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**ORIGINAL**

**UNITED STATES OF AMERICA  
Before the  
SECURITIES AND EXCHANGE COMMISSION**

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**ADMINISTRATIVE PROCEEDING  
File No. 3-16337**

**In the Matter of**

**BRENT F. WILLIAMS,**

**Respondent**

**DECLARATION OF MELISSIA A.  
BUCKHALTER-HONORE IN  
SUPPORT OF REPLY BRIEF IN  
SUPPORT OF DIVISION OF  
ENFORCEMENT'S MOTION FOR  
SUMMARY DISPOSITION AGAINST  
RESPONDENT BRENT F. WILLIAMS  
PURSUANT TO COMMISSION RULE  
OF PRACTICE 250**

I, Melissia A. Buckhalter-Honore, declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am one of the attorneys representing the Division of Enforcement in this action. I have personal knowledge of the following facts and, if called as a witness, would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of relevant excerpts of the Reporter's Transcript of the criminal trial in *United States of America v. Brent F. Williams*, No. CR 09-01492-PHX-ROS (D. Ariz.).

3. Attached as Exhibit 2 is a true and correct copy of the Criminal Docket for Case No. 2:09-cr-01492-ROS (D. Ariz.) for all defendants in the matter entitled *United States of America v. Slade et al.*

4. Attached as Exhibit 3 is a true and correct copy of the Amended (to reflect the restitution amount as ordered by the Court on December 30, 2013) Judgment in *United States of America v. Guy Andrew Williams*, No. CR 09-01492-002-PHX-ROS (D. Ariz.).

5. Attached as Exhibit 4 is a true and correct copy of the Amended (to reflect restitution amount as ordered by the Court on December 30, 2013) Judgment in a Criminal Case against Duane Hamblin Slade in *United States of America v. Duane Hamblin Slade*, No. CR 09-01492-001-PHX-ROS (D. Ariz.).

6. Attached as Exhibit 5 is a true and correct copy of the Private Placement Memorandum ("PPM") for Mathon Management Company, LLC, dated November 25, 2003, Exhibit 2902 in the trial of *United States of America v. Brent F. Williams*, No. CR 09-01492-PHX-ROS (D. Ariz.).

7. Attached as Exhibit 6 is a true and correct copy of the March 19, 2004 Audit Work Paper, Exhibit 3662 in the trial of *United States of America v. Brent F. Williams*, No. CR 09-01492-PHX-ROS (D. Ariz.).

8. Attached as Exhibit 7 is a true and correct copy of an email dated January 14, 2004 from Duane Hamblin Slade to Mike Bodell and others, with a cc to Brent F. Williams, Exhibit 2653 in the trial of *United States of America v. Brent F. Williams*, No. CR 09-01492-PHX-ROS (D. Ariz.).

9. Exhibit 8 is a true and correct copy of the December 31, 2004 Email from Guy Williams to Justin Hall, Exhibit 2670 in the trial of *United States of America v. Brent F. Williams*, No. CR 09-01492-PHX-ROS (D. Ariz.).

10. Attached as Exhibit 9 is a true and correct copy of the Jury Instructions from *United States of America v. Brent F. Williams*, No. CR 09-01492-PHX-ROS (D. Ariz.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 2015, in Los Angeles, California.

  
Melissia A. Buckhalter-Honore

# **EXHIBIT 1**

CR-09-01492-PHX-ROS (DKD), June 17, 2013 P.M.

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3

4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. )  
8 ) CR-09-01492-PHX-ROS (DKD)  
9 Guy Andrew Williams, Brent F. )  
10 Williams, )  
11 )  
12 Defendants. )  
13 ) Phoenix, Arizona  
14 ) June 17, 2013  
15 ) 1:46 p.m.  
16 )  
17 )  
18 )  
19 )  
20 )

21 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
23 JURY TRIAL  
24 Day 1 - P.M. SESSION

25 (Pages 139-259)

21 Official Court Reporter:  
22 Elaine Cropper, RDR, CRR, CCP  
23 Sandra Day O'Connor U.S. Courthouse, Suite 312  
24 401 West Washington Street, SPC 35  
25 Phoenix, Arizona 85003-2151  
(602) 322-7245

21 Proceedings Reported by Stenographic Court Reporter  
22 Transcript Prepared by Computer-Aided Transcription

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Slade Williams & Associates are Duane Slade and Guy Williams?

2 A. Yes.

3 Q. How does Slade Williams & Associates fit into the workings  
4 of all of the Mathon entities? What was its role?

5 A. It housed the employees so that the employees received  
6 their W-2 wages from Slade Williams. Slade Williams paid the  
7 rent on the building, the phone bills, most of the operating  
8 expenses.

9 Q. What was Slade Williams & Associates' primary source of  
10 income?

11 A. Origination fees on loans and investments.

12 Q. Out of what source?

13 A. First Mathon Fund I and later on Mathon Fund.

14 Q. So fees that were charged on loans that were done in those  
15 two entities, the fees for those would actually be income to  
16 Slade Williams & Associates?

17 A. Correct.

18 Q. Now, the next entity is the old fund, Mathon Fund I.  
19 Let's look at Exhibit 3268.

20 Go to right in the middle of there where it says the  
21 management.

22 Who owned the Mathon Fund I, the old fund, who owned  
23 it?

24 A. Mathon Management Company.

25 Q. That's what's indicated there in the yellow?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Yes.

2 Q. Now, who owned Mathon Management Company? We'll come to  
3 it in a second but who owned that one?

4 A. I believe Slade Williams.

5 Q. We'll look at that in a second. Now let's go to the  
6 Mathon Fund I, Exhibit 3265, probably the next page. Hold on a  
7 second.

8 Looking at the signature line here on this page here  
9 right in the upper third there, who signs this document?

10 A. This is Guy Williams, member.

11 Q. And it indicates some handwritten in there. It says  
12 Mathon Fund, LLC, by Mathon Management Company, member, by  
13 Slade Williams & Associates, LLC, member, do you see that?

14 A. Yes.

15 Q. All signed by Guy Williams as a member.

16 A. Yes.

17 Q. Now, let's go to -- well, Mathon Management Company, 3253,  
18 second page. It might be hard to read here. You have to go to  
19 the next page which is the Exhibit A.

20 Do you see where it says there the management of the  
21 limited liability company is reserved to the members. The  
22 names and address of each member is -- and it says it's Slade  
23 Williams & Associates is the only member. Do you see that?

24 A. Yes.

25 Q. So Slade Williams & Associates was the owner of the Mathon

TIMOTHY ABRAHAM, C.P.A - Direct

1 Management Company?

2 A. Yes.

3 Q. And who owned Slade Williams & Associates?

4 A. Duane Slade and Guy Williams.

5 Q. Now, World Sports Fans, let's go to 3260. Go to the next  
6 page. Right there in the middle. Who does it indicate are the  
7 two members of the -- that own World Sports Fans?

8 A. Duane Slade and Guy Williams.

9 Q. And then, finally, before we get to a chart, let's go look  
10 at 3247 for Mill Creek. Go to Exhibit A.

11 At the bottom, does it say again that this company is  
12 owned by Slade Williams & Associates?

13 A. Yes, that's correct.

14 Q. So now look at Exhibit 3458. All right. Let's summarize  
15 was just went through; okay?

16 A. Okay.

17 Q. Looking at this exhibit, starting at the top, you have  
18 boxes for Duane Slade and Guy Williams. Do you see that?

19 A. Yes.

20 Q. Now, as to Round Valley Capital, there's an arrow going  
21 from that center point down to Round Valley Capital. Does that  
22 mean those two own Round Valley Capital individually?

23 A. Yes.

24 Q. And then it goes to the right and it's towards World  
25 Sports Fans. Does that show that Duane Slade and Guy Williams



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1 both owned, individually, World Sports Fans?

2 A. Yes.

3 Q. And then going down the center, there's Slade Williams &  
4 Associates. Do Guy Williams and Duane Slade both own Slade  
5 Williams & Associates?

6 A. Yes.

7 Q. And then Slade Williams & Associates, in turn, is the  
8 owner of Mill Creek?

9 A. Yes.

10 Q. So Guy Williams and Duane Slade own Slade Williams &  
11 Associates which, in turn, owns Mill Creek?

12 A. Correct.

13 Q. Keeping down Slade Williams & Associates, going down the  
14 center line, owns Mathon Management Company?

15 A. Yes.

16 Q. And then Mathon Management Company owns the two funds  
17 Mathon Fund I and Mathon Fund?

18 A. Yes.

19 Q. When you started in 2002, were loans being made out of  
20 Round Valley Capital and Mathon Fund I?

21 A. Yes.

22 Q. Let's start explaining to the jury sort of this hard-money  
23 lending process. With the old fund, explain to the jury how  
24 loans were found and how money flowed to loan money in the old  
25 fund.

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. In the old fund, borrowers would request funds. Those  
2 review of collateral and due diligence was done by Round Valley  
3 Capital and when a loan had gotten through underwriting, the  
4 loans were raised through investors through Mathon Management  
5 and those moneys from investors were inside Mathon Fund I.

6 Q. So let's first deal with what types of loans were these?  
7 Were these hard-money loans in Mathon Fund I, the old fund?

8 A. Yes.

9 Q. And give the jury a sense of the interest rates ranging  
10 that would be charged for a hard-money loan during that time.

11 A. These were generally 90- to 120-day loans at 20 percent  
12 over that period of time, so annual interest rate, 80 to 100  
13 percent.

