25 where or what happened to the equipment?

1 A Yes.

2 Q What did he say?

3 A All equipment went to Kling's.

4 Q Is that K-L-I-N-G-S?

5 A Yes.

6 Q Okay. Did Mr. Edler indicate to you how he
7 knew that it went to Kling's?

8 A Yeah, he was one of them that helped remove
9 it, load it.

10 Q Okay. And you asked him whether it was
11 Tissue Depot or Great Lakes, and what did he say?

12 A If you went down through the list, it would
13 have been probably 80 percent -- I'd -- I'd have to go
14 down the list individually.

15 Q Do you have -- can we go down the list?
16 Let's go down the list.

17 A Number 1 -- and just for reference, Great
18 Lakes -- Great Lakes. Number 2, Great Lakes. Number
19 3, Great Lakes. Number 4, Great Lakes. Number 5,
20 Great Lakes. Number 6, Great Lakes. Number 7, Great
21 Lakes.

22 Number 8, Tissue Depot, early on, January.
23 Number 9, Tissue Depot, early on, January. Number 10,
24 Great Lakes. Number 11, Great Lakes. Number 12,
25 Great Lakes.

1 Number 13, that would have been Tissue
2 Depot, February, March; 14 would have been Tissue
3 Depot, January; 15 would have been Tissue Depot,
4 January.

5 Number 16, didn't know. That was before
6 both. Number 17, Great Lakes. Number 18, Great
7 Lakes. Number 19, Great Lakes. And 20 and 21 he did
8 not know about.

9 Q For the ones that you identified as Great
10 Lakes, do you have an approximate date as to when the
11 equipment would have been disposed of?

12 A I do have receipts with dates on them. I
13 can -- let me look at my information here. I have
14 dates: 6/2 of '22; 7/28 of '22; 9/8 of '22; 9/8 of
15 '22; 12/28 of '22; and 1/13 of '23 -- and 1/13 of '23.

16 Q I have the receipts, we'll go through them.
17 Can you identify what date each of the items were
18 scrapped? So, for instance, number 1, the 1985 Atlas
19 Copco, do you know when that was disposed of?

20 A 12/28 of '22.

21 Q Okay. What about the 1985 Atlas Copco,
22 number 2?

23 A I only -- I don't -- I didn't receive all.
24 I only received what they had as far as receipts.

25 Q So that one you don't know; is that fair?

1 A Unless that one is actually two, because
2 of -- of the weight.

3 Q Okay. So I'm going to share this with you.
4 Is this what you're looking at?

5 A I don't --

6 Q So, Mr. Schleben, I'm going to show you
7 what's marked as Exhibit --

8 A Okay.

9 Q Hold on one second. I'm sorry, Exhibit
10 4 -- we've marked this as Exhibit 4.

11 (Exhibit 4 was marked for
12 identification.)

13 Is this what you're referring to -- what I
14 have as page 6 of 14 -- is this the item number 1,
15 where it says "compressor"?

16 A That one is different than the one I have.

17 Q Okay. So --

18 A Oh, sorry.

19 Q Where are you getting the December 28, 2022,
20 date for item number 1?

21 A It is off the same style receipt that I
22 received yesterday by email when I asked them for
23 more -- more receipts.

24 Q Let's do it this way. So your dates for
25 when Great Lakes would have disposed of it is based

1 solely on the receipts; correct?

2 A Yes.

3 Q Okay. So let's do it this way. Let's just
4 go through each receipt, since you don't have a copy
5 of it. So page 1 of 14 for Exhibit 4, it says,
6 "Electric motors, August 23, 2022." What receipt does
7 that correspond to -- which item on the missing
8 equipment list?

9 A None.

10 Q None. Okay. Hold on. Okay. None. Which
11 item does that correspond to?

12 A It's not on this list.

13 Q Okay. What about page 3, is that
14 on -- correspond to the missing equipment list?

15 A Number 17.

16 Q So page number 3 is number 17. And how do
17 you know that the New Holland skid steer is the same
18 as the skid steer L230 with the serial number
19 MBM432589?

20 A I do not have that serial number. I could
21 only go by what the truck mechanic told me when he
22 loaded it.

23 Q So Nate the truck mechanic told you that he
24 loaded item number 17; correct?

25 A Yes.

1 Q Did he know when he loaded it?

2 A He said it was early in the year. In fact,
3 number 17, he said it was during Great Lakes.

4 Q So Nate told you that he loaded it early in
5 the year, and that it was -- did he tell you anything
6 else about number 17?

7 A Yeah, he was kind of adamant that Kip and
8 Dave Scott, the manager of maintenance, was getting
9 rid of a repairable skid steer.

10 Q So explain that to me. Dave Scott thought
11 that number -- that the skid steer was repairable,
12 fixable?

13 A No, Nate did, the truck mechanic. But he
14 was told by his boss to get rid of it.

15 Q Who is Dave Scott?

16 A No longer employed here.

17 Q In relation to Nate, what relation -- what
18 was his position?

19 A Manager of maintenance.

20 Q I'm sorry, I'm confused. You said that Dave
21 Scott -- was Nate upset because he thought it was
22 repairable? Who thought it was repairable?

23 A Nate, the truck mechanic.

24 Q Nate thought it was repairable. But Dave
25 Scott said go ahead and dispose of it anyways?

1 A Yes, because Great Lakes told him to.

2 Q And specifically, did Mr. Scott tell him to?
3 Who told him to?

4 A Mr. Scott.

5 Q And so how do you know that this receipt,
6 page 3, corresponds specifically to item 17 when
7 there's no serial number on it and it doesn't
8 specifically identify what type of skid steer?

9 A Well, I have -- I come to that conclusion
10 because we only had three skid steers that were
11 inoperable, and I have other receipts here that shows
12 that they got rid of more than just that one.

13 Q Okay. So explain to me, how -- explain your
14 conclusion as to why page 3 of Exhibit 4 corresponds
15 to item 17.

16 A Well, because they do not have the serial
17 number on that receipt, I cannot be a hundred percent
18 positive that is exactly the one.

19 Q Okay. But Nate was sure that he loaded it
20 in early 2022?

21 A Yes. In fact the reason why I'm -- I'm sure
22 one of these three receipts I have is that one is
23 because we only had three in the building that were
24 inoperable, and they were all given to Kling's in
25 about the same month. I don't know that you have the

1 other ones -- the other receipts.

2 Q Well, let's go through, okay? So page 4,
3 which one does that correspond to?

4 A It could be any number of the fork trucks on
5 that list. There's 36,000 -- or is that 38,000 pounds
6 of fork trucks on that list.

7 Q So you don't know whether this receipt
8 corresponds to anything on the missing equipment list?

9 A I do know that there -- all the fork trucks
10 are on -- one of these -- I know the -- no, that's the
11 answer.

12 Q So you don't know?

13 A Because there's no serial numbers.
14 The -- Kling's does not put serial numbers of them,
15 they put what's on the trailer when they're loading
16 it, and how many pounds, and the date they did it.
17 And we only had so many fork trucks here that were
18 inoperable.

19 Q So how many pounds is this forklift?

20 A One forklift -- you could go from the
21 heaviest, which would be 12,000 pounds, to the
22 lightest ones -- like number 6 and 7 only weigh about
23 4,000 pounds.

24 Q So this one on the receipt, it says -- in
25 the right hand corner, it says, "Gross pounds 99,060,

1 net 38,540"; do you see that?

2 A Yes.

3 Q What does that correspond to?

4 A That means there was more than one fork
5 truck on that trailer.

6 Q So does that mean that there could be more
7 than one piece of equipment on this receipt?

8 A Only forklifts.

9 Q So how much -- out of the description of the
10 equipment, the 1 through 21, which ones are forklifts?

11 A Number 3, 4, 5, 6, 7, 10, 11, 14, 15, 16,
12 18, 20, and 21.

13 Q So out of those forklifts, you can't tell me
14 whether this receipt relates to any of these
15 forklifts?

16 A Not by the serial number.

17 Q What about by the weight?

18 A Yes.

19 Q How can you by the weight?

20 A Because I have -- every fork truck has a
21 weight -- they have identification tags on them. I
22 went out and took pictures of all the fork trucks in
23 this building from the biggest one to the smallest
24 one. And that's where I come up with the biggest one
25 at 10 -- around 10,000 pounds, and the smallest one at

1 4,000 pounds. Not based on serial numbers, but just
2 the size, the capacity of them.

3 Q Okay. So you went out to the shop -- you
4 went out to the mill and looked at all the forklifts,
5 and took pictures of each of the forklifts that Tissue
6 Depot currently has; correct?

7 A Correct.

8 Q And the range of weight was between 10,000
9 and -- or 4,000 and 10,000 pounds?

10 A Correct.

11 Q Okay. So how does that show that this
12 receipt, page 4 of Exhibit 4, corresponds to any of
13 the missing equipment, based on weight?

14 A Based on weight -- like Exhibit 4 in front
15 of me -- the trailer was loaded up with forklifts.
16 The weight is 38,540 pounds. Even if they were the
17 heaviest ones, there's at least three fork trucks on
18 trailer.

19 And we did not -- and the only fork trucks
20 that were gotten rid of are the ones that were
21 inoperable, unusable, and unsafe, which are no longer
22 in this building. The only ones left are the ones
23 left in this building.

24 Q So the only forklifts that Great Lakes had
25 in 2022 or 2023 are either currently in the building

1 or on the list of missing equipment; correct?

2 A Correct.

3 Q Okay. So because of that, if there's 38
4 [sic] pounds, that means it must be some of the
5 forklifts?

6 A Correct. And there's more than just that
7 one that says forklifts.

8 Q Okay. No, I understand. So there's 38,000
9 pounds for this -- so the net 38 -- what's the tare,
10 T-A-R-E, what does that mean?

11 A The weight of the trailer.

12 Q Got it. So the gross weight with the
13 trailer and everything is 99,060; the trailer is
14 60,520; and the net would be the equipment itself?

15 A Correct.

16 Q Got it. I appreciate that. I'm not, you
17 know, a machine guy, so I appreciate that. This is
18 how it was sent to me, so anyways.

19 Exhibit 6 -- page 6 is the compressor, net
20 47,080 pounds. Which item does this correspond to?

21 A Either number 1 or number 2. And I do have
22 a receipt here for the other one, which I received
23 yesterday. That's why it was not -- it was late
24 yesterday, that's why it is not on your exhibit.

25 Q Okay. Understood. And that was December

1 28, 2022, as well -- or December 20th?

2 A No, this one is 12/28 of '22.

3 Q So we have two receipts for compressors.
4 One is December 20, 2022, and one is December 28,
5 2022; correct?

6 A Correct.

7 Q Okay. How do you know -- because again,
8 there is no serial number -- how do you know that
9 these receipts correspond to these compressors?

10 A Because we only have three compressors, and
11 two of them were removed to be replaced with newer
12 ones. And these are the only two removed from this
13 building in the time that I've been here.

14 Q Okay. And what did you learn about why the
15 two compressors were removed?

16 A One of them was a hundred percent
17 inoperable, unfixable, unused. The other one would
18 not run and keep up our plant air. So it was -- it
19 would cost too much to repair it versus putting
20 another one there.

21 Q Okay. Did you speak with Mr. Edler,
22 Mr. Sidlinker, or Nate about the two compressors?

23 A Yes.

24 Q What did they tell you?

25 A That was the best thing that's happened in a

1 while. We needed new ones.

2 Q Who told you that?

3 A All three of them.

4 Q All three, okay. Does Tissue Depot, Inc. or
5 Great Lakes, did they obtain new compressors?

6 A No, they were installed prior to them buying
7 the business.

8 Q So you've had three compressors, you
9 disposed of two of them, but Great Lakes obtained
10 additional new compressors?

11 A Used, off eBay.

12 Q And they brought two used compressors?

13 A Yes, that were -- had -- they were -- they'd
14 run better than the other ones.

15 Q Got it. And Tissue Depot -- I'm sorry. It
16 was Great Lakes purchased the two used compressors;
17 correct?

18 A Correct.

19 Q And now Tissue Depot, Inc. owns those two
20 used compressors; correct?

21 A Correct.

22 Q How much did Tissue Depot, Inc. pay Great
23 Lakes to purchase the two used compressors?

24 A That I don't know.

25 Q Do you know when Great Lakes acquired the

1 two used compressors?

2 A I can only estimate.

3 Q What's your estimate?

4 A July.

5 Q So before it actually disposed of the other
6 compressors?

7 A Yes.

8 Q Okay. Do you know how much the two
9 compressors cost?

10 A No. I did not purchase them, nor did I see
11 the purchase order.

12 Q What is the value of two used compressors
13 roughly?

14 A I -- I don't -- I have not looked up the
15 price of compressors, so I'm not going to guess.

16 Q Got it. Okay. And so this is page 7 of 14.
17 It's kind of hard to read, but this is how it was
18 sent.

19 A Yes.

20 Q This says forklifts, and this says -- I
21 can't read the net weight.

22 A Let me see if I have one that's clearer,
23 'cause I also have that one.

24 Q It looks like the receipt's dated June 2,
25 2022; correct?

1 A Yes. All right. Mine's a little clearer,
2 'cause on the computer itself it was clearer. 36,880
3 pounds, and it was dated 6/2/22.

4 Q And again, this must correspond to some of
5 the forklifts that you identified previously, but we
6 can't tell which forklifts.

7 A Correct. We can only go by the weight.

8 Q And I think I asked this, but just so I'm
9 clear, the only forklifts that Great Lakes or Tissue
10 Depot has are the forklifts that are on this list or
11 that are currently at the plant; correct?

12 A Correct.

13 Q They didn't own any other forklifts in the
14 last year and a half; correct?

15 A Correct.

16 Q Okay. So if Great Lakes disposed of
17 forklifts, it would have been on this list -- it must
18 be included in this list?