14 Q. Now, contrast that with a typical home mortgage is how  
15 much on an annual basis?

16 A. One percent.

17 Q. So if it's 100 percent, if I borrowed 100,000 in one year,  
18 I'll owe how much?

19 A. 200,000.

20 Q. What kinds of fees were being charged to a hard-money  
21 borrower to get a loan?

22 A. Generally, 10 to 20 points.

23 Q. Let's convert that to percentages. When you say 10 to 20  
24 points, is that 10 to 20 percent?

25 A. Yes.

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. So if I'm borrowing \$100 million at 100 percent interest  
2 at a hard-money borrower, what kind of an up-front fee would I  
3 expect if I'm paying 20 percent?

4 A. \$20 million fee.

5 Q. I think you misspoke. It's a \$1 million loan.

6 A. Excuse me. \$200,000 fee.

7 Q. So would that be taken off the top or would that be paid  
8 separately by the borrower to some other company?

9 A. It's taken off the top.

10 Q. So the net effect would be the borrower would get how  
11 much?

12 A. \$80,000 -- or \$800,000 in this million dollar example.

13 Q. Let's make sure we're on the same page. A million dollar  
14 loan as far as the promissory note?

15 A. Yes.

16 Q. That's what they are asking to borrow. A 20 percent fee  
17 is a \$200,000 fee for this?

18 A. Correct.

19 Q. The interest rate's going to be 100 percent. What would  
20 the promissory note require the borrower to pay back in 90 to  
21 120 days?

22 A. It would be two times the \$100,000 amount or 200,000.

23 Q. I think I lost you. If I'm borrowing a million --

24 A. Excuse me. I'm sorry. I misspoke. \$2 million would be  
25 the maturity value of the note?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. That's if it's paid back in a year; right?

2 A. Correct.

3 Q. If it's paid back in three months, it would be something  
4 less than that; right?

5 A. Yes.

6 Q. Would the promissory note have that full amount that would  
7 be due, the principal and the accrued interest at 100 percent,  
8 that would be what is obligated to be paid in three months?

9 A. Yes.

10 Q. Where did that 20 percent fee for the loan go? Who got  
11 that money?

12 A. Some would go to Mathon Management and some of those fees  
13 would go to Round Valley Capital.

14 Q. And those are entities that were owned and controlled by?

15 A. Duane Slade and Guy Williams.

16 Q. Did any of those fees for the loan, the loan origination  
17 fees, did any of that go to the investors in the old fund,  
18 Mathon Fund I?

19 A. No.

20 Q. Who in the old fund was the person generally tasked with  
21 finding lending opportunities?

22 A. Doug Towler.

23 Q. And after he found somebody who wanted a hard-money loan,  
24 how was it that the old fund went about raising money from  
25 investors for that hard-money loan?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Investors were marketed or solicited to invest in these  
2 hard-money loans.

3 Q. So did you have a sales division so to speak?

4 A. Yes.

5 Q. And when you're raising money for a particular hard-money  
6 loan, is there something called sort of a pipe or a tranche,  
7 one-to-one relationship between, "I'm asking you to give me  
8 some money," and that money is going to go to a hard-money  
9 borrower?

10 A. Yes.

11 Q. And would you indicate that on the documents? In essence,  
12 are you putting money into the Mathon Fund I old fund and it's  
13 and a specific pipe or specific purpose for a specific loan?

14 A. Yes.

15 Q. In the Mathon Fund -- let me just use the old fund. In  
16 the old fund, if I solicited funds from you for a particular  
17 loan, could I take -- could you at Mathon, the old fund, could  
18 you take that money and put it to some other use?

19 A. No.

20 Q. Would the person who was investing in the old fund know  
21 who the borrower was going to be?

22 A. No.

23 Q. Would the borrower in the old fund know who the investors  
24 would be?

25 A. No.

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. A double-blind situation there?

2 A. Yes.

3 THE COURT: So the record is clear, Counsel, when you  
4 use "old fund" you mean the Mathon Fund I?

5 MR. SEXTON: Yes.

6 BY MR. SEXTON:

7 Q. A person investing in the old fund, Mathon Fund I, hoped  
8 to get what kind of return? What was your expectation from  
9 their investment in this hard-money loan?

10 A. Interest.

11 Q. And their principal back eventually?

12 A. Yes.

13 Q. In the old fund, how was an investor to be paid? In  
14 essence, when would that occur?

15 A. Investors were to be paid upon the borrower repaying their  
16 loan or if the loan was foreclosed on and the collateral was  
17 sold, to repay the investor out of the sales proceeds.

18 Q. Were those the only two ways they could get their money  
19 back in the old fund?

20 MR. SIMPSON: Objection. Foundation.

21 THE COURT: Why don't you ask another question to see  
22 if further foundation can be laid?

23 BY MR. SEXTON:

24 Q. If I have invested a million dollars into the old fund  
25 that goes to a particular pipe loan, the old fund would only

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 pay me back my money in interest if what occurred?

2 A. If the borrower --

3 MR. SIMPSON: Objection. Foundation again. Perhaps  
4 if I can take the witness on voir dire.

5 THE COURT: I don't think that's necessary. He's  
6 already established his position with the company and some of  
7 his duties so I think some of the foundation has been laid and  
8 I'll hear the answer to the question that is presently pending.

9 MR. SIMPSON: Thank you, sir.

10 THE WITNESS: The investor could be repaid if either  
11 the borrower repaid their loan or Mathon foreclosed on the  
12 collateral of the borrower and paid the investor with proceeds  
13 from the sale of the collateral.

14 BY MR. SEXTON:

15 Q. And in the old fund, Mathon Fund I, if the loan from the  
16 hard-money borrower was not paid by that borrower, could Mathon  
17 Fund I, the old fund, take money from other investors to repay  
18 that investor?

19 A. No.

20 Q. Why not?

21 A. Because it was to be a one-to-one relationship.

22 Q. What actually happened when the hard-money borrowers  
23 failed to repay the money back to Mathon Fund I? How did  
24 investors get their money back in Mathon Fund I in actuality?

25 A. They were repaid --

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TIMOTHY ABRAHAM, C.P.A - Direct

1 loans went in default shortly into the beginning of 2004.

2 Q. When a loan that was transferred that wasn't in the  
3 default at the time it was transferred into the new fund from  
4 the old fund, when it went into default in the new fund, did  
5 you make any adjustments to write it down in any way to value  
6 it less now that it was in default?

7 A. No.

8 Q. Once something moved from the old fund to the new fund,  
9 did it ever move back again?

10 A. No.

11 Q. And after this point, were any more hard-money loans ever  
12 made out of the old fund once the new fund started?

13 A. No.

14 Q. Okay. Now, let's talk about the new fund. That started  
15 officially around December 1 of 2003?

16 A. Correct.

17 Q. Summarize for the jury sort of the nature and differences  
18 between how the old fund worked versus the new fund.

19 A. The old fund was based on a one-to-one relationship, one  
20 investor to one borrower. The new fund was a pooled concept,  
21 investors put their money in. It was pooled to loan to a  
22 borrower.

23 Q. So I take it there were no individual pipes and tranches  
24 indicated on the documents like there were in the old fund.

25 A. Correct.

United States District Court



TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. And was the nature of the interest rates that were  
2 charged, the high interest rates, did that continue?

3 A. Yes.

4 Q. Was the purpose of the new fund to make hard-money loans?

5 A. Yes.

6 Q. Was there supposed to be any insurance, fund insurance, in  
7 the new fund?

8 A. Yes, there was.

9 Q. How much?

10 A. Supposed to be \$20 million policy.

11 Q. And it was an insurance against what happening?

12 A. Defaults.

13 Q. Was there supposed to be a reserve fund?

14 A. Yes.

15 Q. In what company was that supposed to be held? Was it held  
16 in actually the new fund?

17 A. No. It was held in Mathon Management Company.

18 Q. And that is owned by Duane and Guy?

19 A. Correct.

20 Q. So besides the people that rolled over into the new fund  
21 from the old fund, could brand new investors put their money  
22 into the new fund?

23 A. Yes.

24 Q. Did you have to have any prior association with the old  
25 fund?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 new -- one million dollars of brand new money was given the  
2 exact same value as one million dollars of an investment in the  
3 old fund that was in default?

4 A. Yes.

5 MR. SIMPSON: Objection, Your Honor. I think the  
6 question is posed as ambiguous because the fund itself is the  
7 fractional interest itself among the stakeholders so my  
8 objection is it is misleading.

9 THE COURT: Overruled. The witness understood it and  
10 answered it and I'll allow the answer to stand.

11 MR. SIMPSON: Thank you, sir.

12 BY MR. SEXTON:

13 Q. The bottom line, dollar for dollar, they were treated the  
14 same?

15 A. Yes.

16 Q. Let's go to Exhibit 3902 (sic; 2902) which is the Private  
17 Placement Memorandum that the jury is just itching to see.  
18 Let's go to the first page. Let's go to page 22. Are we  
19 looking at the document that the jury heard in opening  
20 statement as the Private Placement Memorandum or the PPM for  
21 the new fund?

22 A. Yes.

23 Q. And on the screen -- although it's listed as page 12 on  
24 the document, it's really, for the record, pages 22 and 23 on  
25 this electronic item here. So looking at the bottom there,

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 let's highlight the bottom third.

2 The heading is called Loan Reserve and Fund  
3 Insurance. Do you see that?

4 A. Yes.

5 Q. And in the first line, it said the manager -- and the  
6 manager is Mathon Management Company?

7 A. Yes.

8 Q. -- will fund and hold in a separate account a reserve in  
9 cash or assets not less than the greater of \$5 million. Do you  
10 see that?

11 A. Yes.

12 Q. Just a little below that, it starts with the word if a  
13 loan goes into default, the manager will pay to the fund an  
14 amount equal to the lesser of the principal amount owing on  
15 such a loan. Do you see that?