19 A Correct.

20 Q Okay. And again -- okay, we already went
21 through this. All right. So just to clear, so they
22 paid \$2,329 for the forklifts; correct?

23 A Yes, they -- they pay according to weight
24 and the price of that style steel at the market price.

25 Q Okay. Again, forklifts on page 8, again,

1 that's July 28, 2022. I can't read the net weight.

2 Can you read the net weight?

3 A Let me make sure I got the right one, and I
4 do. This one's 7/28 of '22, 38,540 pounds.

5 Q And the same answer, it must correspond to
6 some of the forklifts that are on the missing
7 equipment list. Is that your conclusion?

8 A Correct, yes.

9 Q Okay. The next page, which is page 9, it
10 says two skid steers.

11 A Yes.

12 Q Which item does this correspond to?

13 A None on this list, but it could include the
14 230. Because they didn't put the serial number on
15 them.

16 Q So Exhibit 9 [sic], you don't know who it
17 goes to. How many skid steers did Great Lakes have in
18 2022?

19 A They had four -- four of them over in what
20 we call the west warehouse used as parts, junk ones.
21 And then they had two on this side. Six.

22 Q And how many skid steers does Tissue Depot
23 currently have?

24 A One.

25 Q And on this list, there's only one skid

1 steer identified; correct?

2 A Yes.

3 Q And that's 17. So we don't know which skid
4 steer -- the receipts, you don't know which skid steer
5 would apply to number 17. It could be any of them?

6 A Any one of these five, but it is one of them
7 five. But because they don't put serial numbers on
8 it, I can't be exact.

9 Q Okay. So the next page is page 10, and that
10 is September 8, 2022. Again, it's two skid steers and
11 a forklift, and I can't read the poundage. Looks like
12 18,400?

13 A Hold on, I'm looking. I have it right
14 here -- 9/8/22, I have 10,400.

15 Q And so that would be the skid steers and the
16 forklift. And again, you don't know which forklift or
17 which skid steers it necessarily corresponds to?

18 A No -- no. But the one -- one skid steer,
19 Tissue Depot has just one skid steer in this plant,
20 and it's a Kubota.

21 Q How long has Tissue Depot had the Kubota
22 skid steer?

23 A Since they bought it.

24 Q Did Great Lakes have that Kubota skid steer
25 prior to that time?

1 A Yes, they did.

2 Q Okay. Going to page 11, again, a New
3 Holland skid steer. We don't know which skid steer,
4 it could be the other one.

5 A It could be one of the -- like I said, one
6 of the five that they removed from here. We only had
7 the six of them, and the other ones were for parts.

8 Q Okay. Page 13, it says electric motors.
9 Any idea which one this corresponds to?

10 A Not on this list.

11 Q So page 13 is not on the missing equipment
12 list?

13 A No.

14 Q Okay. What about 14?

15 A No.

16 Q Okay. We talked about your interview with
17 Darrin Edler. Is there anything else that you recall
18 that you discussed with him?

19 A That was it, what I told you earlier.

20 Q Okay. What about Bill Sidlinker? What did
21 you discuss with Bill?

22 A Same questions.

23 Q And what did he tell you?

24 A A lot of his was unknown. Far as what you
25 would call a credible witness, I -- I would not use

1 him, because his answers were everywhere. He could
2 not give me a straight answer. It was early on, early
3 on, early on. So I realized -- but I -- I completed
4 the interview, but it wasn't very credible.

5 Q I understand. And Nate the truck mechanic,
6 you asked Nate the same questions?

7 A Yes. He is a credible witness.

8 Q And what did Nate tell you?

9 A Nate told me he has a whole list
10 of -- I -- he told -- I'd have to go down through them
11 1 through 21.

12 Q Sure. Go ahead.

13 A Okay. Number 1, repairable, went to
14 Kling's. Kip -- when I say Kip, that was Great Lakes.
15 All right?

16 Q That was Kip -- that means Kip Boie?

17 A Yeah. Yeah, Great Lakes.

18 Q So it was repairable, and -- I'm sorry,
19 finish what you were saying?

20 A He was told to remove it.

21 Q So Kip Boie told him to remove item number 1
22 even though it was repairable.

23 A Right. Because the one they were putting in
24 there was better than the one they took out. He said
25 he -- Kip understood that it was repairable, but the

1 one they're putting in there is -- was supposedly
2 better.

3 Q So is there a new compressor that is now
4 installed?

5 A The used -- new used, yes.

6 Q Oh, the two new used ones. I understand.
7 Okay. All right, keep going. Number 2?

8 A Non-repairable, Kling's, Kip. Number 3,
9 non-repairable, Kling's, Kip. Non-repairable number
10 4, Kling's, Kip. Number 5, non-repairable, Kling's,
11 Jeff -- January. Just so you know, I -- I guess I
12 should be saying Tissue Depot or Great Lakes.

13 Q Well, that's all right. So Jeff Prange is
14 the person who told him to go ahead and dispose of it?

15 A Jeff Gardner.

16 Q Jeff Gardner.

17 A He was the individual sent here to help us
18 clean up the plant to make it a safer work environment
19 for the employees.

20 Q And who sent Jeff?

21 A I'm not sure who sent them. He just -- he
22 was here one day, or for a while, helping us clean up
23 the plant. Said he was -- that that was his position.
24 That's why he was here.

25 Q Okay. You don't know who he works for?

1 A No -- no, I don't.

2 Q Okay. So Jeff Gardner told Nate to get rid
3 of it, it was non-repairable, and that was in January
4 2023. Okay. Did Nate -- you know, if Nate disputed
5 any of this, can you let me know that?

6 A Repeat that question?

7 Q Did Nate agree with Mr. Gardner on getting
8 rid of the number 5?

9 A Yes.

10 Q Okay. Number 6?

11 A Non-repairable, Kling's, Kip, no dispute.
12 Number 7, non-repairable, Kling's, Kip. Number 8,
13 non-repairable, Kling's, Kip. Number 9,
14 non-repairable, Kling's, Kip. Number 10,
15 non-repairable, Kling's, Kip.

16 Number 11, he disputed that one. He said it
17 was repairable, Kling's. But Kip told him to get rid
18 of it anyways. Number 12, non-repairable, Kling's,
19 Kip. Number 13, disputed that one, said it was
20 repairable, Kling's, Jeff, about April -- April.

21 Q So hold on. So 13 is a JCB 506C. What is
22 that?

23 A It's a JCB. It's a --

24 Q What does it do? If you were going to
25 explain it to a third grader, what does it do?

1 A It's big tractor with a bucket to load
2 things.

3 Q Got it. And so the JCB, Nate disputed it,
4 and it was Jeff -- Jeff who said to get rid of it?

5 A Gardner. Because, honestly, he disputed it
6 but it was actually an employee safety hazard.

7 Q Why is that?

8 A It was in really, really rough shape, bad
9 shape. The bucket wobbled all over the place, like it
10 was going to fall off all the time. It
11 was -- personally it was garbage, it was junk.

12 Q Do you know how much it was sold for?

13 A \$1,176, scrap metal.

14 Q Okay. And that was disposed of in April of
15 2023?

16 A Yes. I do want to point out that was
17 disposed of before we got this information here in
18 front of us. We received that information on 4/21.

19 Q You're talking about the temporary
20 restraining order?

21 A This whole list of stuff.

22 Q Okay.

23 A We didn't know we wasn't supposed to get rid
24 of it. We didn't even know there was a lien against
25 it.

1 Q Okay.

2 A Number 14, non-repairable, Kling's, Kip.
3 Number 15, disputed, repairable, Kling's, Kip. He
4 thought he could fix that one. Number 16, the Nissan
5 number 8, he said it was before either one of them.
6 They got rid of that because it hasn't been in there.
7 He doesn't even remember it.

8 Q So it was before Nate started working there?

9 A No, it was -- you have Tissue Depot, it was
10 before them and it was before Great Lakes they got rid
11 of that one.

12 Number 17, disputed that one. The L230,
13 thought it was still a runnable piece of
14 equipment -- or fixable. It went to Kling's, and that
15 was Kip, 'cause he remembers having the disagreement
16 with David Scott, his manager at the time.

17 Number 18, non-repairable, Kling's, and Kip.
18 Number 19, he disputed that one, said it was
19 repairable, Kling's. Had the same discussion with his
20 manager David Scott at the time, but was told to cut
21 it up in pieces and load it up as scrap. He did what
22 he was told.

23 Q Do you know how much it was sold for?

24 A No. No, that one I do not. Hold on.

25 Q Well, we can come back to the amounts,

1 because I was going to ask you if you had the amounts.
2 We got two more, 20 was you don't know, right -- 20,
3 21?

4 A No, that was with Darrin. Nate did know, he
5 called it repairable, Kling's, and Kip. Same with 21.

6 Q Did Nate know when -- the ones that he
7 identified, did he know when they were disposed of?
8 Did he give you any timeframes?

9 A Kip.

10 Q Yeah, but besides that. Was that -- so if
11 it's Kip, it's in 2022; correct?

12 A Yes, and/or at the transition time between
13 the two owners.

14 Q So the transition occurred in roughly
15 January 20 of 2023; right?

16 A Yes.

17 Q So any time prior to 2023, when you say Kip,
18 that's what you're referring to?

19 A Correct.

20 Q Okay. And when you say Kip, you're
21 referring to Kip Boie specifically, individually,
22 directing that the equipment be disposed of?

23 A Correct.

24 Q Okay. Were any of the items in 1 through 21
25 disposed of between September 1, 2022, and January

1 2023 the ones we were talking about for Great Lakes?

2 A Yes, just -- I can only go by the receipts I
3 have in front of me.

4 Q Okay. What about what Nate told you?

5 A No, he -- he didn't give specific dates.

6 Q So it could have been before September of
7 2022 or after September 1, 2022; correct?

8 A Yes. Yeah, he didn't know specific times or
9 dates.

10 Q Okay. So other than the receipts that you
11 have, that's the only thing else that you have in
12 terms of dates?

13 A Yes.

14 Q Okay. You mentioned that you had one other
15 receipt for the compressor. I'd like to have that
16 produced if you could give me that one copy. So if
17 you can give it to your counsel.

18 MR. MCWHORTER: Tom, if you don't mind,
19 I'd like to just go ahead and mark that as Exhibit,
20 say 4A, so we have it as an extra exhibit.

21 (Exhibit 4A was marked for
22 identification.)

23 MR. JANCZEWSKI: Sounds good. And
24 actually, is now a good breaking time? We've been
25 going for over an hour and a half, and actually, I

1 could use a biological break if we could.

2 MR. MCWHORTER: That's fine -- that's
3 fine. Thank you.

4 MR. JANCZEWSKI: And then, Ken, if you
5 can send that to me right now.

6 Robert, I'll send it to you during our
7 break, and if you want to ask him --

8 MR. MCWHORTER: Let's go off the
9 record.

10 THE REPORTER: All right. We are now
11 off the record at 11:36 a.m.

12 (Off the record.)

13 BY MR. MCWHORTER:

14 Q Mr. Schleben, we're back on the record. In
15 conducting your investigation, did you reach a
16 conclusion as to why any of the 21 items fell into
17 disrepair?

18 A Years, age -- age. Lots and lots of hours
19 on them beyond usable anymore. Wore, you know.

20 Q I'm sorry, what was that last word?

21 A Wore right out. They were junk.

22 Q Got it. Was any of it due to lack of
23 funding or cash -- let me rephrase that. Was any of
24 it due to Great Lakes' financial condition and its
25 inability to finance the repair or maintenance of the

1 equipment?

2 A I don't know that answer. I don't know what
3 kind of funds they had.

4 Q Okay. During your 20 years at Great Lakes,
5 was it Great Lakes' customer practice to dispose of
6 equipment that was unrepairable -- to dispose of it
7 with Kling's?

8 A Yes. Yes, they're our primary scrap yard
9 that takes anything and everything that we want to
10 scrap metal wise.

11 Q So you're aware of Great Lakes' scrapping
12 over the years equipment and selling them to Kling's
13 in the past, other than the equipment that we just
14 went over?

15 A Yes.

16 Q Okay. And that's based on your personal
17 experience; right?

18 A Correct.

19 Q Okay. Has Tissue Depot or Great Lakes
20 obtained replacement equipment? I understand you've
21 identified the two compressors. Besides the two
22 compressors, has Great Lakes or Tissue Depot obtained
23 replacement equipment?

24 A No.

25 Q So it hasn't replaced any of the forklifts

1 that it disposed of?

2 A No.

3 Q And none of the scissor lifts; correct?

4 A Scissor lifts? Right now we are borrowing
5 and renting them.

6 Q Who are you borrowing or renting them from?

7 A Right now we're borrowing, we're not
8 renting. But we're borrowing it from a gentleman by
9 the name -- first name of Rocky. I don't know his
10 last name though.

11 Q So do you know who -- Rocky's last name?

12 A No, I do not.

13 Q Is Rocky --

14 A I only met him once.

15 Q Okay. Is Rocky in Cheboygan?

16 A Yes, he lives here.

17 Q And Rocky is allowing you to borrow how many
18 scissor lifts?

19 A One right now.

20 Q One scissor lift. Is Rocky being paid rent
21 for those scissor lifts?

22 A No. He knows the landlord quite well.

23 Q And who is the landlord?

24 A Tom Homco -- Thomas Homco.

25 Q And so did Tom Homco arrange for Rocky to

1 loan the scissor lift for free to Great Lakes?