16 A. Yes.

17 Q. And when we use these terms, the manager is Mathon  
18 Management Company?

19 A. Yes.

20 Q. That's where the reserve is supposed to be?

21 A. Yes.

22 Q. And the fund as we're talking about here is the new fund?

23 A. Correct.

24 Q. So there's a default. This reserve is to be used to pay  
25 on a default according to this line?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. That the hard-money borrower had to pay?

2 A. Yes.

3 Q. They were entitled to this amount of money from the total  
4 fund every year, some percentage of the total assets?

5 A. Yes.

6 Q. And they were also entitled to this \$25,000 pay-to-play  
7 provision?

8 A. Yes.

9 THE COURT: I would like to give the jury a break  
10 shortly. You tell me when is a good spot.

11 MR. SEXTON: Oh. I see. Let me -- okay. I've got  
12 probably three minutes in this line of area and we can stop.

13 BY MR. SEXTON:

14 Q. Did any of the loan origination fees ever go to a reserve  
15 fund of any sort?

16 A. No.

17 Q. Did any of this annual investor fee of \$25,000 per year  
18 ever go upon any reserve account for any defaults on the new  
19 fund?

20 A. No.

21 Q. Did any of this management fee, this 25 percent annual off  
22 the top for the assets, ever go into a reserve account for  
23 defaults in the new fund?

24 A. No.

25 Q. As the controller of the Mathon Management Company, which

TIMOTHY ABRAHAM, C.P.A - Direct

1 is one of the entities you were involved with, was there ever a  
2 separate account in that entity for a reserve for defaults in  
3 the new fund?

4 A. No.

5 Q. Were there any assets in that management company that were  
6 in any way segregated for the purpose of offsetting loan losses  
7 in the new fund?

8 A. No, there were not.

9 Q. Did either the Mathon Management Company or the new fund,  
10 Mathon Fund, ever set up a reserve for loan losses in the new  
11 fund?

12 A. No.

13 Q. And as this line says, if a loan goes into default, the  
14 manager will pay an amount from the reserve. Did you ever make  
15 any transfers from Mathon Management Company pursuant to that  
16 provision for any defaulted situations in the new fund?

17 A. No.

18 MR. SEXTON: I can stop there, Judge.

19 THE COURT: Ladies and gentlemen, we'll take our  
20 afternoon break at this point. You have been very attentive  
21 and hard at work. Please remember the rules.

22 We're in recess for 15 minutes.

23 (Jury departs at 3:01.)

24 (Recess at 3:01; resumed at 3:15.)

25 (Jury enters at 3:15.)

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Yes.

2 Q. And the initial closing date you understood to be what?

3 A. The inception of the fund, December 1, 2003.

4 Q. So by adding 90 days to that date, approximately when was  
5 fund insurance, according to the PPM, supposed to be in place  
6 by?

7 A. Beginning of March 2004.

8 Q. And the purpose of the insurance was for what?

9 A. It was for credit defaults on loans.

10 Q. Did any insurance carrier ever come to inspect the books  
11 and records of the Mathon Fund if the new fund could possibly  
12 give insurance?

13 A. Not that I'm aware of.

14 Q. Did you ever see any insurance quotes from any outside  
15 insurance agency that would indicate that they were considering  
16 a \$20 million insurance policy for this fund?

17 A. No.

18 Q. Did you ever send any books and records to an insurance  
19 company for them to inspect those books and records to do their  
20 due diligence and underwriting to see whether they wanted to  
21 take on this risk?

22 A. No, not that I recall.

23 Q. To your knowledge, was any fund insurance ever obtained?

24 A. No.

25 Q. Let me go back. Actually, I have to say this on the

TIMOTHY ABRAHAM, C.P.A - Direct

1 record. I forgot a whole section that I wanted to do earlier  
2 so let me go back. My counsel -- co-counsel told me I missed a  
3 whole bunch of stuff.

4 Structure of management within the organization,  
5 either the old fund or the new fund, who are the top two  
6 individuals as far as management authority and ownership?

7 A. The fund managers were Duane Slade and Guy Williams.

8 Q. And then when did Mr. Brent Williams come into the  
9 organization?

10 A. August 2003.

11 Q. And what was his position when he came in?

12 A. Chief Financial Officer.

13 Q. Was he your boss within your Accounting Department at that  
14 time?

15 A. Yes.

16 Q. And who was the third in command overall under Duane Slade  
17 and Guy Williams?

18 A. It was also Russell Sewell. He was the compliance  
19 officer.

20 Q. But who was -- if you were to put a hierarchy, who was in  
21 charge? Was Duane Slade and Williams, who would you say was  
22 the next person in charge after that?

23 A. CFO, Brent Williams.

24 Q. And as far as the various departments, you had the  
25 accounting staff with the various staff that you already talked

TIMOTHY ABRAHAM, C.P.A - Direct

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: No, I have not.

4 BY MR. SEXTON:

5 Q. Did anyone direct you as to those two funds as to doing  
6 daily back reconciliations? Did anybody direct you?

7 A. Yes, Guy Williams and Duane Slade.

8 Q. Approximately when did they ask you to do that on a daily  
9 basis?

10 A. When I was hired, November of 2002.

11 Q. And every day after you did those bank reconciliations,  
12 did you publish them in some way that people had access to see  
13 what the cash balance was in the bank accounts on a day-to-day  
14 basis?

15 A. Yes. They were on an Excel file on our a network that was  
16 shared.

17 Q. And who was it shared with?

18 A. Guy Williams, Duane Slade, and later on Brent Williams.

19 Q. Who had signature authority on the bank accounts for all  
20 of these seven entities? Who could sign the checks?

21 A. Guy Williams, Duane Slade.

22 Q. Were there any stamps or other delegation authority that  
23 allowed somebody to sign on behalf of either of those two  
24 individuals?

25 A. No.

United States District Court



TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. Approximately when did the call occur?

2 A. It would have been around March of 2004.

3 Q. As best you remember, explain to the jury what these two  
4 auditors told you and Mr. -- excuse me, Mr. Brent Williams that  
5 day.

6 A. The auditors expressed some concerns to slow down the  
7 amount of investor money coming in, work on collecting your  
8 loans, and to be careful. Based on what they were seeing, that  
9 it could become a *Ponzi* scheme.

10 Q. Was there any discussion about the propriety of paying an  
11 old investor with new investor money?

12 A. Yes.

13 Q. Do you remember which of those two was talking to you,  
14 whether it was Mr. Asay, A-S-A-Y, or Mr. Hillstead?

15 A. I believe it was Mr. Hillstead.

16 Q. Did you or Brent Williams in your presence ever dispute  
17 what they were telling you?

18 A. No.

19 Q. After the call, what happened next?

20 A. The call was finishing up. At this time, the Accounting  
21 Department was in the second building. Once the call ended,  
22 Brent Williams somewhat abruptly walked over to the main  
23 building to go and convey those concerns from the auditors to  
24 Duane Slade and Guy Williams.

25 Q. Did he express that to you in any way that that is what

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 his purpose was?

2 A. Yes.

3 Q. Did you ever hear back from him about what he said to them  
4 or their reaction to it?

5 A. No.

6 Q. Okay. Let's go to 3047, Squire audit. Let's look at the  
7 very top area. There we go. It's called an Independent  
8 Auditor's Report at the top. Do you see that?

9 A. Yes.

10 Q. And then in the first line it says its auditing the Mathon  
11 Fund, the new Mathon Fund, the development stage company, do  
12 you see that?

13 A. Yes.

14 Q. And it's as of December 31, 2003 for that one month?

15 A. Correct.

16 Q. In fact, just below that it says from inception, December  
17 1 of 2003 through December 31, 2003. Do you see that?

18 A. Yes.

19 Q. And then ultimately, Squire, for this month, says in the  
20 last paragraph before their signature, the very first line uses  
21 the phrase "presents fairly." Do you see that?

22 He'll highlight it here in a second.

23 A. Yes.

24 Q. Explain to the jury, that's sort of a term of the art in  
25 the accounting world. What does it mean?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 outside accounting firm?

2 A. No.

3 Q. Was Slade Williams & Associates ever audited by an outside  
4 accounting firm?

5 A. No.

6 Q. Was Mathon Management Company ever audited by an outside  
7 accounting firm?

8 A. No.

9 Q. Same question for Round Valley Capital?

10 A. No.

11 Q. Mill Creek?

12 A. No.

13 Q. World Sports Fans?

14 A. No.

15 THE COURT: Counsel, what's your estimate of how much  
16 more time on direct?

17 MR. SEXTON: Oh, I'm -- about two hours. Hour and a  
18 half to two hours.

19 THE COURT: Keep going.

20 MR. SEXTON: Okay.

21 BY MR. SEXTON:

22 Q. Let's talk about the Parsons 4E extension loan; okay?

23 A. Okay.

24 Q. Now, when we were just looking back on the audited  
25 financial statements for that one month, was Parsons 4E one of

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 the old loans that was moved into the new fund?

2 A. Yes.

3 Q. Did it soon go into default after it moved in there?

4 A. Yes.

5 Q. And do you recall -- unless you want me to pull it back  
6 up, do you recall the approximate amount that was in default  
7 from the Parsons 4E loan or would you like me to pull it up?

8 A. Can you pull it up for me?

9 Q. Exhibit 3047, page five. Second one down.

10 A. Thank you. At maturity, about 5.2 million. Excuse me,  
11 6.3 million.

12 Q. So looking at the second entry there, Parsons 4E, it  
13 actually went into default after when?

14 A. After the year end February 10.

15 Q. And then you're looking at what it was as far as how much  
16 was owed as of February; right?

17 A. Yes.

18 Q. Which fund originally loaned the money on this original  
19 Parsons 4E, which fund?

20 A. Old fund.

21 Q. And the original loan, as it's indicated here, was in  
22 October of 2003?

23 A. Yes.

24 Q. And it indicates that the original lending amount was  
25 \$4,200,000, doesn't it?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. Just the two of you?