2 A Rocky reached out to us and asked if we
3 needed scissor lifts.

4 Q Okay. Got it. What about the JCB 506C, did
5 you replace that?

6 A No.

7 Q What about the skid steers, have you
8 replaced any of the skid steers?

9 A No, we still have that Kubota.

10 Q Okay. And what about the articulating boom?

11 A No, we do not have any.

12 Q Okay. Was Prime Alliance Bank notified at
13 any time of the disposal of the missing equipment?

14 A That -- I have no recollection of anything
15 like that. Or I don't know, they never told me.

16 Q Who never told you?

17 A It would be Tom Homco, my boss.

18 Q Who's your boss?

19 A Right now it's Tom Homco, the landlord.

20 Q What is Tom Homco's position with Tissue
21 Depot, Inc.?

22 A Helping them get it back running.

23 Q Does he have a title?

24 A Landlord, that's all I know him as.

25 Q Is he an officer, director, or shareholder

1 of Tissue Depot, Inc.?

2 A No, he is the owner of the property.

3 Q So why do you think that he's your boss if
4 he's the landlord and he's not employed?

5 A We have a conference call with him every
6 day.

7 Q And what's the purpose of those conference
8 calls?

9 A Direction to get the machine running.

10 Q So to the best of your knowledge, Prime
11 Alliance was never notified of the disposal of any of
12 the missing equipment; correct?

13 A I can't answer that because I'm not part of
14 them phone calls or that -- that part of the
15 operation.

16 Q Okay. Do you know whether Sertant Capital
17 was ever notified of the disposal of any of the
18 missing equipment?

19 A Again, I don't -- I'm not privy to that
20 information. They don't tell me those things.

21 Q You haven't seen anything that tells you
22 that Prime Alliance or Sertant Capital was notified of
23 the disposal of the missing equipment?

24 A Nothing that I have seen or read.

25 Q Okay. And if Prime Alliance or Sertant

1 Capital took the position that it was never notified
2 of the disposal of that equipment, you're not aware of
3 any facts to dispute that; correct?

4 A Correct.

5 Q In your investigation, did you come to a
6 conclusion as to the value of the missing equipment?

7 A I did not total it all up, no.

8 Q Well, do you have a value for each item?

9 A Only the receipts I have.

10 Q So the items that are on Exhibit 4, the
11 receipts that we went through, and the Exhibit 4A that
12 you're going to provide to me, that's the only value
13 that you have?

14 A Yes, that's the only monies that those items
15 were worth as scrap price.

16 Q And do you have an opinion as to the value
17 of any of the items that we don't have receipts for?

18 A No, they -- they're low. I -- no, I have no
19 opinion on it other than I'm surprised they got
20 anything for them.

21 Q One of the topics we have is the value of
22 the missing equipment. What is your best estimate as
23 to the value of the missing equipment for items 1
24 through 21?

25 A Maybe \$5,000. There's a couple on

1 there -- I would say more like \$10,000 is my personal
2 opinion on the value of it.

3 Q And what's that based on?

4 A Their -- the age of the equipment and it
5 wasn't repairable.

6 Q So if I told you that roughly the appraised
7 value of items 1 through 21 was \$294,000, what would
8 you say to that?

9 A That's crazy. It's worth scrap price, not
10 that price --

11 Q So --

12 A Sorry.

13 Q Go ahead, keep going.

14 A That was just based on the condition of that
15 equipment. It was --

16 Q So the \$10,000 -- your opinion is that 1
17 through 21 items are only worth the scrap value as to
18 what they are; correct?

19 A Correct.

20 Q Okay. And \$294,000, would that be a fair
21 value if the items were operable?

22 A If they were brand new.

23 Q So if you look at the receipts that we went
24 through -- hold on one second, I'm pulling them up.
25 So these various receipts, the dollar amounts,

1 \$9,673 -- although electric motors, which one did that
2 correspond to?

3 A None.

4 Q None. Two, that was --

5 A None.

6 Q -- none. So 3 was \$694, that was a skid.
7 You don't know which one.

8 A Correct.

9 Q Forklift, \$3,441, is that right?

10 A Yes, that's why it tells me there was a lot
11 of them, because one forklift -- or scrap metal is not
12 worth that much.

13 Q Well, how much is scrap metal worth for a
14 forklift?

15 A I'm going to -- I'm going to go around five,
16 six hundred dollars maybe.

17 Q Okay. A compressor, that was \$427. What
18 was the price of the other compressor, the one that
19 you have that I don't have?

20 A Hold on, I got to find it -- \$529.

21 Q Okay.

22 A Can you see it?

23 Q Yep. And then this was \$2,329. Okay, three
24 thousand. So in terms of the dollar amounts, the
25 funds that were used, what happened to the money that

1 was paid for the missing equipment? Did you --

2 A I have no idea.

3 Q You have no idea?

4 A No -- no. It's -- with Great Lakes they did
5 things, they didn't tell us why they did things. They
6 just -- we just did what we were told to do.

7 Q What did you do to investigate what was done
8 with the funds?

9 A I didn't --

10 MR. JANCZEWSKI: I'm going to object on
11 the basis that, you know, the scope of his
12 investigation was the whereabouts of the equipment,
13 but not necessarily tracing funds.

14 MR. MCWHORTER: Well, number 3 says,
15 "All facts relating to the receipt or disposal of any
16 proceeds from the scrapping, destruction, the transfer
17 or conveyance, sale, or disposal of the missing
18 equipment." It's number 3. I'm just trying to figure
19 out what happened to the money.

20 THE WITNESS: Right, and I
21 don't -- they don't give me that information.

22 BY MR. MCWHORTER:

23 Q Okay. Did you talk with anyone to find out
24 what happened to the money?

25 A No, I -- I couldn't get a -- I don't even

1 know Kip's number.

2 Q Okay. What about the equipment that was
3 sold during the time that -- for Tissue Depot in 2023?
4 So let's go down, number 8 was Tissue Depot; it was a
5 Genie #1 scissor lift. How much did that sell for?
6 Do you know?

7 A Hold on. Again, all it says is "Genie
8 lift." It does not specify serial numbers or the
9 exact one. But here it says \$842, and all it says is
10 "Genie lift." Can you see that right there?

11 Q Yes. I don't think I have any of those
12 receipts.

13 A I sent those to Tom, all as a group. And as
14 you can see, on the bottom it says -- and, like I
15 said, I received these last night, last minute.
16 That's why Tom -- I apologize, you should have already
17 got these.

18 And I am looking for the other -- I had two
19 scissor lifts here. Okay. The other one says "Genie
20 lift boom." So that one was worth \$55.

21 Q When was that disposed of?

22 A 1/13 of '23. And again, here's that one.

23 Q Got it.

24 THE WITNESS: Tom, that's also in that
25 email.

1 BY MR. MCWHORTER:

2 Q Do you have any idea what happened to the
3 proceeds for these two pieces of equipment?

4 A None of the people here knew where it went
5 or what it was used for. We're assuming payroll, to
6 help pay the employees. That's only assumptions.

7 Q You don't know personally?

8 A No, I -- I do not know personally. I
9 tried -- I tried to find out that information, but I
10 could not track it down.

11 Q Number 13, the JCB 506 6,000, I think you
12 had Tissue Depot?

13 A Yes, that's that one for \$1,176.
14 I -- again, I don't know what they did with the
15 proceeds. And no one here knows exactly -- they
16 probably -- I -- I can only guess, and guessing is not
17 what we're doing here.

18 Q And what's your best estimate of what
19 happened to the proceeds?

20 A Payroll, to pay the 38 employees, help pay
21 us to keep it going.

22 Q And number 15, the Linde #4, when was that
23 disposed of? That was January 2023 you said?

24 A Yes, that -- that one right there -- hold
25 on, I have it right here. Right here, I got

1 it -- 3/16 of '23, \$703. Do you have that one?

2 Q No.

3 A It's this -- it's this one right here.

4 Q Yeah, I don't have any -- I don't have that.

5 THE WITNESS: All right. Tom, that's
6 another one I just sent you.

7 MR. JANCZEWSKI: Okay. I haven't
8 received your email yet. So please make sure you're
9 sending it to the right email. I will email Sherry as
10 well to make sure she sent it.

11 MR. MCWHORTER: I only have the 14 that
12 you sent. That's the only -- the 14 pages I have.

13 THE WITNESS: Okay.

14 MR. MCWHORTER: Which some of them are
15 blank.

16 BY MR. MCWHORTER:

17 Q And any other items that were done in 2023?

18 A None that we haven't already mentioned.

19 Q Okay. Who appointed you as president of
20 Tissue Depot, Inc.?

21 A Tom Homco.

22 Q So your landlord appointed you as president?

23 A Yes, I was -- I was actually surprised.

24 Q Why were you surprised?

25 A 'Cause I've never met Tom Homco.

1 Q Did he call you? How did that conversation
2 occur?

3 A That conversation occurred by a phone call.

4 Q Do you know when that call was?

5 A Not the exact date, no.

6 Q Well, you became president May 15, 2023.
7 Was it that day, was it before that?

8 A It was two days prior to that.

9 Q So about May 13, 2023, Mr. Homco called you,
10 and what did he say?

11 A Now the -- Tom Homco appointed me president,
12 and it was a morning meeting conference call. When I
13 said call, that's the call I meant. I was invited to
14 that meeting.

15 Q So at the conference call on May 13th, he
16 invited you to a meeting?

17 A Yes, with the other -- the plant manager,
18 Dan Robydek.

19 Q I'm sorry, the plant manager who?

20 A Dan Robydek.

21 Q Can you spell that?

22 A R-O-B-Y-D-E-K.

23 Q So you were on your morning conference call
24 with Mr. Homco, and he asked you to attend a meeting;
25 is that right?

1 A Yes, and he announced it during the meeting.

2 Q When did the meeting take place?

3 A Eight-thirty.

4 Q On May 13, 2023?

5 A The exact date I'm not sure.

6 Q Well, was it the same day as the conference

7 call, or after the conference call?

8 A Same day as the conference call.

9 Q Okay. So at 8:30 you attended a meeting.

10 Who was at that meeting?

11 A It would have been Dan Robydek and Mike

12 Ball.

13 Q Anyone else?

14 A Yes, during the conference call it's Sherry

15 Caldwell, I believe Don, who's -- who you're going to

16 talk to here soon.

17 Q And Sherry Caldwell and Don Swenson were on

18 the conference call. Were they at the meeting as

19 well?

20 A Just during the conference call, yes. It

21 wasn't -- it wasn't in the same room. It's like

22 it's --

23 Q So --

24 A Go ahead.

25 Q No, go ahead, sir.

1 A It's like this Zoom meeting where you have
2 other individuals on at the same time, but they're in
3 different states.

4 Q Understand -- understand. So your meeting
5 was Sherry and Don via video, Mike Ball and Dan
6 Robydek in person?

7 A Yes.

8 Q Anyone else?

9 A No.

10 Q Okay. And Tom Homco, obviously. Was he in
11 person, or was he by video?

12 A By video. Prior to that it was Ron
13 Vandenheuvel is the one that I talked to. He asked me
14 if I would step up into a management role.

15 Q So Ron Vandenheuvel asked you if you would
16 step up to a management role?

17 A Yes. And then Dan invited me to this
18 conference call, and Tom's the one that announced that
19 I was going to be president. Prior to that I did not
20 know that it was the position I was coming into.

21 Q When did Mr. Vandenheuvel ask you to step up
22 to a management role?

23 A That would have been the 12th at 5:30 p.m.
24 It would have been the day that Brent Herriman
25 resigned. That exact date -- these dates, I'd have to

1 go back and look for exact dates. 'Cause to say the
2 12th and the 13th are the exact dates, I'm not
3 confident with them dates unless I go back and look.

4 Q Those are your best estimates?

5 A Yes, estimates.

6 Q Okay. And Brent Herriman resigned. Why did
7 he resign?

8 A Found a different job. Better pay, better
9 for his family.

10 Q Do you know where he's currently working?

11 A No. He didn't -- I haven't asked him that
12 question.

13 Q You don't know the job he was going to?

14 A No -- no, I do not.

15 Q Okay. And so how did you learn that
16 Mr. Herriman resigned?

17 A The phone call from Ron.

18 Q So Ron told you on May 12, 2023, that Brent
19 Herriman had resigned?

20 A Yes.

21 Q And you understood Mr. Herriman to be the
22 vice president; correct?

23 A Yes.

24 Q And at that time, did you know who the
25 president was?

1 A No.

2 Q And you don't know who the president is now;
3 correct?

4 A Me.

5 Q Well, no. I'm sorry. Before then, before
6 you.

7 A No.

8 Q Okay. And so what did Mr. Vandenheuvel say
9 to you on May 12, 2023?

10 A He asked me if I was interested in stepping
11 up into a management role to help get the tissue
12 machine running.

13 Q What else did he say?

14 A He said Clarence Roznowski, the previous
15 owner of Great Lakes Tissue, he talked to him. And
16 Clarence recommended me after 22 years of service I
17 did for Clarence, and the experience I had. I was the
18 best fit for the job, and highly recommended by him to
19 fill this position.

20 Q Okay. Say anything else?

21 A No, that was it. "Talk to you tomorrow."

22 Q How long was your call with
23 Mr. Vandenheuvel?

24 A Probably not even five minutes.

25 Q Okay. What was Mr. Vandenheuvel's position

1 or title with Tissue Depot, Inc.?

2 A Consultant -- long distance, out of town
3 consultant. Helps out when they have issues,
4 answering questions.

5 Q And was he a consultant also for Great
6 Lakes?

7 A At the beginning.

8 Q What do you mean by at the beginning?

9 A At the beginning we seen him, and then he
10 was no longer around here. I'm not sure what
11 happened. I wasn't part of that.

12 Q Are you referring to 2022?

13 A Yes, Great Lakes.

14 Q So was that the first half of 2022, second
15 half of 2022; do you know?

16 A It was right after Kip and Jim bought the
17 plant -- or, not the plant, the tissue making
18 department.

19 Q Before they bought the shares in Great
20 Lakes?

21 A Yes, when they bought -- after they bought
22 the shares.

23 Q So after Kip and Jeff Hoffman became
24 shareholders of Great Lakes, they hired Ron
25 Vandenhoevel to be a consultant?