2 A. Yes.

3 Q. Tell the jury what you talked about.

4 A. Guy told me there would be an extension agreement that  
5 World Sports Fans was going to do on the Parsons Energy note  
6 and that five people would have a \$400,000 investment in that  
7 extension agreement.

8 Q. And what five people did he tell you would be involved in  
9 this extension agreement?

10 A. It was Guy Williams, Duane Slade, Doug Towler, Brent  
11 Williams, and Russ Sewell.

12 Q. And how was the \$400,000 -- where was the \$400,000 to come  
13 from?

14 A. From those five individuals, either cash or assets in the  
15 WSF company.

16 Q. And when you say WSF, we're talking about World Sports  
17 Fans?

18 A. Yes.

19 Q. So there were other moneys that Duane Slade or Guy  
20 Williams had in that business?

21 A. Yes.

22 Q. If the 5.3 million debt was now in the new fund, why was  
23 the World Sports Fans being used for this extension? Why  
24 wasn't it just done out of the new fund?

25 MR. SIMPSON: Objection. Foundation.

United States District Court

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1 THE COURT: Well, if he knows the answer, I'll allow  
2 him to answer and then you can test on cross if you wish.

3 Overruled.

4 MR. SIMPSON: Thank you, sir.

5 THE WITNESS: I don't know. That was the guidance I  
6 received from Guy Williams.

7 BY MR. SEXTON:

8 Q. Were you aware of any authority that would allow the World  
9 Sports Fan company to somehow extend the debt that was owed to  
10 the new fund, Mathon Fund?

11 A. No, I was not.

12 Q. Were money and assets funneled upon World Sports Fans by  
13 these five individuals?

14 A. Yes.

15 Q. Summing to how much?

16 A. Approximately \$400,000.

17 Q. So now let's look at Exhibit 3301. All right. Is this  
18 the \$400,000 promissory note between World Sports Fans and  
19 Parsons 4E?

20 A. Yes.

21 Q. Dated March 16 of 2004?

22 A. Yes.

23 Q. Was this shortly after your conversation with Guy Williams  
24 about this being the thing that we were all -- is this the same  
25 \$400,000 we were talking about here?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Yes.

2 Q. Now, in the first paragraph there, it says Parsons, a  
3 Maryland company, do you see that?

4 A. Yes.

5 Q. Promises to pay, in the second line, World Sports Fans,  
6 the lender, \$400,000. Do you see that?

7 A. Yes.

8 Q. The lender is -- the \$400,000 is on the fifth line there  
9 so this is a promissory note between Parsons and World Sports  
10 Fans?

11 A. Yes.

12 Q. The interest, going down to the next paragraph, is the  
13 interest on this is going to be how much per month?

14 A. 50 percent per month.

15 Q. So on an annual basis, just using simple interest, how  
16 much interest would this promissory note earn in just one year?

17 A. 600 percent.

18 Q. So if I loan a million dollars at 600 percent interest,  
19 what could I expect to receive if it's paid after one year?

20 A. \$6 million of interest plus principal.

21 Q. The next paragraph is the term of this note. Do you see  
22 that?

23 A. Yes.

24 Q. Let's pull back. The term is that it's to be paid off by  
25 May 15, 2004. Do you see that?

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Yes.

2 Q. And so this promissory note is dated March 16. So in two  
3 months, Parsons 4E is promising World Sports Fans to pay back  
4 the \$400,000 principal and another \$400,000 of interest. Is  
5 that correct?

6 A. Yes.

7 Q. And then look at page five, is that where it's signed by  
8 somebody associated with Parsons 4E?

9 A. Yes, I believe so.

10 Q. Okay. Is there anywhere in this document that mentions  
11 that this transaction has anything to do with an extension  
12 agreement associated with the defaulted debt in the new fund of  
13 four or \$5 million?

14 A. No.

15 Q. 3303. First page. First page. Is this the security  
16 agreement for that promissory note that we just looked at?

17 A. Yes.

18 Q. Dated the same date of March 16, 2004 at the top?

19 A. Yes.

20 Q. Again, it indicates that the borrower is Parsons 4E and  
21 the lender is World Sports Fans?

22 A. Yes.

23 Q. In looking at -- and this is supposed to be a security  
24 agreement that basically says here's the security for this loan  
25 that we're going between World Sports Fans to Parsons 4E?

United States District Court



TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Yes.

2 Q. Is there anywhere in this document that in any way makes  
3 mention that this has anything to do with extending the default  
4 situation in the new fund for the Parsons 4E debt of \$5  
5 million?

6 A. Can we bring this back in font size?

7 Q. Sure. It's a several-page document.

8 A. Can we go to the next page?

9 THE COURT: Can we expedite this by merely agreeing,  
10 unless folks really don't know, that the document says or  
11 doesn't say what the question asks?

12 MR. SEXTON: I will represent it does not contain any  
13 reference to the extension of the debt.

14 THE COURT: So noted.

15 You may move on.

16 MR. SEXTON: And then turn to page 21, the signature  
17 page.

18 MR. JONES: Could we go back just a second? Can we  
19 have a moment, please.

20 THE COURT: No. We are going to go forward but I  
21 will certainly allow you, Mr. Jones, to review the document and  
22 correct counsel if you wish after you've had a chance to review  
23 it again.

24 MR. JONES: We're fine. Thank you.

25 THE COURT: I'm going, by the way, on counsel's

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 representation just as I would go on yours. So -- but people  
2 do make mistakes and so we'll allow you the opportunity to  
3 review the entire document again and if you want to correct  
4 counsel, you may do so. Thank you.

5 BY MR. SEXTON:

6 Q. On the last page there, is there a signature line from the  
7 borrower, Parsons 4E?

8 A. Yes.

9 Q. Is there any signature at all for a representative from  
10 World Sports Fans?

11 A. No, not that I see.

12 Q. This money that was brought in to World Sports Fans, money  
13 and other assets -- that money that was brought in from those  
14 five individuals, the money or other assets, after it was  
15 brought in to World Sports Fans, did that money or assets ever  
16 leave World Sports Fans?

17 A. It did not go to the borrower.

18 Q. Fair question. Did it ever leave in the sense of being  
19 pooled for an extension or a loan to Parsons 4E? Did the money  
20 ever leave and go to them as another loan?

21 A. No.

22 Q. Was that money or assets ever at risk in the World Sports  
23 Fans?

24 A. No.

25 Q. Two days after the promissory note -- take a look at

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Exhibit 3300, page one. This is the extension agreement on  
2 that defaulted debt for Parsons 4E. Do you see that?

3 A. Yes.

4 Q. And it's dated March 18, 2004?

5 A. Yes.

6 Q. Two days after that promissory note the jury was just  
7 looking at between World Sports Fans and Parsons 4E?

8 A. Yes.

9 Q. Now it indicates that the borrower in this extension  
10 agreement is Parsons 4E from the original debt; correct?

11 A. Yes.

12 Q. And that the lender is Mathon Fund I. Do you see that?

13 A. Yes.

14 Q. That's the old fund, isn't it?

15 A. Yes.

16 Q. Where is the debt? Is it in the old fund or in the new  
17 fund now as it was rolled in?

18 A. It was assigned to the new fund.

19 Q. So that's a mistake?

20 A. Yes.

21 Q. And then in the recitals number A there, does that  
22 indicate the -- I'm going too fast. This is referring to the  
23 defaulted debt of \$5,350,000?

24 A. Yes.

25 Q. So it's indicating that the lender is the old fund and not

TIMOTHY ABRAHAM, C.P.A - Direct

1 World Sports Fans; isn't that correct?

2 A. Correct.

3 Q. In this extension agreement, there's no mention, is there,  
4 of World Sports Fans loaning money to Parsons 4E to extend this  
5 defaulted loan?

6 A. No.

7 Q. And then on page five for this extension, at the top, in  
8 the section 4B at the top there, go a little bit lower there,  
9 it indicates that the borrower shall pay lender a fee of  
10 \$500,000, and it has other terms there, before May 15, 2004.

11 Do you see that?

12 A. Yes.

13 Q. The borrower in this case is Parsons 4E?

14 A. Yes.

15 Q. Did they ever pay a penny as indicated in that paragraph?  
16 Did they ever actually pay any of those things that are listed  
17 there?

18 A. No, they did not.

19 Q. And in looking at the signature page on page 10, nobody  
20 from Mathon Fund I at the bottom in the signature page ever  
21 signed this, did they?

22 A. Not on this copy, no.

23 Q. Are you aware of any copy that has a signature on it?

24 A. No, I'm not.

25 Q. This \$400,000 promissory note that we saw earlier to World

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Sports Fans, in what company would you show that as a note  
2 receivable? Which company would you show that?

3 A. World Sports Fans.

4 Q. As an asset to World Sports Fans?

5 A. Yes.

6 Q. Did World Sports Fans, as it's on their books and records,  
7 did they have to give up anything to get that promissory note  
8 for \$400,000 plus 50 percent interest monthly?

9 A. No.

10 Q. By May 15, the due date on that promissory note, what  
11 would be due when that note was due? How much money would be  
12 paid back in both principal and interest?