1 A I don't know the specifics, but he was part
2 of that group when they come in.

3 Q And since Tissue Depot, Inc. took over, what
4 has Ron Vandenheuvel's role been with Tissue Depot,
5 Inc.?

6 A Out of town answering questions, basically.

7 Q Was he an employee?

8 A Not that I'm aware of. I don't know.

9 Q Was he paid for being a consultant?

10 A That I don't know either.

11 Q Did Mr. Vandenheuvel ever come to the plant?

12 A I've never seen him.

13 Q Have you ever met Ron Vandenheuvel in
14 person?

15 A Yeah, once. Or a couple times probably.
16 And that's when Kip first bought the plant, or bought
17 the shares, or however you're putting it.

18 The one thing I want to point out is a lot
19 of this -- these questions you're asking right now was
20 beyond me knowing.

21 Q I'm just trying to ask -- I'm just trying to
22 get your background on what your position is. So when
23 you went to the meeting in May -- on May 13th
24 roughly -- the meeting that we talked about with --

25 A Yes.

1 Q -- with Sherry Caldwell, and Mike Ball, and
2 Don Swenson, and Tom Homco, and Dan Robydek, what was
3 the purpose of that meeting; do you know?

4 A At the time I didn't know, but now I know
5 that it was just their normal 8:30 conference call.
6 Remember, I've only been in this for a week. So I'm
7 new at this and trying to learn as I go what their
8 day-to-day responsibilities are.

9 Q So the morning conference call that you were
10 talking about, that didn't start until you became
11 president; is that correct?

12 A No, they've been doing it all along is what
13 I'm finding out.

14 Q I understand. But you didn't participate in
15 those morning calls until May 15th?

16 A Correct.

17 Q Okay. So I got it. So you were asked to
18 join the 8:30 conference call, and you had not been
19 asked before then; correct?

20 A Correct.

21 Q Got it -- got it. Okay. So at that
22 meeting, Mr. Homco announced that you'd be president?

23 A Yes, and he wanted it to be sent to the news
24 reporter at UpNorthLive.

25 Q Okay. Do you recall anything else from that

1 meeting?

2 A No, I -- it was all -- no. I never attended
3 one, so I didn't know what was going to happen, and
4 what was going on, and -- so I was just -- no, I don't
5 remember a lot from it.

6 Q And so they have an 8:30 meeting every week
7 you said?

8 A Every day.

9 Q Every day.

10 A Five days a week, Monday through Friday.

11 Q And is it always the same individuals?

12 A No -- yes, yeah. It's pretty much the same
13 individuals. There's a couple more on there that I
14 don't know because I'm not the one logging in. I'm
15 not the one sitting in front of the computer. I'm in
16 a chair like Mike, just sitting in the background
17 listening. 'Cause they're not -- it's not -- it's
18 audio, not visual.

19 Q Got it. So there may be people online that
20 you don't know who are online?

21 A Right. Yes.

22 Q Got it.

23 A There's round circles up. I just don't know
24 all their names.

25 Q Got it. Understand.

1 A So one of the items that we talked -- it's
2 on your list, is the remaining equipment. The
3 equipment that's not scrapped, that was listed in the
4 complaint, and it's also listed in the temporary
5 restraining order. Do you see that?

6 A No. I was -- the only thing I was shown is
7 the 1 through 21, and the ten items -- ten things.
8 That's what I was supposed to focus on. Not the
9 entire list of everything. That was Brent Herriman
10 that had the entire list and walked around -- that's
11 what I was told.

12 Q You were told that Brent Herriman walked
13 around, explain that to me.

14 A They -- they had someone -- they had an
15 individual come here, I don't know their name, to
16 verify all this equipment was still in this building.
17 And that's how they come up with this 21
18 thing -- items. That's what I was told. It's a fact?
19 I don't know, I didn't talk to Brent Herriman
20 personally.

21 Q Okay. So let me do this. I'm going to go
22 back to Exhibit 1, which is the 30(b)(6) notice. And
23 if you go to number 4, it says, "All facts relating to
24 the operation and use of the equipment from September
25 1, 2022, to the present." And it says, "The term

1 equipment has the same meaning as defined in
2 Plaintiff's complaint." Do you see that?

3 A Yes.

4 Q Okay. And you received Exhibit 1; correct?

5 A Yes.

6 Q Okay. And you reviewed Exhibit -- you
7 reviewed item number 4; correct?

8 A Yes. I assumed that it was this -- these 21
9 items.

10 Q Got it. So you didn't go and look at what
11 is defined in the complaint?

12 A No, just these 21 items, and I thought
13 that's what this referred to.

14 Q So I'm going to show you what's marked as
15 Exhibit 18, which is a copy of the complaint.

16 (Exhibit 18 was marked for
17 identification.)

18 Have you ever seen this document? Does this
19 look familiar to you?

20 A No.

21 Q Okay. So if you go to Exhibit --

22 A Oh, no, that -- I haven't seen that one.

23 Q Okay. So you haven't seen any of this list
24 of equipment?

25 A No. Like I said, I thought it was just this

1 21 items, that's all I had to investigate.

2 Q Do you recognize any of the equipment --

3 A Yeah.

4 Q -- on this list?

5 A The names, yes. I know the Babcock Wilcox
6 boiler, the exchangers that are on it, yes.

7 Q Okay. So let me ask you a question. The
8 equipment that is currently being used in the
9 mill -- strike that.

10 There are pieces of equipment and machinery
11 that are currently being used -- that are currently
12 located in the mill on 437 South Main; correct?

13 A Yes.

14 Q Okay. Is the equipment that is located
15 there being used currently?

16 A No.

17 Q None of the equipment that's located at that
18 location is being used?

19 A Now define the equipment. We're -- we got
20 our lights on. I don't know that it --

21 Q Okay. I'm talking about --

22 A I'm confused.

23 Q -- the equipment that's listed here. If you
24 could look through it, you'll see, all of this
25 equipment, except for the ones that are missing, and

1 that are located in 437 South Main, is that equipment
2 being used currently?

3 A As fast as you went through that list, the
4 air compressor. No, that -- that air compressor isn't
5 running. We're running the air compressor that we
6 just -- they just purchased in December.

7 Q You're talking about the one from eBay?

8 A Yeah, that's the one we're running right
9 now.

10 Q Okay. Other than the eBay air compressor,
11 is there any other equipment that's being used
12 currently at the mill?

13 A No. Not -- not that I know of. We're not
14 making paper, we're not even running. All we're doing
15 is -- was welders on there? See, as fast as you went
16 through that list -- if welders are on there, we're
17 running a welder.

18 Q I'll tell you what, how about --

19 A I can't say no -- I can't say no to
20 something that I haven't specifically looked at.
21 Like, the Lincoln Wire -- that -- no, that isn't
22 running. The Miller Bobcat's running.

23 Q When I say running --

24 A We're using it -- we're using it.

25 Q You're using it. How are you using it if

1 you're not making paper?

2 A We're trying to get things ready so we can
3 when the time comes.

4 Q Got it.

5 A We're repairing pieces that were destroyed
6 when they took the roof off. Like, everything on this
7 list that I'm looking at that you have in front of me,
8 we're not running any of that, except for the Miller
9 welder.

10 MR. MCWHORTER: I'll tell you
11 what -- Tom, I think that I should give him -- I
12 should send him a copy of the complaint so he can go
13 through this. I don't know how else to go through
14 these. Tom, can you --

15 MR. JANCZEWSKI: Actually I sent --
16 Ken, I sent it to you -- a copy of this
17 earlier today while we've been on this deposition.
18 So, you know, I sent you all of these exhibits. So
19 you can open them up and then print them off if that
20 makes it easier for you.

21 THE WITNESS: Yes, it does.

22 MR. JANCZEWSKI: If you want to take
23 another, like, five-minute break, Robert?

24 MR. MCWHORTER: That'd be great.

25 THE WITNESS: Let me get that

1 information.

2 MR. MCWHORTER: Okay. Let's go off the
3 record.

4 MR. JANCZEWSKI: And, Ken, can you
5 resend those receipts to me. I haven't received them.

6 THE WITNESS: Yes.

7 MR. MCWHORTER: Let's go off the
8 record, so we save the court reporter.

9 THE REPORTER: Okay. We're off the
10 record.

11 (Off the record.)

12 THE REPORTER: We are now back on the
13 record.

14 BY MR. MCWHORTER:

15 Q Mr. Schleben, during the break we provided
16 you a copy of Exhibit 18, which is the verified
17 complaint in this matter. And I'd like to go to
18 paragraph 8, starting on page 3, which lists certain
19 equipment.

20 But before I go to this equipment, I want to
21 ask you a couple just general questions. What was
22 Great Lakes' business? What did it do?

23 A Made parent rolls, tissue parent rolls.

24 Q In other words, it made toilet paper. It
25 was a toilet paper business?

1 A Yes. Tissue plant -- tissue.

2 Q So tissue paper. So did it make -- it made
3 toilet paper, and it made Kleenex, that type of thing?

4 A Correct.

5 Q Okay. And during the 22 years that you were
6 there, that is what Great Lakes' business was?

7 A Yes.

8 Q Okay. What business is Tissue Depot, Inc.?

9 A That isn't a hundred percent clear yet.
10 They have many plans for the future.

11 Q Well, is it in the tissue business as well?

12 A Yes. And they have --

13 Q Do they -- go ahead.

14 A To start out with it's going to be running
15 the same tissue machine, making tissue -- toilet
16 paper, parent rolls. And then they have future plans,
17 which I'm told, is making cups. None of that
18 machinery's in here. That's a -- a future plan. And
19 biodiesel -- biodegradable diesel out of our polly
20 waste.

21 Q When you say "parent rolls," what do you
22 mean by a parent roll?

23 A All right. The tissue plant here has two
24 businesses -- basically two separate businesses in
25 one. One side of the mill we make tissue rolls,

1 called parent rolls, 102-inch by 55-inch
2 diameter -- 102 inches long, parent rolls.

3 So we can sell them or convert it in our
4 converting department making toilet paper out of it.
5 It's a hundred percent recyclable. So we take old
6 juice carton, milk cartons, cup scrap, and we'll get
7 the tissue out of it and make parent rolls out of it
8 so people can make toilet paper out of it. Recycled.

9 The other half of the business is called
10 converting. And they take our parent rolls and make
11 toilet paper rolls out of them. Currently that's all
12 we have down there is either what they call JRT -- big
13 rolls for dispensers in bathrooms at all your public
14 facilities, and/or they also make regular two-ply,
15 one-ply tissue paper.

16 Q So do you sell -- there's two parts, one is
17 the parent rolls, and one is the conversion to toilet
18 paper. Do you sell the parent rolls to companies?

19 A Yes.

20 Q Okay. And then you also sell tissue paper,
21 toilet paper, to other companies?

22 A Correct. That is how it was.

23 Q Okay. And those two areas is what Great
24 Lakes' business has been for 22 years; correct?

25 A Correct, yes.

1 Q Okay. And Tissue Depot, Inc. will do the
2 same business; correct? As that -- it will do those
3 two areas of business, the parents rolls and the
4 conversion to toilet paper?

5 A Yes.

6 Q And then in the future, plans are to also
7 make cups, and then to do biodiesel?

8 A Biodiesel. Yeah, it's a biofuel
9 they -- yes. They make diesel -- biodiesel.

10 Q Okay. And the biodiesel is going to be
11 through the PAET, Patriot Advanced Environmental
12 Technologies, LLC; correct?

13 A That I don't know the exact name. But, yes,
14 that name's familiar. But I don't know the exact -- I
15 got it written down here somewhere if you want me
16 to -- you want me to try to find it?

17 Q Sure.

18 A Cheboygan Energy and Biofuels is what it's
19 going to be called.

20 Q Is that going to be a separate entity, or is
21 that a fictitious name; do you know?

22 A Separate.

23 Q And is that going to operate out of the 437
24 South Main address, or is that the 502 South Main
25 address, or another address?

1 A 502 South Main.

2 Q Prior to January 2023, was Great Lakes in
3 the business of biofuels?

4 A No.

5 Q Okay. And to do the biofuels, additional
6 equipment will have to be brought in; is that correct?

7 A From what I'm told, yes.

8 Q Okay. The equipment that's in the complaint
9 is not used for biofuels; correct?

10 A No -- no.

11 Q Okay. And the future plans to do cups, that
12 will require additional equipment as well; correct?

13 A Yes.

14 Q Okay. So for the immediate future, Tissue
15 Depot, Inc. is going to be doing the same exact
16 business that Great Lakes' business was; correct?

17 A Yes.

18 Q Okay. In 2022, when you went to work, Great
19 Lakes Tissue Company was on the outside of the
20 building; correct?

21 A Yes.

22 Q There's a sign out in front of the building;
23 correct?

24 A Correct.

25 Q When you show up to work today, or

1 currently, what is the sign outside the building?

2 A It was painted over, and I'm supposed to get
3 a -- a sign made that said Tissue Depot on the front
4 of it, at 437 South Main.

5 Q Okay. But you haven't done that yet?

6 A No, not yet. And the one across the street
7 at 502, that sign is to read Cheboygan Energy and
8 Biofuel.

9 Q Okay. And who told you to change the names
10 on the outside of the buildings?

11 A Ron Vandenneuvel.

12 Q When did he tell you that?

13 A 5/18 of '23.

14 Q How do you know it was May 18, 2023?

15 A 'Cause I kept a record, a daily record.

16 Q Did Ron call you and tell you to change the
17 name?

18 A Yes.

19 Q What else did he say during that telephone
20 call?

21 A That was it.

22 Q How long was your call on May 18, 2023?

23 A Probably about two and a half minutes, three
24 minutes maybe. Long enough to talk -- suggest that.

25 Q Did he say why he wanted the name changed?

1 A No, not really, other than there's
2 confusion. People think that it's still Great Lakes
3 Tissue.

4 Q Did he say that?

5 A No, that -- that's what I assumed.

6 Q That was your perception of why he --

7 A The perception of why, yeah -- yes, my
8 perception.

9 Q Do you have an email address?

10 A Yes, I do.

11 Q What's your current email address?

12 A kschleben@tissuedepotproducts.com.

13 Q In 2022, what was your email address?

14 A I had no business address here.

15 Q You never an email address when you were at
16 Great Lakes?

17 A No, I was a team leader at the time.

18 Q You never had an email?

19 A At home, my personal one.

20 Q Okay. Were you familiar with the email
21 addresses of people at Great Lakes prior to January of
22 2023?

23 A No. No, I -- no, I did not know their
24 personal addresses.

25 Q No, no. So you didn't obtain a work email

1 address until you became president; is that right?

2 A Right. I had one prior when I was manager
3 at Great Lakes Tissue --

4 Q Correct.

5 A -- when Clarence owned it.

6 Q And what was that email address?

7 A kschleben@greatlakestissue.com.

8 Q And did you have that email address all the
9 way though until the end of December of 2022?

10 A No. That address -- that was removed when
11 the business was sold.

12 Q Sold to whom?

13 A Kip and Jim.

14 Q And what did your email address become?

15 A My own personal address at home,
16 kschleben@yahoo.com is my personal home -- you're
17 looking confused.

18 Q Yeah, why would he take your email address?

19 A Because there was two years -- I mentioned
20 that -- there was two years I was a team leader. No
21 need for a company email as team leader.

22 Q Okay. So the end of it you said was
23 greatlakestissue.com?

24 A Yes.

25 Q Okay. Were the employees' email

1 addresses -- greatlakestissue.com -- was that the
2 employees ending email in 2022; do you know?

3 A I don't know that.

4 Q Okay. When's the last time you spoke with
5 Ron Vandenheuvel?

6 A I believe -- hold on, got it written down
7 here. It was yesterday.

8 Q Why did Mr. Vandenheuvel contact you
9 yesterday?

10 A About some tissue that -- a certain grade of
11 tissue. He wondered if we could make it, a 9.2 pound
12 for ACI.

13 Q So is it fair to say that Mr. Vandenheuvel
14 is still serving as a consultant to Tissue Depot,
15 Inc.?

16 A Yes. If we -- yes. Like I said, if we have
17 questions, we can reach out to him and ask him.

18 Q Okay. Got it. So is Tissue Depot, Inc.
19 making paper currently?

20 A No, we have not made paper since December.
21 I believe it was December 18th of 2022.

22 Q And what happened on December 18, 2022?

23 A OSHA shut the north end of the building down
24 because it was unsafe for employees.

25 Q And so since December 18, 2022, effectively,

1 no paper has been made?

2 A They started it up to run eight sample rolls
3 for one day. We used a different way of doing it and
4 it didn't work very well. And haven't -- just other
5 than that one day -- exactly what day, I don't
6 remember the date.

7 Q Got it. So other than one day of running
8 eight sample rolls, no paper has been made?

9 A No.

10 Q And has any paper been sold to customers?

11 A No. You don't make it, you don't sell it.

12 Q Does Tissue Depot have inventory on hand
13 that it can sell to customers?

14 A There are cases of stuff down in the
15 warehouse. But I'd -- but that's the other end. When
16 I say no paper was made, that was on this end -- on
17 the parent roll side. And that's where I work.

18 Q So no paper on the parent roll side. What
19 about the conversion side?

20 A That -- they did convert some of the parent
21 rolls we had left over from before the shutdown.

22 Q So they converted parent paper rolls prior
23 to December 18, 2022, but since December of 2022,
24 there's been no parent rolls or conversion of parent
25 rolls taking place; correct?

1 A Right. Correct.

2 Q You said that there's currently 38 employees
3 at Tissue Depot; correct?

4 A Yes -- yes.

5 Q So if no paper is being made and no paper is
6 being sold, how is Tissue Depot paying its 38
7 employees?

8 A Tom Homco.

9 Q What do you mean?

10 A We're -- what do I mean, as far as?

11 Q Yeah. Tom Homco is paying them directly,
12 or --

13 A From what I'm told, yes.

14 Q You're an employee; correct?

15 A Yes.

16 Q Okay. And you receive a regular paycheck?

17 A Yes.

18 Q Okay. And so I'm going to show you a copy
19 of a check.

20 (Exhibit 19 was marked for
21 identification.)

22 Does this look like a typical check that
23 you'd receive for your paycheck?

24 A Yes, it does.

25 Q And so since roughly January of 2023, you

1 receive a check from Tissue Depot, Inc.?

2 A Correct, with that address and that
3 signature.

4 Q Got it.

5 A And prior -- prior to that it was direct
6 deposit. Now it's just a check, live check.

7 Q But it was direct deposit from Great Lakes
8 Tissue Company; correct?

9 A Yes -- yes.

10 Q So if we could go back to the equipment, you
11 mentioned there was a few pieces of equipment that you
12 thought they might be using. So if you could look
13 at -- pull up the complaint, Exhibit 18/

14 A Yep.

15 Q So except for the missing equipment that
16 we've already gone over -- so I don't want to go back
17 over that pieces of equipment. But other than the
18 missing equipment, none of the other equipment is
19 currently being used?

20 A Except for the Miller Bobcat welder.

21 Q And which item is that?

22 A I don't have item numbers here. The second
23 page, three-quarters of the way down, Miller Bobcat
24 225 NT welding set.

25 Q Number 34 -- 34, Miller Bobcat 225 NT

1 welding set -- got it. And what is that being used
2 for?

3 A Welding up individual pieces of equipment so
4 we can start the tissue machine again.

5 One thing I want to clarify. When they
6 removed -- when Great Lakes removed the roof on the
7 north end, they took two major pieces of equipment
8 that allowed us to make parent rolls on this end.

9 And they removed them, probably to Kling's
10 or the scrap yard. They're no longer here, so we've
11 been trying to rebuild that equipment here. And the
12 welder is part of that. We got to weld stuff
13 together.

14 Q Got it. So in terms of the only equipment
15 that's being used currently is the Miller Bobcat
16 welding set, and one of the used eBay compressors that
17 you purchased?

18 A Yes -- yes. I went down through this list
19 and even the Nirvana isn't running right now. So,
20 yes, the only one running is one of the eBay
21 compressors.

22 Q Okay. The two pieces of equipment -- so
23 when they removed the roof, you said in December of
24 2022; is that correct?

25 A Yeah, around that time.

1 Q Okay. There were two pieces of equipment
2 that you said had to be scrapped -- that were
3 scrapped?

4 A Yeah, when they removed the roof, they also
5 removed the equipment that was out there.

6 Q Do you know what pieces of equipment that
7 was?

8 A Select purge drum, a sludge press, frog pond
9 pump, frog pond agitator.

10 Q Are those pieces of equipment listed on
11 paragraph 8 of the complaint, Exhibit 18?

12 A No. No, that -- that stuff isn't on there.

13 Q Okay. So let's talk about the roof, since
14 we're on that topic. The roof has been an issue for a
15 while; correct?

16 A Yes.

17 Q And so in June of 2022, the Cheboygan County
18 Department of Building Safety notified Great Lakes
19 that the property may be in danger of collapse due to
20 structural deficiencies. Are you aware of that?

21 A Yes, I'm aware of that.

22 Q Okay. And in July of 2022, RCL Engineering
23 Group came in and did an analysis of the roof, and
24 indicated that the roof had collapsed in certain
25 locations; is that right?

1 A Correct.

2 Q Okay. And then ultimately in July of 2022,
3 again, the Department of Building Safety notified
4 Great Lakes that there were reported unsafe building
5 conditions; correct?

6 A Correct.

7 Q Okay. And so in December of 2022,
8 effectively, part of the roof collapsed; is that fair?

9 A I don't remember anything collapsing in
10 December.

11 Q Okay. When did the roof collapse?

12 A Years before that.

13 Q Okay. But the unsafe condition -- in
14 December 18th of 2022, you said OSHA came in and shut
15 the plant down?

16 A Yes, based on the engineer.

17 Q And what was the engineer's concern?

18 A I -- that the structure was unsafe.

19 Q Okay. And have repairs been made to the
20 roof since December of 2022?

21 A Yeah, it's no longer there.

22 Q What do you mean it's no longer there? The
23 roof is no longer there?

24 A Yeah, the north end. That's what
25 they -- that's the only -- that's the only roof in

1 question is the one they removed.

2 Q Okay. So in December of 2022, they removed
3 the roof; that's correct?

4 A Yes.

5 Q And has the roof been replaced?

6 A Not yet.

7 Q And why is that?

8 A Funding, I don't know -- I don't know. I
9 don't know that answer. Tom and Don will have a
10 better answer for that.

11 Q Okay. The building's what -- a three-story
12 building; is that right?

13 A No, it's a one-story building.

14 Q The 437 South Main, can you describe the
15 building generally?

16 A Yeah, it's a one-story building with a flat
17 roof. Takes up probably a city block.

18 Q And it's the north end of the building that
19 does not have a roof?

20 A Correct. The walls -- they took the walls,
21 everything. Walls, roof, they removed that building.
22 It's now just a concrete slab.

23 Q Okay. Got it.

24 A And their plans -- and I can only go by
25 what -- hearsay -- is they plan on rebuilding that

1 roof. But Tom and Don know that answer, I don't,
2 accurately -- factually .

3 Q Is any of the equipment that's identified in
4 paragraph 8 of the complaint -- is any of that in
5 jeopardy because of the condition of the roof?

6 A Oh, no -- no. No, none of that is even
7 located out there, and the roofs over top of the rest
8 of the facility are in really good shape.

9 Q Okay. Is there any threat to the equipment
10 due to the condition of the building, to your
11 knowledge?

12 A No -- no. And I'd -- I would say no. And,
13 you know, you can -- I don't feel uncomfortable
14 walking anywhere else in this building. The north end
15 was the hazard.

16 Q Okay. So other than the missing
17 equipment -- putting that aside -- the equipment
18 that's there, the remaining equipment -- we'll call it
19 the remaining equipment -- you don't have any concerns
20 that the remaining equipment will be destroyed,
21 damaged, or harmed where it's currently located?

22 A No -- no, not at all.

23 Q Okay. What about use of the remaining
24 equipment? Will continued use of the remaining
25 equipment substantially impair its value?

1 A No. No, I think --

2 Q Why do you say that?

3 A Well, with anything, if I had to go drive my
4 car, if I just leave it parked, it'll probably keep
5 value. So to say no when you continue to use
6 something, you know, that's time and age.

7 Q So is it fair to say that the remaining
8 equipment needs constant repair and maintenance?

9 A Not constant repair and maintenance, more
10 like preventative maintenance. Grease it, oil
11 it -- grease it, oil it, tighten up valves, just make
12 sure it's running -- functionally running to the best
13 of its ability without being harmed.

14 Q Are there employees whose job it is to
15 repair and maintain the equipment?

16 A Yeah, the maintenance personnel.

17 Q Okay. And how many maintenance personnel is
18 currently at Great Lakes?

19 A I don't know the exact number. Six?

20 Q So 6 out of the 38 --

21 A We're short staffed --

22 Q Pardon me?

23 A Yeah, we're short -- yeah, we're short
24 staffed, and 6 out of the 38.

25 Q So 6 out of the 38, their job is to repair

1 and maintain the equipment?

2 A Throughout the whole facility, yes.

3 Q Okay. Do you have any idea what the cost is
4 to repair and maintain the remaining equipment on a
5 yearly basis?

6 A No, I don't. No, not yearly -- no, I don't.
7 Outside of -- no, I don't. Nope.

8 Q If the paper is not being sold -- if the
9 mill's not running and there's not any money being
10 generated, how is the equipment being repaired and
11 maintained currently?

12 A Well, right now it isn't being used.

13 Q Well, is there any damage to having the
14 equipment just sit there?

15 A No, not if it's not running.

16 Q So there's no damage to having it just sit
17 there -- like having a car just sit in one spot,
18 there's no issues with it?

19 A No -- nope. No.

20 Q Okay. So the remaining equipment on Exhibit
21 8, who is in possession of the remaining equipment?

22 A Who is in possession? Tissue Depot.

23 Q Okay. And so that'd be Tissue Depot, Inc.;
24 correct?

25 A Yes. Now the -- hold on, it's on here.

1 Number 1, I'm being told, and -- there's another one
2 on here -- sorry, can't seem to find it. It would be
3 number 8, 1 and 8 -- Tom Homco says he has the lien on
4 that. What that means, I don't know.

5 Q And how did you learn that?

6 A One of the conference calls.

7 Q So Tom Homco says that he has a lien on the
8 Babcock and Wilcox gas fired BTU boiler and the
9 Beloit/Proctor & Gamble 128 tissue machine?

10 A Yes, and that -- the facts could actually
11 come from Don and Tom on that subject.

12 Q Have you reviewed any documents that --

13 A None.

14 Q -- show that Tom Homco has a lien on items 1
15 and 2 in paragraph 8 of the complaint?

16 A No, I -- I haven't seen it. Again, it's
17 hearsay.

18 Q You have no personal knowledge one way or
19 the other as to whether Tom Homco has a lien or
20 doesn't have a lien?

21 A No, I do not have any facts.

22 Q Okay. Don Swenson or Tom Homco would be the
23 person to direct that; correct?

24 A Correct.

25 Q Okay. So Tissue Depot, Inc. is in

1 possession of the remaining equipment; correct?