13 A. 800,000.

14 Q. What happened to that promissory note on the books of  
15 World Sports Fans? Where did it go?

16 A. It was purchased by Mathon Fund.

17 Q. For how much?

18 A. \$800,000.

19 Q. So the new fund is now buying from this World Sports Fans  
20 for \$800,000 this promissory note?

21 A. Yes.

22 Q. Is actual money being sent from the new fund to World  
23 Sports Fans?

24 A. Yes, \$800,000.

25 Q. Where is the \$800,000 that is coming in the new fund come

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 from?

2 A. New investors.

3 Q. So now look at 3302. Is this the assignment of that  
4 promissory note from World Sports Fans to the Mathon Fund, the  
5 new fund?

6 A. Yes.

7 Q. For \$800,000?

8 A. Yes.

9 Q. And this is done on April 5 of 2004?

10 A. Yes.

11 Q. And the promissory note was signed on March 16 of 2004,  
12 about two to three weeks before that?

13 A. Yes.

14 Q. So now this World Sports Fans now has \$800,000 pursuant to  
15 this note?

16 A. Yes.

17 Q. Did you then distribute that \$800,000 to the five people  
18 who to put their \$400,000 in three weeks earlier?

19 A. Yes.

20 Q. And depending on how much they put in, they got --

21 A. Doubled their money.

22 Q. Doubled their money, okay.

23 The original Parsons loan of 5.3 million went into  
24 default. Did it ever pay?

25 A. No.

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. This extension agreement loan/promissory note that was now  
2 into the Mathon Fund for \$800,000 at 50 percent per month  
3 interest, did that ever pay?

4 A. No.

5 Q. Other than the \$800,000 that went to those five  
6 individuals -- Duane Slade, Guy Williams, Doug Towler, Russ  
7 Sewell and Brent Williams -- did any investor in the old or new  
8 fund ever make a penny off of this extension agreement?

9 A. No.

10 Q. All right. Let's talk about Mill Creek. Mill Creek, from  
11 your standpoint as the controller, what did it do?

12 A. Mill Creek was a company owned by Guy Williams and Duane  
13 Slade which was housing the Aspen Grove points.

14 Q. Did it have a bank account?

15 A. Yes.

16 Q. Approximately what kind of a balance would it have in its  
17 bank account?

18 A. Maybe a few hundred dollars.

19 Q. Did it sell any products?

20 A. No.

21 Q. Perform any services?

22 A. No.

23 Q. For those Aspen Grove points, did Mill Creek borrow the  
24 money from the old fund?

25 A. Yes.

United States District Court

CR-09-01492-PHX-ROS(DKD), June 18, 2013 A.M.

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3

4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. ) CR-09-01492-PHX-ROS(DKD)  
8 Guy Andrew Williams, Brent F. )  
9 Williams, )  
10 Defendants. ) Phoenix, Arizona  
11 ) June 18, 2013  
12 ) 8:44 a.m.  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )

21 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
23 JURY TRIAL  
24 Day 2 - A.M. SESSION

25 (Pages 260-399)

Official Court Reporter:  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

United States District Court



TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. And then you respond to this to Guy Williams alone. Do 09:27:43  
2 you see that right above that?

3 A. Yes.

4 Q. And in your middle sentence you say: However, keep in  
5 mind that we paid Carwin his bridge loan in Aspen Grove whereas 09:27:59  
6 Aspen Grove has not repaid its loan.

7 Do you see that?

8 A. Yes.

9 Q. How are you able to have paid Carwin? What funds did you  
10 use if the Aspen Grove loan hadn't paid? 09:28:12

11 A. It would have been funds from a new investor.

12 Q. And at this point, do you know whether the loans to Aspen  
13 Grove were in default as of January 22, 2004?

14 A. Yes. They were.

15 Q. As far as the name Carwin, are you familiar with who that 09:28:54  
16 person is?

17 A. Yes.

18 Q. Who is Carwin?

19 A. Duane Slade's father.

20 Q. 2653. Let's look at the bottom message, the bottom 09:29:19  
21 original message because there's two messages here. Looking at  
22 sort of the second half.

23 This is an e-mail from Mike Bodell. Who is that?

24 A. He's an investor in the old fund.

25 Q. And he's writing it to Duane Slade, you and somebody named 09:30:01

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Mark Badger. Do you see that? 09:30:06  
2 A. Yes.  
3 Q. Who is Mark Badger?  
4 A. He was analyst that worked for the company.  
5 Q. And then the subject line refers to a very specific Mathon 09:30:11  
6 pipe number 11012. Do you see that?  
7 A. Yes.  
8 Q. And in the first line of this e-mail, he is specifically  
9 saying, "I have not received my money yet." Do you see that?  
10 A. Yes. 09:30:28  
11 Q. "If it was to be received on time, I should have received  
12 it two weeks ago." Do you see that in the last line on that  
13 first paragraph?  
14 A. Yes.  
15 Q. And rather firmly he says, "Please inform me in writing as 09:30:41  
16 to why we have not been paid the \$700,000 that was due on 12-30  
17 of 2004." That's the last line. "Please inform me in writing  
18 as to why we have not been paid the \$700,000 that was due on  
19 12-30-04."  
20 Do you see that? 09:31:01  
21 A. I do. But based on the date of this e-mail, I think Mike  
22 Bodell, probably 2012-30-03.  
23 Q. That's right. Okay. So you believe that's a typo there  
24 and that the date of the e-mail is the correct date and going  
25 two weeks back would get you to 12-30 of '03? 09:31:16

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

- 1 A. Yes. Because old fund was not doing any new investors' 09:31:19  
2 money once the new fund was started.
- 3 Q. So now let's go to the second e-mail message above this  
4 one. And this is from Duane Slade to Mike Bodell and then you  
5 and Mr. Badger are also included. Do you see that? 09:31:44
- 6 A. Yes.
- 7 Q. And also copied is Guy Williams and Brent Williams. Do  
8 you see that?
- 9 A. Yes.
- 10 Q. Mr. Slade, in this e-mail, says in the very first line: 09:31:56  
11 The money was in on time.  
12 Do you see that?
- 13 A. Yes.
- 14 Q. Was that true?
- 15 A. No. At this time there were no borrowers that had repaid. 09:32:05
- 16 Q. Then it says: It took awhile to clear our accounts and we  
17 had to straighten everything else out on our side.  
18 Do you see that?
- 19 A. Yes.
- 20 Q. Was that true? 09:32:19
- 21 A. No.
- 22 Q. So if this -- if there's no borrower actually repaying,  
23 did anybody really repay Mathon pipe number 11012?
- 24 A. No, not that I recall.
- 25 Q. How did Mr. Bodell get his money? 09:32:36

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. From new investors' money. 09:32:38

2 Q. And then sort of in the last part of this paragraph, it's  
3 asking for him, where it says: Your money will be sent on the  
4 15th, the \$800,000.

5 Do you see that? 09:32:58

6 A. Yes.

7 Q. And we need to have a total of -- well, hold on a second.

8 It's really the second-to-the-last line. The  
9 second-to-the-last line: Your money will be sent to you on the  
10 15th and we need to have a total of 800,000 wired back to us on 09:33:25  
11 the 16.

12 Do you see that?

13 A. Yes.

14 Q. And then right above that it says: I have the leisure  
15 loan ready to fund. 09:33:38

16 A. Yes.

17 Q. Did Mr. Bodell's money of \$800,000 wired back in, did any  
18 of that go to the Leisure loan that is indicated in this  
19 e-mail?

20 A. Most of the Leisure loan was done in 2003. I would have 09:33:55  
21 to go back and look and see if there was any residual activity  
22 back in January. It was still in flux.

23 Q. So as you sit here, you're not sure that this money  
24 actually went where it's indicated in this e-mail?

25 A. Not into a bridge loan that I was aware of. 09:34:13

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. 2663. Let's just focus on the original message on the 09:34:25  
2 bottom part. This is from -- well, it's signed at the bottom  
3 as Marc Didier. Who is Marc Didier?  
4 A. He's one of the salesmen.  
5 Q. And it's to Brent Williams? 09:34:50  
6 A. Yes.  
7 Q. And the subject line is: I need an update. Do you see  
8 that?  
9 A. Yes.  
10 Q. He's asking for: Please give me an update on the first 09:34:58  
11 loan on loan 10174 due on 3-2-04. Do you see that?  
12 A. Yes.  
13 Q. And it says the Hallings. Who are the Hallings?  
14 A. They were investors in the old fund.  
15 Q. They are due \$252,000. Do you see that? 09:35:12  
16 A. Yes.  
17 Q. And it says in the next line: I also need updates on and  
18 then it lists five more loan numbers there. Do you see that?  
19 A. Yes.  
20 Q. And then it indicates that most of those will roll over 09:35:29  
21 into the new fund. Do you see that?  
22 A. Yes.  
23 Q. Did any of those loans actually repay?  
24 A. No. There were no borrowers repaying at that time?  
25 Q. And then in the last paragraph, he's talking about a trip 09:35:51

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 he's planning to Europe. Do you see that? 09:35:56  
2 A. Yes.  
3 Q. He wants to meet some fund managers over in Europe?  
4 A. Correct.  
5 Q. And one of the things he writes down is that these people 09:36:06  
6 will want to have information and so he expresses, in the  
7 second-to-the-last line: As you know, the only concern is the  
8 fact that they could use new funds to pay old investors in a  
9 pyramid scheme. By showing this kind of report, they would  
10 understand our legitimacy aside from that. Do you see that? 09:36:31  
11 A. Yes.  
12 Q. So in this particular paragraph, Mr. Didier is writing  
13 Mr. Williams that there's a concern by these potential  
14 investors in Europe of a pyramid scheme?  
15 A. Yes. 09:36:45  
16 Q. 3232. This is a two-page document. Let's start at the  
17 first page here, the original message down. This is from the  
18 Mathon Fund to the -- from the Mathon Fund but it's Marc Didier  
19 on the second page. It signed Marc, is that the same Marc  
20 Didier that we were just looking at? 09:37:28  
21 A. Yes.  
22 Q. And it's to Brent Williams in this regard?  
23 A. Yes.  
24 Q. Let's look at the -- again, he's talking in the second  
25 paragraph that I have to see a new group in France. Do you see 09:37:39