2 A It's in 437 South Main building, yes.

3 Q Which is now in the possession of Tissue

4 Depot, Inc.; correct?

5 A Correct.

6 Q Okay. Did Great Lakes transfer the
7 remaining equipment to Tissue Depot, Inc.?

8 A I'm -- I don't have that information. I
9 wasn't shared that information.

10 Q Did you do anything to investigate how the
11 equipment was transferred, if at all, from Great Lakes
12 to Tissue Depot, Inc.?

13 A No, I did not.

14 Q Okay. But Tissue Depot, Inc. is currently
15 the entity that's in possession of the remaining
16 equipment?

17 A Yes.

18 Q Do you know what Tissue Depot, Inc. paid
19 Great Lakes for the remaining equipment?

20 A No, I do not.

21 Q Do you know if Tissue Depot, Inc. entered
22 into any contracts with Great Lakes Tissue relating to
23 the remaining equipment?

24 A No, I do not.

25 Q Do you know any of the details as to how

1 Tissue Depot, Inc. came into possession of the
2 remaining equipment?

3 A The only knowledge I have is this equipment,
4 a lot of it, is non-removable. You cannot remove it.
5 It is part of the fixture, it's bolted to the floors,
6 to the piping. A lot of what's on this list, like the
7 Babcock Wilcox, number 1, for instance, is -- you
8 would have to take it -- you'd have to scrap it --
9 take it out piece by piece.

10 It was actually put in -- the building was
11 formed around it. The tissue machine, 128, that's
12 part of the structure. It's cemented into the floor.
13 You would have to cut it out piece by piece. All the
14 equipment that's in the machine shop, the fab shop,
15 whatever they called it, is bolted to the floor.

16 It's been there for 23 years, longer than
17 that. Proctor & Gamble put it in. So a lot of this
18 has been there for -- and I don't -- you'd have to cut
19 it out to get it out.

20 Q Got it. Understand. But as of January
21 2023, Great Lakes ceased to operate; correct?

22 A Yes.

23 Q And Great Lakes' employees all became
24 employees of Tissue Depot; correct?

25 A Other than the ones that got laid off, yes.

1 Q And all of the assets of Great Lakes became
2 the assets of Tissue Depot; correct?

3 A I assume so because it's still here.

4 Q Okay. So as of today, it's fair to say that
5 Great Lakes is a defunct company; correct?

6 A Yes.

7 Q Did Great Lakes or Tissue Depot ever obtain
8 Prime Alliance or Sertant Capital's consent to
9 transfer the remaining equipment from Great Lakes to
10 Tissue Depot, Inc.?

11 A That wouldn't be for me to know. I'm not
12 involved in meetings like that.

13 Q You don't know?

14 A I don't know -- I don't know the answer to
15 that question.

16 Q Did you ever try to find anyone who knew the
17 answer to that question as to the transfer of the
18 equipment?

19 A No -- no. Not -- up until I received this
20 21 items, I didn't know -- I didn't even know who
21 Sertant was. I didn't even know they had a lien on
22 anything. I didn't know this equipment had liens on
23 it until I received this, and that would have been
24 April, last month.

25 Q Let me just share something. I'm going to

1 go back to Exhibit 1. In paragraph 9, which is one of
2 the topics that you are designated to testify to, it
3 says, "All facts relating to the transfer, assignment,
4 conveyance, license, sale, or use of the equipment,
5 Defendant's assets, or Defendant's operations, to any
6 third party or entity from September 1, 2022, to the
7 present." Do you see that?

8 A Yes, I see that.

9 Q Okay. So --

10 A I read that.

11 Q So the equipment that you testified was
12 transferred from Great Lakes to Tissue Depot, Inc. --

13 MR. JANCZEWSKI: I'm going to object.
14 I think that mischaracterizes the testimony. I think
15 the questions were who has possession of the
16 equipment. It wasn't transfer, or title, or anything
17 like that.

18 BY MR. MCWHORTER:

19 Q Well, okay. First of all, Mr. Schleben,
20 what did you do to obtain information on that topic?

21 A Again, I thought it -- I thought it referred
22 to the 21 items that we first went through. I did not
23 know that it meant everything -- that I now know there
24 was the bigger list.

25 Q Yeah. And so you didn't --

1 A And I -- I did -- I did investigate that,
2 but I thought it was the transfer of those 21
3 items -- the assets and 21 items.

4 And I thought -- I come to that conclusion
5 when I found out that they went to Kling's, and they
6 no longer were in this plant at 437 South Main.
7 I -- that's what I -- that's as far as I went with it
8 because that's all the more I thought I had to do.

9 Q Got it. So going to Tom's point, who holds
10 title currently to the remaining equipment?

11 A The remaining equipment? With what I know
12 now, I would say that'd be Sertant. And from -- I
13 don't know -- the city, Tom Homco?

14 Q So in terms of the equipment identified in
15 the complaint, in paragraph 8, do you know, for any of
16 that equipment, who currently holds title?

17 A I -- I thought it was Tissue Depot, Inc.

18 Q Okay. And so what's your basis for that
19 belief?

20 A Because most of it is permanent fixtures of
21 this mill, and when -- when you buy a plant, I assume
22 that that stuff went with it.

23 Q So it's your belief that Tissue Depot, Inc.
24 holds title to the equipment?

25 A Yes. The permanent -- if it's permanent, it

1 would be the landowner.

2 Q Do you know whether Sertant or Prime
3 Alliance Bank has title to the equipment, or you don't
4 know?

5 A No, I don't know that they -- I don't know
6 who has the title to them -- any of this.

7 Q Okay. But the possession of the equipment
8 was transferred from Great Lakes to Tissue Depot in
9 January of 2023; correct?

10 A Correct.

11 Q And Tissue Depot, Inc. retains possession of
12 the remaining equipment today?

13 A Correct.

14 Q And you don't know whether either of the
15 plaintiffs in this case consented to that transfer or
16 not; correct?

17 A Correct. I wasn't a part of --

18 Q To the best of your knowledge, the
19 plaintiffs never consented to the transfer of the
20 possession of the equipment from Great Lakes to Tissue
21 Depot, Inc.; correct?

22 A I can only assume. Like I said, I wasn't in
23 that meeting.

24 Q You're not aware of anything to say that
25 they were notified; correct?

1 A I read no documents, I don't -- I have no
2 facts -- I have no facts on that -- that statement at
3 all.

4 Q Right.

5 A So I'm not aware.

6 Q Right. So to the best of your knowledge,
7 Plaintiffs Prime Alliance and Sertant Capital were
8 never notified that Great Lakes transferred the
9 remaining equipment from Great Lakes to Tissue Depot,
10 Inc.; correct?

11 A I would have to assume.

12 Q That they were not; correct?

13 A Correct. I'm -- I'm not sure.

14 Q You're not aware of anything?

15 A I'm not aware -- I wasn't told anything.
16 I'm not aware of it.

17 Q And you didn't do anything to investigate
18 that; correct?

19 A I didn't know who to talk to about it.

20 Q Who would you talk to if you were going to
21 investigate it?

22 A Sertant.

23 Q Anyone else?

24 A Tissue Depot, Inc.

25 Q Who at Tissue Depot, Inc.?

1 A One of the leadership.

2 Q So you're the president of Tissue Depot,
3 Inc.; correct?

4 A Yes.

5 Q Okay. And we had previously identified as
6 Exhibit 19 -- hold on one second. The check -- the
7 check that was in Wisconsin. Do you remember that?
8 The address in Wisconsin?

9 A Yes -- yes.

10 Q Have you ever been to that building?

11 A No.

12 Q Is the headquarters of Tissue Depot, Inc. in
13 Wisconsin?

14 A We're not sure. We're wondering why the
15 check doesn't say 437 South Main.

16 Q Who's that who says we're not sure?

17 A Employees. So, no, we haven't been there.
18 And I don't know if that's the headquarters.

19 Q Are you aware of any equipment whatsoever
20 being moved or relocated from 437 South Main,
21 Cheboygan, Michigan, to Wisconsin, or anywhere else?

22 A No -- no. Nothing -- no.

23 Q Other than the missing equipment that we
24 talked about?

25 A The 21 items.

1 Q Yeah. Other than those 21 items, you're not
2 aware of any other equipment being moved or relocated?

3 A No, nothing's been removed from here that
4 I'm aware of.

5 Q Okay. And specifically, you're aware that
6 the court entered a temporary restraining order
7 restraining the damage, destruction, concealment,
8 disposal, moving of the equipment; you're aware of
9 that?

10 A Yes, I was told that. Yes.

11 Q And to your knowledge, there has been no
12 other equipment moved?

13 A Correct.

14 Q You identified one piece of equipment that
15 was liquidated in April of 2023?

16 A Yes, the -- that would be the -- hold on,
17 let me get my list -- JCB 506C.

18 Q And what was the date of that -- or that
19 disposal?

20 A 4/9/23.

21 Q So April 9th, so that's -- are you aware
22 that the court entered its order on April 12th?

23 A No.

24 Q So three days before the court entered its
25 injunction, it disposed of that equipment?

1 A Yes.

2 Q Do you know if -- strike that. Did Tissue
3 Depot, Inc., or Great Lakes, or anyone on their
4 behalf, contact anyone at Sertant Capital or Prime
5 Alliance to let them know that that equipment would be
6 disposed of?

7 A At the time I was a team leader, and they
8 wouldn't have told me anything like that.

9 Q You don't know one way or the other;
10 correct?

11 A I do not know one way or the other. It
12 could be yes, it could be no. I don't know.

13 Q And how much was that equipment sold
14 for -- scrapped for? Do you have that?

15 A \$1,171 -- or 76 dollars.

16 Q Got it.

17 MR. MCWHORTER: Can we take a
18 five-minute break? I need to see what else I have
19 left.

20 THE WITNESS: Yes.

21 THE REPORTER: All right. We are now
22 off the record.

23 (Off the record.)

24 THE REPORTER: All right. We are now
25 back on the record at 1:52 p.m.

1 BY MR. MCWHORTER:

2 Q Mr. Schleben, you indicated there are 38
3 employees currently; correct?

4 A Yes.

5 Q And you said there are six repair and
6 maintenance employees?

7 A Yes.

8 Q If the plant's not operating, what are those
9 repair and maintenance employees doing?

10 A Rebuilding the equipment to get us back
11 running.

12 Q And what is the anticipated date that Tissue
13 Depot will begin making paper products?

14 A Mid-June.

15 Q And what's that based on?

16 A A restraining order.

17 Q Well, the restraining order says that you
18 can't use it to substantially impair its value. It
19 doesn't say you can't use it.

20 A Right. That's -- that's my assumption. I
21 assumed that. Our date is -- June is what we're
22 trying to shoot for to start up. Just -- just the 102
23 parent roll machine.

24 Q Okay. So your plan is in June of 2022 [sic]
25 just do to one parent roll machine?

1 A Yes. Not the converting side, but just the
2 parent roll.

3 Q And why just the parent roll?

4 A The other side cannot do anything until we
5 make parent rolls.

6 Q And so out of the equipment in paragraph 8
7 of Exhibit 18, which is the complaint, what equipment
8 is needed to make the parent rolls?

9 A Number 1, number 2, number 3, number 4,
10 number 5 -- it could be 5 or 6, just a stretch
11 wrapper. I think it's number 6. I'm not sure -- they
12 don't have names out here on this antique equipment.

13 I believe -- well, definitely number 8,
14 7 -- 7 and 8. That's pretty much it, except for -- as
15 I say, the printout for some reason didn't give me
16 numbers. I'm only counting down and --

17 Q Understand. So 1, 2, 3, 4, 5 or 6, 7, and
18 8. Is 7 included in that list?

19 A Hold on. Yes.

20 Q Okay. So basically items 1 through 8 are the
21 items that you need to do the parent roll machine.
22 The other remaining equipment is not needed to run the
23 parent roll machine -- to do the parent roll
24 operations; correct?

25 A Except for -- I'm looking on page 2, the

1 second and third one -- or the -- the last two on
2 there -- Caterpillar #11 roll grab. We'll need that
3 to run. If that's not on the 21-item list. We need a
4 roll grab 'cause you got to pick these 102s up, and
5 that's what we use.

6 Q So the roll grab, you mean number 58, 59,
7 the Linde roll grab, is that what you're referring to?

8 A Yeah -- yeah.

9 Q Okay. So one of the Linde roll grabs. So,
10 like, 58. Okay. Is that right?

11 A Yes.

12 Q Okay. So that's the equipment that's needed
13 for the parent roll machine operations. How soon do
14 you expect to start doing the conversion?

15 A That we're unsure of. Right now we're just
16 focused and concentrated on selling 102 parent rolls.

17 Q How much does a parent roll run, in terms of
18 when you sell it? What do you get for a parent roll?

19 A \$800 to maybe \$1,200. That all -- that
20 depends on the market at the time, the paper market.

21 Q And how long does it take to make a parent
22 roll?

23 A Twenty minutes.

24 Q So I have a question. Does Great Lakes have
25 set customers that it uses that buys its products?

1 A Great Lakes or Tissue Depot?

2 Q Well, let's -- prior to January 2023?

3 A Yes, they -- yes, they did.

4 Q What kind of customers did Great Lakes have?

5 A Other converting mills would buy our parent
6 rolls so they can convert into toilet paper rolls,
7 tissue paper, napkins.

8 Q And does Great Lakes have contracts with
9 those companies?

10 A Yeah, they did have.

11 Q How many customers did Great Lakes have?

12 A The exact amount I don't know. I don't know
13 that. Four?

14 Q Four customers. So Great Lakes had four
15 customers that it used --

16 A Just for the parent rolls.

17 Q Parent rolls.

18 A Like I said, I don't know the exact number.
19 Could have been six, it could have been four. I'm
20 not -- Sherry would have that answer.