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 there you see investments, promissory notes? 09:41:42  
2 A. Yes.  
3 Q. How much does it indicate there as far as in this new  
4 fund?  
5 A. \$40.3 million. 09:41:51  
6 Q. Is that all from the old fund?  
7 A. Yes.  
8 Q. Are most of those in default?  
9 A. Yes.  
10 Q. And then right above that is an asset. They are listing. 09:42:13  
11 all sorts of different things like interest receivable of  
12 \$851,000, post maturity interest receivable of \$7 million. Do  
13 you see that?  
14 A. Yes.  
15 Q. And then even a penalty receivable of \$1.5 million? 09:42:29  
16 A. Yes.  
17 Q. So approximately a little under \$10 million is in  
18 something other than principal owed back on these promissory  
19 notes?  
20 A. Yes. 09:42:44  
21 Q. So at this point, as of July 31, 2004, has there actually  
22 been a new loan done in the new fund?  
23 A. No.  
24 Q. From December 1 of 2003 all the way through July 31, 2004,  
25 there hasn't been any new loans in the new fund? 09:43:14

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 A. Correct. 09:43:17

2 Q. All they did was take new investor money to buy the old  
3 investor positions in the old fund?

4 A. Yes.

5 Q. Now let's look at 3210. This is one of those statements 09:43:34  
6 of cash flows again. Let's just remind the jury, is this a  
7 statement that actually deals with cash in and out of a  
8 company?

9 A. Yes.

10 Q. Really cash; right? 09:43:57

11 A. Correct.

12 Q. So from the standpoint of as of these seven months ending  
13 on July 31, 2004, for this new fund, how much fresh new money  
14 has come in the door?

15 A. It's the capital contributions from members, \$29,580,000. 09:44:16

16 Q. That's brand new money?

17 A. Yes.

18 Q. Has nothing to do with anything that is rolled over from  
19 the old fund?

20 A. Correct. 09:44:39

21 Q. But at this point, none of that went upon any new  
22 investment loans?

23 A. Not as of July 31, correct.

24 Q. But some of that money actually right above that 3.268  
25 million was paid to these related entities, wasn't it? 09:45:02

United States District Court



TIMOTHY ABRAHAM, C.P.A - Direct

- 1 A. Yes. 10:01:06
- 2 Q. The 5.3 million loan and the \$800,000 extension?
- 3 A. Yes.
- 4 Q. So you don't think any cash actually went out of the new  
5 fund to fund this in any way? 10:01:16
- 6 A. No, I don't believe so.
- 7 Q. Did any of the Mill Creek debt, did any of that ever get  
8 repaid?
- 9 A. No.
- 10 Q. In which fund was that a defaulted debt? 10:01:41
- 11 A. Old fund.
- 12 Q. Did I ask you to look for January 2005, February 2005, and  
13 March 2005 at the bank statements for the new fund to determine  
14 how much additional cash came in to the new fund during that  
15 period of time? 10:02:11
- 16 A. Yes, you did.
- 17 Q. Approximately how much new cash came in during that time?
- 18 A. Approximately \$6 million.
- 19 Q. Now, between the \$2 million in December of 2003 by the  
20 audited statements, the \$45 to \$46 million that we just looked 10:02:25  
21 at for 2004 and the additional money, what's the total amount  
22 of fresh money that came into the new fund from the beginning  
23 to the end?
- 24 A. It was approximately \$55 million.
- 25 Q. And we just went through the loans of that \$55 million in 10:02:44

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 fresh cash. How much of that actually went out to a brand new 10:02:48  
2 investment in a loan in the new fund?

3 A. Approximately \$5 million.

4 Q. What happened to the other \$50 million?

5 A. It went to buy out investors' positions in the old fund 10:03:00  
6 and it went to affiliated companies.

7 Q. And the affiliated companies are the related parties that  
8 you've already been talking about again and again?

9 A. Yes.

10 Q. This is my final section and I'm done and it's not very 10:03:24  
11 long.

12 Were you present at meetings with investors in which,  
13 generally, Duane Slade or Guy Williams or Brent Williams were  
14 talking to investors?

15 MR. SIMPSON: Objection, Your Honor. Foundation with 10:03:48  
16 respect to time and which investors.

17 MR. SEXTON: Generally. I'm just trying to see if he  
18 was in the room generally speaking.

19 THE COURT: Well, I'll allow the general question  
20 understanding there will be some follow-up with specifics, so 10:03:58  
21 overruled.

22 BY MR. SEXTON:

23 Q. Generally, were you a guy that had face-to-face time with  
24 investors trying to get them to invest money?

25 A. No, not generally. 10:04:10

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 Q. So you don't know what investors were told in regard to 10:04:15  
2 the success rates of either of these two funds when pitched to  
3 investors?

4 A. No.

5 Q. You didn't -- you weren't party to -- as to the number of 10:04:29  
6 loans that were being represented as being successful to  
7 investors?

8 A. No.

9 Q. You weren't party to what they were told as to the source  
10 of any repayments that they were going to be getting? 10:04:44

11 MR. SIMPSON: Your Honor, objection. It has been  
12 asked and answered by implication to his response in an earlier  
13 question.

14 THE COURT: I'll allow the answer assuming we're  
15 going to change course. Overruled. 10:04:59

16 You may answer.

17 THE WITNESS: No.

18 BY MR. SEXTON:

19 Q. My final question in this area is, you weren't there as to  
20 any discussions that investors were told about the nature of 10:05:04  
21 any reserve fund of \$5 million or an insurance fund of \$20  
22 million?

23 A. No.

24 Q. But according to your testimony, you saw new money being  
25 used to pay off old investors on a daily basis? 10:05:26

United States District Court

TIMOTHY ABRAHAM, C.P.A - Direct

1 MR. SIMPSON: Objection. Asked and answered. 10:05:29

2 MR. SEXTON: I'm setting up the next question is what  
3 I'm trying to do.

4 THE COURT: I'll allow it.

5 THE WITNESS: Yes. 10:05:35

6 BY MR. SEXTON:

7 Q. Witnessing that, why didn't you quit?

8 MR. SIMPSON: Objection, Your Honor, relevance.

9 MR. JONES: And covered previously as well, Your  
10 Honor. 10:05:48

11 MR. SEXTON: I haven't gone into this at all.

12 THE COURT: I'll allow it.

13 Go ahead?

14 THE WITNESS: I wished I had quit. I did not have  
15 another job and there were red flags that were telling me that 10:06:02  
16 the loans were not repaying.

17 BY MR. SEXTON:

18 Q. Were you straight with the auditors when they were looking  
19 at the books and records and telling them what your concerns  
20 were? 10:06:16

21 A. No, I was not.

22 Q. When you had dealings with law enforcement back in 2004,  
23 did you tell them everything that you had concerns about back  
24 then?

25 A. No, I did not. 10:06:25

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

---

United States of America,            )  
  )     No.   CR 09-01492-PHX-ROS  
      Plaintiff,                        )  
  )  
      vs.                                )     Phoenix, Arizona  
  )     June 18, 2013  
Guy Andrew Williams,                 )     1:01 p.m.  
Brent F. Williams,                    )  
  )  
      Defendants.                        )  
\_\_\_\_\_ )

BEFORE:   THE HONORABLE JACK ZOUHARY, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL  
DAY 2 - P.M. SESSION

(Pages 400 - 567)

Official Court Reporter:  
Candy L. Potter, RMR, CRR  
Sandra Day O'Connor U.S. Courthouse, Suite 312  
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Phoenix, Arizona 85003-2151  
(602) 322-7246

Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

—Timothy Abraham - Redirect Examination - June 18, 2013—

1 But then you wanted to explain something further to the jury.

2 A. Yes.

3 Q. Please tell them what you wanted to tell them.

4 A. In a prior interview I was confused with the question that

5 was asked. And what I was trying to reference was, under the 15:37:11

6 new fund it was my understanding that an investor could

7 withdraw their funds out of the pooled fund.

8 Q. And Mr. Simpson talked about an interview of Brent Williams

9 for a position in the Mathon entities. Do you remember that?

10 A. Yes. 15:37:33

11 Q. Now at the time, this is an interview you're participating

12 in with the father of one of the owners of the company?

13 A. Yes.

14 Q. Who ultimately was hired to be your boss by his son?

15 A. Yes. 15:37:53

16 MR. SEXTON: Can we pull up 75 -- 7158. Right there.

17 You went past it. Right there.

18 BY MR. SEXTON:

19 Q. Mr. Simpson showed you this e-mail. Just focus on the

20 upper portion. 15:38:14

21 Explain to the jury what happened to a portion of this

22 Mill Creek debt. Was some of it written off?

23 A. Yes, it was.

24 Q. Explain that to the jury.

25 A. It was a loan from old fund to Mill Creek. And some of 15:38:32

—Timothy Abraham - Redirect Examination - June 18, 2013—

1 Q. Can you see where the first -- and this is the section that  
2 is authored by Guy Williams over here, isn't it?

3 A. Yes.

4 Q. It talks about increased organizational strength in deal  
5 flow. Do you see that?

15:43:22

6 A. Yes.

7 Q. And this is for the year ending -- this is for the six  
8 months -- 6-30-2004, about seven months into this new fund.

9 A. Yes.

10 Q. At this point as far as the deal flow, has there been any  
11 new loans in the new fund?

15:43:34

12 A. No.

13 Q. It talks about underwriting. Has there been any  
14 underwriting that's been taking place in this new fund at all?

15 A. Not for any new loans that were not done.

15:43:56

16 Q. The next bullet point, improved borrower performance  
17 milestones. Do you see that?

18 A. Yes.

19 MR. SEXTON: Let's look at Exhibit 3210. Highlight  
20 the top part there.

15:44:18

21 BY MR. SEXTON:

22 Q. For the seven months ending 2004, right around this time of  
23 this unaudited -- this unaudited financial statement, do you  
24 see the fourth line there down? How much interest has been  
25 received in seven months from any of the borrowers?

15:44:35

—Timothy Abraham - Redirect Examination - June 18, 2013—

1 A. \$10,103.

2 MR. SEXTON: And then finally go back out to 6210.

3 It's at that page 3 again. It's in those bullet points. Do  
4 the bottom four lines.

5 BY MR. SEXTON:

6 Q. And then it says there, this bullet point, as of July 1 the  
7 fund manager designated 70 percent ownership of the reserve for  
8 bad debt to the fund effective upon fund dissolution.

9 Do you see that?

10 A. Yes.

15:45:20

11 Q. Was there ever a reserve for bad debt?

12 A. No.

13 MR. SEXTON: Let's go -- the last exhibit we'll look  
14 at is 7232. No, there's two more exhibits.

15 7232. Let's go to page 24 of that document. You can  
16 rotate it.

15:45:48

17 THE COURT: Or we can stand on our heads.

18 MR. SEXTON: Okay. And if you just do that portion up  
19 there as big as you can. And even the far right here, just  
20 this right third.

15:46:10

21 BY MR. SEXTON:

22 Q. Mr. Simpson was asking you some questions about the  
23 collateral here and the over-funded collateral and all of that.  
24 Do you remember that?

25 A. Yes.

15:46:21



—Kurt Taylor - Direct Examination - June 18, 2013—

1 A. Not specifically. It was toward the end of that year when  
2 they began talking about a new structure for the Mathon Fund.  
3 Probably about that time frame, end of October, maybe into  
4 November.

5 Q. Who did you talk to, if you remember, that explained to you 16:19:10  
6 this new structure?

7 A. I spoke with Jason some about that. But I also spoke with  
8 Guy Williams and Duane Slade about it.

9 Q. And let's just talk with -- about Guy Williams and Duane  
10 Slade. Did you have a conversation with them about this? 16:19:29

11 A. Yes.

12 Q. Was it -- did you have an individual conversation with them  
13 in the latter part of 2003 about this, or was it a conference  
14 call or what?

15 A. I spoke to them on the phone so many times. I also was in 16:19:46  
16 Mesa a few times. I spoke with them each time that I went. So  
17 there were various instances.

18 Q. All right. What did Guy Williams tell you about this  
19 change in the structure? How did he explain it to you?

20 A. That the new structure would move from kind of a one-to-one 16:20:05  
21 relationship between investor and borrower into kind of a  
22 pooled fund where investors would -- like us would put money  
23 into the fund, and then the fund would loan to various  
24 borrowers under the same kinds of terms. But that our -- the  
25 risk of our loss would be minimized because our money would be 16:20:37

—Kurt Taylor - Direct Examination - June 18, 2013—

1 kind of pooled over various loans rather than just one.

2 Q. Did Guy Williams and Duane Slade discuss with you any other  
3 things about this new fund that would protect the investors?

4 A. Yes.

5 Q. What did they discuss with you? 16:21:01

6 A. They highlighted that it would have a couple of things that  
7 would provide additional protection. One was a \$20 million  
8 insurance policy that could be used to recoup losses if there  
9 were any. As well as a \$5 million kind of emergency fund. I  
10 can't remember the correct name for that, but an emergency  
11 fund. 16:21:31

12 Q. And what would this emergency fund be used for, what type  
13 of emergency?

14 A. Well, in case a borrower, you know, defaulted on a loan and  
15 didn't pay, then the fund -- this emergency fund could be used  
16 to restore those losses. 16:21:42

17 Q. What would be -- as an investor, what would be your rights  
18 in getting your money out in case you wanted to redeem or what  
19 they call a redemption from the fund? What was the investor,  
20 not you in specifically, but an investor's requirements? 16:22:03

21 A. There were -- the fund had kind of a seasoning requirement  
22 where if you put -- you invested money into the fund, it had to  
23 remain in the fund for a minimum period of time before you  
24 could request a withdrawal. If I remember right it was at  
25 least six months. It may have been a year, but -- I apologize. 16:22:28

Kurt Taylor - Direct Examination - June 18, 2013

1 Q. Were you of the -- did you ever learn that they, in fact,  
2 had no insurance?

3 A. I can't remember when I discovered that. But it wasn't  
4 during the investment period.

5 Q. It was well after? 17:04:20

6 A. Well after.

7 Q. How about this reserve fund, did you -- were you ever  
8 notified that there was no reserve fund?

9 A. No.

10 MR. RAPP: If I could just have one second. 17:04:36

11 BY MR. RAPP:

12 Q. Let me just go back to this quickly.

13 Did you understand in reviewing the -- some of the  
14 documents in preparation for your testimony, was there any  
15 document that refreshed your recollection as to the name of the 17:04:59  
16 investor that you were buying out in this \$3 million loan?

17 A. Yes, it was referenced in a subject line of an e-mail I  
18 received from Mr. Buck.

19 Q. And do you remember what the name was?

20 A. Bodell. 17:05:16

21 Q. All right. Is that the e-mail, May 25th, [REDACTED], which  
22 is Jason Buck?

23 A. Yes, that's Jason Buck's e-mail.

24 Q. To you, Kurt Taylor. And in the subject, Bodell deal?

25 A. Yes. 17:06:26

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

---

United States of America,	)	
	)	No. CR 09-01492-PHX-ROS
Plaintiff,	)	
	)	
vs.	)	Phoenix, Arizona
	)	June 19, 2013
Guy Andrew Williams,	)	8:42 a.m.
Brent F. Williams,	)	
	)	
Defendants.	)	

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BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL  
DAY 3 - A.M. SESSION

(Pages 568 - 714)

Official Court Reporter:  
Candy L. Potter, RMR, CRR  
Sandra Day O'Connor U.S. Courthouse, Suite 312  
401 West Washington Street, Spc 36  
Phoenix, Arizona 85003-2151  
(602) 322-7246

Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

John Wadsworth - Direct Examination - June 19, 2013

1 Q. What was Kim Asay's initial reaction?

2 A. Unfavorable.

3 MR. SIMPSON: Objection. Hearsay.

4 THE COURT: I'll sustain the objection, ask the jury  
5 to disregard the answer. 09:59:33

6 MR. SIMPSON: Thank you, sir.

7 BY MR. LANZA:

8 Q. Okay. Let me see if I can do it this way: Yes or no, did  
9 you present this investment opportunity to your business  
10 partners, Kim and Kerry Asay, after speaking to Mr. Slade? 09:59:42

11 A. Yes.

12 Q. Yes or no, did they agree to go along with the investment  
13 after this initial conversation just with Mr. Slade?

14 A. Yes.

15 Q. Or did you instead have subsequent discussions with others  
16 at Mathon before going along with the investment? 09:59:55

17 A. Well, I continued my discussion with Duane Slade on the  
18 matter. And so there was several discussions, yes.

19 Q. Before proceeding with this Bodell buyout, did you and the  
20 Asay brothers then have a conversation on the phone with Brent  
21 Williams? 10:00:15

22 A. Yes.

23 Q. Tell us how that came about.

24 A. Duane Slade suggested that we talk to Brent Williams, the  
25 CFO, to receive further assurances of the condition of the 10:00:29

John Wadsworth - Direct Examination - June 19, 2013

1 company, and why this -- and where this money would be going  
2 to.

3 Q. Did Duane Slade make any statements to you on why Brent  
4 Williams was somebody you could particularly trust?

5 A. Yes. He stated that Brent Williams was a former stake  
6 president in the LDS community, which elevates the confidence  
7 that we would have in Brent Williams without even meeting him.  
8 I know that sounds sort of odd, but it's true.

10:00:46

9 Q. So as a member of the LDS Church, it was important to you  
10 that Brent Williams previously had a leadership position in the  
11 church?

10:01:10

12 A. Yes, to hear that was important.

13 Q. Did you end up having a phone conversation with Brent  
14 Williams?

15 A. Yes.

10:01:22

16 Q. Please -- about approximately how long did this  
17 conversation take?

18 A. My memory would be that it would be 30 to 40 minutes long.

19 Q. You and Kim Asay and maybe Kerry Asay is on the phone as  
20 well?

10:01:38

21 A. Yes, yes.

22 Q. Please compare and contrast if you can for the jury the  
23 type of representations that Brent Williams made about new  
24 loans, audit, default rate, reserve fund, all the other things,  
25 compared to what Buck and Slade had been telling you earlier.

10:01:51

John Wadsworth - Direct Examination - June 19, 2013

1 A. The representations were the same, that the company was in  
2 great shape, getting great returns. Everything that was  
3 represented to us by -- well, to me by Jason Buck, and then to  
4 us by Duane Slade, was the same reiterated.

5 Q. Brent Williams during this call ever give you any  
6 indication that Mathon had been having trouble collecting on  
7 defaulted loans?

10:02:18

8 A. No.

9 Q. Ever mention to you that the auditors had given an oral  
10 Ponzi scheme warning?

10:02:29

11 A. No.

12 Q. Mention that there had been very few, if any, new loans  
13 generated that whole year?

14 A. No.

15 Q. After this phone call with Brent Williams, did you and the  
16 Asay brothers decide to proceed with this \$4.1 million Bodell  
17 buyout?