21 Q Do you know who the four to six customers
22 are?

23 A I only know one, ACI.

24 Q What does ACI stand for?

25 A That I don't know. That's just how we

1 referred to that company.

2 Q And where is that company based out of?

3 A Not sure. I am not part of sales.

4 Q Got it. So Great Lakes had four to six
5 customers. How long did it have those four to six
6 customers?

7 A Man, on and off? Probably 15 years or
8 longer.

9 Q So it's fair to say that Great Lakes had an
10 established relationship with these customers?

11 A Yes.

12 Q And did Great Lakes have written contracts
13 to provide parent rolls to them?

14 A I would have to ask Sherry that. My part of
15 the whole thing was they just told me what to make and
16 who I was making it for.

17 Q You don't know whether the customers submit
18 quotations, or you don't know how they bid the work;
19 correct?

20 A Correct. I don't know that part of it, no.

21 Q Okay. And so on the parent rolls, there's
22 four to six customers. And on the conversion side,
23 how many customers did Great Lakes have?

24 A Now on the conversion side -- as I said, I
25 work on the parent roll side. I've never worked on

1 the conversion side. I know nothing about their
2 business on that end.

3 Q Okay. So you don't know how many customers
4 they had?

5 A No. I'm sorry, I do not know.

6 Q So when Tissue Depot, Inc. operates going
7 forward, it will be selling parent rolls to the same
8 four to six customers; correct? That Great Lakes sold
9 to?

10 A That's what -- that's what our hope is.

11 Q Do you have any facts to base that hope on?

12 A No -- no, I don't. And again, we'd have
13 to -- I'd have to get with Sherry to see if there is
14 any. I believe the -- the one that keeps coming up
15 for the last couple days is ACI. They're trying to
16 figure out a way and agree upon taking our tissue to
17 start up. That'll get us going.

18 Q At any time since Tissue Depot, Inc. took
19 over the operations of Great Lakes, did anyone to your
20 knowledge ever send any notice out to the customers of
21 the name change, so to speak?

22 A That I don't know.

23 Q To your knowledge, do you know if the
24 customers of Great Lakes are now the customers of
25 Tissue Depot, Inc.?

1 A That I don't know. We haven't made paper,
2 we haven't sold paper, they haven't -- I don't know.

3 Q Does Tissue Depot, Inc. have letterhead?
4 When you used letterhead after January 'til now, does
5 your letterhead say Great Lakes Tissue Company, or
6 does it say Tissue Depot, Inc.?

7 A Tissue Depot, Inc.

8 Q And how long has Great Lakes done business
9 with ACI? Any idea?

10 A Not the exact amount of years. Years.

11 Q Like, more than ten years?

12 A Yes.

13 Q And so it's fair to say that Tissue Depot,
14 Inc. is hoping to use the relationship that Great
15 Lakes had built with ACI to sell products to it;
16 correct?

17 A Correct.

18 Q And the same is true as with the other
19 customers of Great Lakes?

20 A Correct.

21 Q Did -- go ahead. Do you have more to
22 answer?

23 A No -- no.

24 Q Okay. What did Tissue Depot, Inc. -- strike
25 that. Does Great Lakes have a customer list?

1 A Prior to -- when Clarence owned it, yes,
2 they had a customer list.

3 Q And when Kip took over, did they have a
4 customer list?

5 A I can only assume it was the same ones
6 because we're told the same thing.

7 Q Okay. And that customer list now belongs to
8 Tissue Depot, Inc.; correct?

9 A Correct.

10 Q What did Tissue Depot, Inc. pay to Great
11 Lakes to acquire that customer list?

12 A I don't know.

13 Q Did you do anything to investigate
14 what -- is it fair to say that a customer list is an
15 asset of a business?

16 A Yes.

17 Q Okay. Did you do anything to investigate
18 what Tissue Depot, Inc. paid to Great Lakes, Inc. to
19 acquire its customer list?

20 A Not as far as paying for a customer list.
21 The customer -- the customers, yes. The customers
22 that we had throughout all this just come with the
23 company. You know, we just call them. They still
24 want our paper no matter who owns it.

25 It ain't a matter of paying for it. I -- I

1 don't know of anybody paying for that list because
2 they just automatically call Sherry and see if we're
3 making paper yet, and let us know when you do, 'cause
4 we still want it.

5 Q Because Sherry has got a relationship with
6 those customers?

7 A Many, many years of it, yes. A
8 relationship.

9 Q And that's for many, many years of working
10 for Great Lakes of building that relationship?

11 A Correct.

12 Q And that relationship now -- Sherry now
13 works for Tissue Depot, Inc.; correct?

14 A Correct.

15 Q And you don't know what, if anything, Tissue
16 Depot, Inc. paid to acquire that customer list or
17 relationship?

18 A No -- no.

19 Q Did Great Lakes have any patents or
20 copyrights?

21 A No, not that I'm aware of.

22 Q Do you know what an environmental permit is?

23 A Yes. I've heard of it, yes.

24 Q What is an environmental permit?

25 MR. JANCZEWSKI: I'm going to, again,

1 reassert the objection that Mr. Schleben has been
2 called to testify about the equipment.

3 Now you've been asking about patents,
4 copyrights, environmental licenses that are clearly
5 outside the scope of what he's been prepared to
6 testify to.

7 MR. MCWHORTER: Well, I said assets,
8 but I hear you.

9 BY MR. MCWHORTER:

10 Q Let me just ask you this question. Do you
11 know if Great Lakes sold environmental permits to any
12 third party?

13 A I wasn't made aware of it.

14 Q Okay. So you don't know; correct?

15 A No, I don't know that. I don't know that
16 answer.

17 Q Insurance. I'm going to show you what's
18 marked as Exhibit 15.

19 (Exhibit 15 was marked for
20 identification.)

21 It's an evidence of property insurance. Do
22 you recognize this insurance certificate?

23 A I've never seen it.

24 Q Okay. The court required the defendant in
25 this case to provide proof of insurance. Do you know

1 if the equipment is insured?

2 A No, I don't know that.

3 Q Do you know if either Sertant Capital or
4 Prime Alliance Bank -- are they named as an insured on
5 any policy?

6 A I haven't seen any policies. I can't answer
7 that question 'cause I -- I've never read anything on
8 insurance on the building.

9 Q So what about on the equipment? You don't
10 know one way or the other whether any of the remaining
11 equipment is insured; correct?

12 A Yes. I -- correct. I don't know that
13 answer. I haven't read anything.

14 Q And do you know if this policy is currently
15 in effect?

16 A Tom Homco said he has insurance on this
17 building and the building across the street.

18 Q Okay. And this is Homco Thermo Warehouse is
19 the -- having the additional interest? Is that what
20 you're referring to?

21 A I didn't see that name on the bottom. I got
22 that from -- Tom mentioned that to me.

23 Q Tom mentioned to you that he has --

24 A He has insurance on the building, which is
25 everything in it.

1 Q Does that include the equipment?

2 A Yes.

3 Q And do you know who is the insurer for the
4 equipment?

5 A No, he doesn't share that information with
6 me.

7 Q Do you know if either of the plaintiffs are
8 designated as a payee on the insurance?

9 A That I -- no, I don't know that. The
10 only -- the only thing I know on the insurance part is
11 what I'm told by Tom that he has insurance on both
12 buildings.

13 Q Do you know if that is insurance for him
14 personally, or insurance for Tissue Depot, Inc.?

15 A That information -- that I don't know. I
16 don't know that answer.

17 Q Do you know if it's insurance for Great
18 Lakes Tissue, Inc. -- I'm sorry, Great Lakes. Let me
19 strike that.

20 Do you know if Great Lakes has insurance on
21 the equipment?

22 A No, I don't know that.

23 Q So you have 38 employees, 6 doing repair,
24 what do the other 32 employees do?

25 A We have been cleaning -- extensive cleaning.

1 Scraping, painting, making it a better work
2 environment. Cleaning it up. And as of right now, we
3 are helping get the equipment that was removed with
4 the roof back running -- rebuilding it.

5 Q And when you begin manufacturing the paper
6 rolls in June, will it be with the same 38 employees,
7 or is Tissue Depot, Inc. intending on hiring
8 additional employees?

9 A Thirty-eight current, and fourteen more
10 employees is what we plan on hiring now.

11 Q When do you plan on hiring the 14 employees?

12 A Next month, June.

13 Q And why is it necessary to hire 14 employees
14 when you're simply doing the parent rolls?

15 A Takes seven people on each crew, we run
16 24/7. We run four different shifts, seven people on a
17 crew.

18 Q Got it. I think I asked you this. Before
19 you testified today, is there anyone else that you
20 spoke with other than the individuals that you already
21 identified?

22 A No -- no.

23 Q Okay. I'm going to show you what's marked
24 as Exhibit 3.

25 //

1 (Exhibit 3 was marked for
2 identification.)

3 Do you recognize this document?

4 A No.

5 Q Were you provided a copy of this document?

6 A No.

7 Q Okay. This is the inspection that was done
8 in April of 2023. So you have never seen this
9 document?

10 A No.

11 Q Okay. I'm going to show you what's marked
12 as Exhibit 6.

13 (Exhibit 6 was marked for
14 identification.)

15 Have you ever seen this document?

16 A No, sir.

17 Q Have you ever seen Kip Boie's signature?

18 A Once I believe, yes. Just once.

19 Q Do you know if that's Kip Boie's signature
20 on page 8?

21 A Yes, it is.

22 Q Okay. What about Exhibit 7, which is a
23 Lease Schedule No. 1, have you ever seen this
24 document?

25 //

1 (Exhibit 7 was marked for
2 identification.)

3 A No.

4 Q Again, do you recognize this signature?

5 A No. It's too fuzzy, it's too grainy.

6 Q I'm going to show you what's marked as
7 Exhibit 8.

8 (Exhibit 8 was marked for
9 identification.)

10 Have you seen this document before?

11 A No.

12 Q Do you know what a UCC Financing Statement
13 is?

14 A Nope.

15 Q You've never seen this list of equipment?

16 A That equipment is what we've been going
17 over?

18 Q Correct.

19 A I recognize the names.

20 Q Right. I'm going to share what's marked as
21 Exhibit 9.

22 (Exhibit 9 was marked for
23 identification.)

24 Have you seen this temporary restraining
25 order?

1 A No, they didn't show me one. No.

2 Q How did you come to learn about this
3 temporary restraining order?

4 A Employees, hearsay, news, UpNorthLive.

5 Q Got it.

6 A Social media.

7 Q As the president of the company, are you
8 taking any steps to make sure that the temporary
9 restraining order is being complied with?

10 A Yes. Once I get that, I'll read it and
11 understand it more.

12 Q Have you given instructions to your
13 employees not to move any of the equipment?

14 A The plant manager, I believe, has done that.

15 Q Are you aware, in roughly April or May of
16 2023, equipment being moved at night?

17 A Am I aware of that?

18 Q Yes.

19 A It wasn't equipment, it was I-beams. We
20 were getting I-beams from one warehouse to the -- this
21 warehouse.

22 Q What's an I-beam?

23 A It's a steel structural -- structural steel
24 used in bases, holding up floors, walls, ceilings,
25 roofs. We use it -- we used it to support the wall

1 and one of the pieces of equipment that was removed
2 and we're rebuilding.

3 Q And so you moved the I-beams or you moved
4 equipment?

5 A The -- the equipment moved the I-beam over
6 here. We didn't remove -- we didn't remove equipment.
7 We were moving an I-beam from one side of the street
8 that weighed -- the I-beam was probably almost two,
9 three thousand pounds. So you needed a fork truck to
10 carry it across. And the best time to do it is at
11 night when there's less traffic, so you can cross Main
12 Street.

13 Q Did the Cheboygan sheriff or police
14 department become involved in the movement of that
15 equipment?

16 A Yes, they stopped once to see what we were
17 doing and what we were up to, and told us to be safe.
18 And we explained why, and they said okay.

19 Q Okay. And so there was no movement of
20 equipment, it was just simply the I-beams?

21 A Simply, yeah, just simply I-beams crossing
22 the main highway. And we told -- we told the sheriff,
23 or the police officer, at the time that it's much
24 safer -- safer for us to cross Main Street at night
25 'cause there's less people, less traffic, than during

1 the day.

2 So safety wise, we try to move -- if we got
3 to move stuff from one warehouse to the other and it's
4 long and heavy, we try to do it without obstructing
5 traffic.

6 Q The Cheboygan city manager has placed
7 barricades on the outside of the building; correct?

8 A That's when they were removing the north
9 roof.

10 Q Are those barricades still there?

11 A No, they since moved them since the wall was
12 taken down.

13 Q When was the roof and the wall taken down?

14 A December. By -- yes, by Great Lakes.

15 Q That can't be --

16 A There was other -- I don't know what
17 barricades. That's the only barricades I know of.

18 Q So I'm going to -- okay. This is not in
19 your binder, but I will mark it as Exhibit -- I think
20 I'll make it as Exhibit -- what number do we
21 have -- 20. This is Exhibit 20.

22 (Exhibit 20 was marked for
23 identification.)

24 A Okay.

25 Q Okay. So I'm going to go through this.

1 A I know what that's for. To remove that
2 dangerous piece up there.

3 Q Okay. Has that been fixed?

4 A Yeah, it's been removed. So -- we put those
5 barricades up.

6 Q The city manager didn't put those barricades
7 up?

8 A No, we did. Rocky was the one that went up
9 there and removed that dangerous part of the corner of
10 that building. It's now safe.

11 Q And when was that done?

12 A I don't know the exact date. I was on -- I
13 was team leading. I come to work one day, the
14 barricades were up, and I seen him up there removing
15 it. That's what I know of it.

16 Q Okay. I'll represent to you that the
17 picture I just showed you was our process server
18 taking pictures when he was going to serve the papers.

19 A Oh. Yeah. All right.

20 Q Let me see if I've got anything else.

21 A Yeah, that corner of that building been
22 slowly trying to fall down for a while, and we thought
23 we better get up there and remove it.

24 Q And none of the remaining equipment is
25 located near there?

1 A No -- no. No, that's -- that corner's
2 been -- it was repaired probably twice. The inside of
3 the cement blocks -- the inside of the building is
4 still there. That's just -- that's just for looks
5 type of bricks on the outside of cement blocks.

6 Q Okay. Do you know what is the anticipated
7 cost of repairing the rest of the building? Do you
8 have any idea?

9 A Just by a number I overheard, 21 million.

10 Q Did you do any investigation -- topic 7
11 says, "All facts relating to Defendant's plans, if
12 any, and anticipated costs for repairing and securing
13 the property." What did you do to determine the
14 anticipated costs?

15 A Just asked what it was going to cost to
16 repair the roof, put this building back up, and any
17 other repairs. And they told me the cost was
18 somewhere around 21 million.

19 Q Who told you it was 21 million?

20 A Again, I -- any questions I asked Ron
21 Vandenheuvel. That's what he's there for, if we have
22 questions. He gets the answers, gets back to me.
23 Consult him by phone, he -- he lives out of town, I
24 believe downstate somewhere. Supposed to go to
25 Florida, I don't know.

1 Q Is Mr. Vandenheuvel still paid for those
2 services?

3 A I don't know if he's paid or not paid.

4 Q Okay. So Mr. Vandenheuvel told you that it
5 was 21 million. When did he tell you that?

6 A Day before yesterday. What's today's date?

7 Q Today is -- so it's the 23rd.

8 A Yeah, the 23rd is when I asked him that
9 question.

10 Q And that was in anticipation of today's
11 deposition?

12 A Yes.

13 Q Okay. What else --

14 A And that's -- that's the nearest I
15 could -- that's -- that's all I could come up with on
16 that.

17 Q And how is those funds going to be raised?

18 A I'm not sure on how the funds are going to
19 be raised.

20 Q Well, do you know what Defendant's plans, if
21 any, are to obtain that money?

22 A I'm not part of the how he gets money part
23 of it. I'm assuming -- I'm assuming we got to make
24 paper.

25 Q And that would be Tissue Depot, Inc. coming

1 up with the money to make those repairs; right?

2 A Correct.

3 Q Are you aware of any inventory, machinery,
4 equipment, anything being sold out of the ordinary
5 course of business from September 1, 2022, to the
6 present?

7 A No. Nope.

8 Q What did you do to make a determination of
9 that?

10 A I've been here, and I know that nothing's
11 been removed from here. They had some equipment that
12 was repossessed, but that was about it.

13 Q Do you know if -- when's the last time that
14 there was an appraisal of the equipment done by either
15 Tissue Depot, Inc. or Great Lakes?

16 A None that I'm aware of, none. I -- there's
17 nothing in our records that says it was appraised.

18 Q Did you look to see if there was an
19 appraisal of the equipment?

20 A As much as I could. When Great Lakes
21 Tissue -- Great Lakes went out, a lot of the
22 information was tossed out. So a lot of the records I
23 can't find.

24 Q So when Tissue Depot, Inc. took over the
25 business operations -- or took over Great Lakes

1 business, the business records of Great Lakes were
2 disposed of?

3 A That I don't -- I'm assuming --

4 MR. JANCZEWSKI: Objection. I think
5 that mischaracterizes the testimony. I think the
6 testimony was that he's not able to find them. But I
7 don't think there's anything to suggest that Great
8 Lakes/Tissue Depot disposed of any information.

9 BY MR. MCWHORTER:

10 Q Mr. Schleben, can you finish your answer?

11 A My answer is I can't find that information.
12 It isn't in the same location it was. I'm not saying
13 they disposed of it. It's moved, I don't know where
14 it went. I -- I asked people. They don't have -- no,
15 I don't know where it's at.

16 But I wrongfully said disposed of. I should
17 not have said that. That was a wrong answer. I
18 shouldn't -- that was wrong.

19 Q Got it. So are there records that you have
20 looked for in the past that you cannot locate now?

21 A No, they're just in different locations.
22 I've only been back at this for seven days now. And
23 it was two years ago. Things have changed in two
24 years. People have moved offices, moved stuff around.
25 It's a matter of finding it.

1 Q Well, did Great Lakes use a network and
2 computers?

3 A Yes.

4 Q Okay. And are those same computers still at
5 Tissue Depot?

6 A No.

7 Q What happened to those computers?

8 A Don't know. I'm -- I'm not sure. This
9 whole -- the network I'm on right now that I'm using
10 is Tissue Depot's network. It hasn't -- nothing's the
11 same as far as one network to the other.

12 Q So are you connected to Tissue Depot in
13 Wisconsin, or is it just local?

14 A Whoever is on the board.

15 Q Got it. I understand. You don't --

16 A No, it's all over. It's -- it could be
17 Minnesota, it could be I think St. Louis, Michigan.
18 It's a network -- we're all on the same network.

19 Q How did Great Lakes maintain its books and
20 records prior to January of 2023?

21 A I haven't a clue. I don't know. I was on a
22 team.

23 Q But when you did it, if you had documents
24 that you were using, did you store them on the
25 computer, did you have a paper file?

1 A Yes. Prior to 2022, 2020, when I was in
2 management, we used a -- stored it on the computer. I
3 don't know what Great Lakes Tissue did in 2022 'cause
4 I wasn't on the computers.

5 Q You didn't use a computer in 2022?

6 A Correct. And I haven't used the computers
7 until this week of 2023.

8 Q Okay. Got it. And you used -- that's why
9 you now have a new email address?

10 A Correct. And that's why I say I can't find
11 the information because the information was on a
12 different network. I said -- like I said, I misspoke.
13 I said it wrong.

14 Q Understand.

15 A The information I'm looking for isn't on the
16 computer I'm on now, that I'm used to in 2020. I
17 apologize for that. I did not mean to say it wrong.

18 Q Got it. Understood. Okay. Got it. So you
19 don't know one way or the other what happened to the
20 books and records, or the computers, that Great Lakes
21 may have used prior to January 1, 2023?

22 A Correct. Yes. The last time I was on the
23 computer was 2020.

24 Q So Tissue Depot could have possession of
25 them, or they might not have possession of them, you

1 just don't know?

2 A I just don't know. I know it's not on the
3 one I'm using -- the network.

4 Q Kip Boie was the CEO of Great Lakes;
5 correct?

6 A Yes.

7 Q Okay. And he ceased being the CEO when
8 Tissue Depot, Inc. acquired Great Lakes' business
9 operations; is that fair?

10 A That's fair to say, yes.

11 Q Okay. Did Kip Boie have an office at Great
12 Lakes?

13 A A specific office? Not that I'm aware of.

14 Q When he left, are you aware, did he take any
15 books and records with him?

16 A I'm not aware of that. I don't know. I
17 wasn't -- I was on a team. No. I didn't even know if
18 one was going from the other at that time.

19 Q Got it.

20 A I was a team leader on the team. Not in
21 management, and not in that loop, so to speak.

22 Q Got it. Okay. Give me one second, sir.

23 A Yes, sir.

24 MR. MCWHORTER: So I think I've
25 concluded my questions for today. I'd like to just

1 say this.

2 There were certain topics such as the
3 transfer of assets other than in the ordinary course
4 of business, the transfer of assets from Great Lakes
5 to Tissue Depot, Inc. I think it's clear that
6 Mr. Schleben does not have, or did not investigate
7 that, is not the person most knowledgeable, doesn't
8 have any knowledge in terms of what was paid, if
9 anything.

10 So to that extent, and to the extent
11 that there were certain topics -- and I won't go
12 through all of them -- where he did not have the
13 opportunity or wasn't aware that he had to -- that he
14 did a diligent search for information, to that
15 extent -- to the extent it becomes necessary, I
16 reserve the right to recall Mr. Schleben at a later
17 time.

18 But I think for purposes of today given
19 what he's done up to this point to prepare, given the
20 fact that he's only been president since May 15th, and
21 he got this May 22nd -- three days ago -- I guess I
22 would reserve the right to recall Mr. Schleben at a
23 later date and give him the opportunity to look at the
24 issues that he had.

25 So, for instance, the equipment -- he

1 didn't know that it was the equipment, he thought it
2 was the missing equipment only. And that's just
3 another example. So that's my only reservation, Tom.
4 I just want to put that on the record.

5 MR. JANCZEWSKI: Okay.

6 MR. MCWHORTER: And you're welcome to
7 ask him any questions today, if you wish.

8 MR. JANCZEWSKI: I do not.

9 MR. MCWHORTER: Okay. I'd like to work
10 out one logistical issue. We have a hearing June
11 12th. Typically it's 30 days to review a transcript.
12 I'd like to stipulate to at least shorten that time.

13 If Mr. Schleben could read through his
14 transcript and make any changes that he thinks is
15 appropriate, he can do that. But I'd like to do it,
16 if possible, as soon as possible, if we could agree
17 upon a shortened time schedule.

18 MR. JANCZEWSKI: I'm certain we can
19 agree to a shortened time schedule. I'm not sure if I
20 can do it right this second, but I'll have to talk to
21 Ken. But your point is well taken that, you know, the
22 hearing's on the 12th so, you know, we need to do
23 something.

24 MR. MCWHORTER: So let me ask this
25 question. Could we go off the record for one second?

1 THE REPORTER: Sure. We are now off
2 the record at 2:40 p.m.

3 (Off the record.)

4 THE REPORTER: We're back on the
5 record.

6 MR. MCWHORTER: Okay. So Counsel have
7 discussed, and so we will order an expedited
8 transcript. Given the fact that we have a June 12th
9 hearing date, Mr. Schleben's agreed to review his
10 deposition and return any changes that he has within
11 three business days -- but no later than June 7th at
12 the very latest -- but three business days once he
13 receives it. And we will send it via email to Counsel
14 for the defendant. Is that fine?

15 MR. JANCZEWSKI: Yeah, we are fine with
16 that.

17 MR. MCWHORTER: Okay. And with that,
18 subject to my reservations --

19 You don't have any questions, I assume,
20 Tom?

21 MR. JANCZEWSKI: I have no questions.

22 MR. MCWHORTER: So that's it. Then we
23 can go off the record.

24 THE REPORTER: All right. We are now
25 off the record at 2:44 p.m.

1 (Whereupon, at 2:44 p.m., the
2 proceeding was concluded.)
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1 CERTIFICATE OF DEPOSITION OFFICER

2 I, ALEXANDRA HOBRECHT, the officer before
3 whom the foregoing proceedings were taken, do hereby
4 certify that any witness(es) in the foregoing
5 proceedings, prior to testifying, were duly sworn;
6 that the proceedings were recorded by me and
7 thereafter reduced to typewriting by a qualified
8 transcriptionist; that said digital audio recording of
9 said proceedings are a true and accurate record to the
10 best of my knowledge, skills, and ability; that I am
11 neither counsel for, related to, nor employed by any
12 of the parties to the action in which this was taken;
13 and, further, that I am not a relative or employee of
14 any counsel or attorney employed by the parties
15 hereto, nor financially or otherwise interested in the
16 outcome of this action.

17 
18

19 ALEXANDRA HOBRECHT

20 Notary Public in and for the
21 State of Michigan
22
23
24
25

1 CERTIFICATE OF TRANSCRIBER

2 I, LISA OUIMETTE, do hereby certify that
3 this transcript was prepared from the digital audio
4 recording of the foregoing proceeding, that said
5 transcript is a true and accurate record of the
6 proceedings to the best of my knowledge, skills, and
7 ability; that I am neither counsel for, related to,
8 nor employed by any of the parties to the action in
9 which this was taken; and, further, that I am not a
10 relative or employee of any counsel or attorney
11 employed by the parties hereto, nor financially or
12 otherwise interested in the outcome of this action.

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19 LISA OUIMETTE
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ROBERT MCWHORTER, ESQ.

rmcwhorter@buchalter.com

June 2, 2023

RE: PRIME ALLIANCE BANK, INC. vs. THE GREAT LAKES

TISSUE COMPANY

May 25, 2023 -KEN SCHLEBEN-JOB NO.5936688

The above-referenced transcript has been completed by Veritext Legal Solutions and review of the transcript is being handled as follows:

___ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext to schedule a time to review the original transcript at a Veritext office.

___ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF Transcript - The witness should review the transcript and make any necessary corrections on the errata pages included below, notating the page and line number of the corrections. The witness should then sign and date the errata and penalty of perjury pages and return the completed pages to all appearing counsel within the period of time determined at the deposition or provided by the Code of Civil Procedure.

___ Waiving the CA Code of Civil Procedure per Stipulation of Counsel - Original transcript to be released for signature as determined at the deposition.

___ Signature Waived - Reading & Signature was waived at the time of the deposition.

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1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF
2 Transcript – The witness should review the transcript and
3 make any necessary corrections on the errata pages included
4 below, notating the page and line number of the corrections.
5 The witness should then sign and date the errata and penalty
6 of perjury pages and return the completed pages to all
7 appearing counsel within the period of time determined at
8 the deposition or provided by the Federal Rules.
9 _X_ Federal R&S Not Requested – Reading & Signature was not
10 requested before the completion of the deposition.

1 PRIME ALLIANCE BANK, INC. vs. THE GREAT LAKES
TISSUE COMPANY

2 KEN SCHLEBEN-JOB NO.5936688

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

5 _____

6 REASON_____

7 PAGE_____ LINE_____ CHANGE_____

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16 PAGE_____ LINE_____ CHANGE_____

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18 REASON_____

19 PAGE_____ LINE_____ CHANGE_____

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21 REASON_____

22 _____

23 _____

24 WITNESS _____ Date _____

25 _____

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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