10:02:36

18 A. Yes.

19 Q. All right. I want you to now turn to Exhibit 6037 on your  
20 screen. Do you recognize that document?

10:02:53

21 A. Yes.

22 Q. All right. I want to focus first up top here. The name of  
23 the Mathon Fund Membership Purchase Agreement. The name of the  
24 entity buying into Mathon is called Asay II Wadsworth, LLC.

25 What's Asay II Wadsworth?

10:03:17

John Wadsworth - Direct Examination - June 19, 2013

1 days later did you and the Asay brothers happen to be in  
2 Arizona for an unrelated business trip related to Morinda?

3 A. Yes.

4 Q. During that trip to Arizona, did you and the Asay brothers  
5 decide to go to Mathon for a visit? 10:17:49

6 A. Yes.

7 Q. Was that the first time you personally ever went to Mathon?

8 A. Yes.

9 Q. Were you successful in meeting anybody from Mathon during  
10 this trip? 10:17:59

11 A. Yes.

12 Q. Who did you meet with?

13 A. Duane Slade, Guy Williams, and Brent Williams.

14 Q. First time meeting Brent in person?

15 A. Yes. 10:18:11

16 Q. First time meeting Guy in person?

17 A. Yes.

18 Q. What was discussed -- so you've already -- ten days earlier  
19 you've made this big withdrawal request. What did you, the  
20 Asay brothers, and Duane, Guy and Brent generally discuss 10:18:27  
21 during this meeting?

22 A. That we wanted our money back. And that was the  
23 big -- that was the discussion.

24 MR. SIMPSON: I'm sorry, Your Honor, I apologize. I  
25 couldn't hear the last part of the answer. 10:18:43



John Wadsworth - Direct Examination - June 19, 2013

1 THE WITNESS: That we wanted our money back.

2 MR. SIMPSON: Thank you, sir.

3 BY MR. LANZA:

4 Q. How -- who was the primary speaker between Brent, Guy and  
5 Duane during this meeting, if there was a primary speaker?

10:18:55

6 A. Duane and Kerry Asay. Duane Slade and Kerry Asay.

7 Q. At any point did Brent Williams disavow or disagree with  
8 anything that Duane Slade was saying during this meeting?

9 A. No.

10 Q. Same question with respect to Guy Williams.

10:19:11

11 A. No.

12 Q. What was the overall picture that Duane Slade and the  
13 defendants painted for you about the health of Mathon and the  
14 standing of Mathon in this January 2005 time frame?

15 A. That the health of Mathon was still very strong, that there  
16 was new investors coming in all the time. And that the future  
17 was very bright.

10:19:26

18 Q. Did they make any representations about whether your  
19 \$6 million plus in cash was available if you still wanted it?

20 A. Yes.

10:19:46

21 Q. What did they say?

22 A. They said that you could take that, but that if you  
23 invested more you could get that plus -- I mean, they didn't  
24 have that money exactly right then. But if you invested more,  
25 you could get it all back within a short period of time.

10:19:59

John Wadsworth - Direct Examination - June 19, 2013

1 Q. So you went there to try to withdraw your money, but they  
2 asked you to invest more money?

3 A. Yes.

4 Q. Can you tell the jury to the best of your recollection  
5 about what this third new business investment opportunity was? 10:20:09

6 A. It was an opportunity -- it was really an opportunity for  
7 us to get all of our money back, and to invest in the company  
8 so that we could receive all of our money back.

9 Q. Did they say that you should put in another \$2.7 million?

10 A. Yes. 10:20:29

11 Q. On top of the 5 or 6 million you've already put in?

12 A. Yes.

13 Q. Did you agree to go ahead with this new \$2.7 million  
14 investment?

15 A. Yes. 10:20:40

16 Q. Showing you Exhibit 3486. On top do you see where it's  
17 highlighted, this is a transfer agreement?

18 A. Yes.

19 Q. Effective date of January 27th, 2005?

20 A. Yes. 10:21:09

21 Q. This time the contract isn't with the Mathon Fund, it's  
22 with the Mathon Management Company. Do you see that?

23 A. Yes.

24 Q. Did that have any significance to you at the time, why it  
25 was with Mathon Management rather than Mathon, or do you 10:21:23

—Kim Asay - Direct Examination - June 19, 2013—

1 A. Yes. We decided to give a call to Mathon and see if we  
2 could get Brent on the phone. So my brother and John and I  
3 went into Kerry's office, my brother Kerry, and called and  
4 talked to Brent.

5 Q. Please describe, as best you can for the jury, what Brent  
6 Williams told you during this call about how Mathon was doing,  
7 this Bodell buyout opportunity, et cetera.

11:42:54

8 A. I don't remember him bringing anything up about the Bodell  
9 buyout. But in general I got a sense that the business was  
10 doing well, that the collateral was real, that it was valued  
11 well, you know, that it was properly valued. That the company  
12 was in good shape.

11:43:16

13 Q. Any mention of a *Ponzi* scheme warning by the auditors  
14 during this call with Brent Williams?

15 A. No.

11:43:36

16 Q. After you finished this call, did you, your brother and  
17 Mr. Wadsworth decide to proceed with the Bodell buyout?

18 A. We did.

19 Q. And you wired in a total of \$4.1 million?

20 A. We did.

11:43:48

21 Q. I want to show you Exhibit 6037. I'll just go directly to  
22 page 10.

23 Just real briefly on top, September 24th, 2004. Is  
24 this the ballpark of when you think you and your partners made  
25 this investment?

11:44:09

CR-09-01492-PHX-ROS(DKD), June 19, 2013 P.M.

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3

4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. ) CR-09-01492-PHX-ROS(DKD)  
8 Guy Andrew Williams, Brent F. )  
9 Williams, )  
10 Defendants. ) Phoenix, Arizona  
11 ) June 19, 2013  
12 ) 1:02 p.m.  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )

21 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
23 JURY TRIAL  
24 Day 3 - P.M. SESSION

25 (Pages 715-848)

Official Court Reporter:  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

United States District Court

HERRICK MICHAEL DRAKE - Direct

1 A. I am.

01:09:22

2 Q. Can you just generally talk about the risk disclosures in  
3 the PPM?

4 MR. JONES: Excuse me. Could we have foundation as  
5 to which PPM it was?

01:09:36

6 BY MR. LANZA:

7 Q. Is this the PPM dated July 6, 2004, or around that date?

8 A. Around that date.

9 Q. Thank you.

10 You talk generally about the risk disclosures in this  
11 PPM?

01:09:47

12 A. The risk disclosures dealt with issues like is this a  
13 sophisticated investor? Is the person who would invest someone  
14 who either has sufficient assets to suffer a loss if a loss  
15 happens or does he have sufficient income that it would be okay  
16 for him to be part of this investment? It had a disclosure  
17 that there were risks involved with the investment itself.

01:10:01

18 It had disclosures about the principals and their  
19 backgrounds, their experience. It had disclosures about the  
20 types of investments that would be involved, bridge loans and  
21 looking for investments that would bring a high rate of return  
22 and the risks that might be involved with that, for example.

01:10:23

23 Q. I want to talk about one particular disclosure or the  
24 absence thereof. Anywhere in this PPM did it say that Mathon  
25 could take money from one investor and use it to pay off

01:10:46

United States District Court

HERRICK MICHAEL DRAKE - Direct

1 another investor without telling them? 01:10:49

2 A. No.

3 Q. Would that have been important to you when reviewing the  
4 PPM?

5 A. Yes. 01:10:56

6 Q. Why?

7 A. Because that would be inconsistent with the terms of the  
8 PPM. The memorandum was supposed to be something where you  
9 would bring money in, put it into the coffer of the fund and  
10 the fund would then find people who were worthy borrowers. 01:11:12

11 They would lend the money to those borrowers with great  
12 security. It had nothing to do with paying off other people.

13 Q. Was it your impression, based on reviewing the PPM, that  
14 Mathon was actively making new loans in this July 2004 time  
15 frame? 01:11:30

16 A. The PPM didn't say that they were actively making loans  
17 but that was their intention. They had hoped to fund -- it was  
18 our understanding that, yes, they were involved in making  
19 active loans.

20 Q. Did the PPM contain any disclosures concerning the fees  
21 that Mathon would be charging? 01:11:41

22 A. Yes. There was -- Mathon Fund would be managed by a  
23 company, I believe it was called Mathon Management, something  
24 to that effect. And Mathon Management, in managing the fund,  
25 would be entitled to certain fees. One of the fees was an 01:12:02

United States District Court

HERRICK MICHAEL DRAKE - Direct

1 Q. Did Duane Slade ever tell you during this call that, in 01:22:40  
2 fact, Mathon hadn't originated a new loan in months?

3 A. That was not said, yes.

4 Q. Did Duane Slade ever say during this call that money from  
5 new investors could simply be used to pay off old investors 01:22:54  
6 without either party knowing it?

7 A. No.

8 Q. During this call, did you have any further discussion with  
9 Mr. Slade about your concern about the ownership of the reserve  
10 fund? 01:23:08

11 A. At the time of that call, we already received a letter  
12 signed by Guy Williams that said that they resolved that issue  
13 and that the reserve fund would then be made available to  
14 investors if it were ever dissolved.

15 Q. Okay. So you received a letter from Guy Williams 01:23:26  
16 concerning the reserve fund?

17 A. Yes. That letter was received by fax towards the end of  
18 July and this call happened within a day or two after that.

19 Q. Was the supposed existence of a reserve fund important  
20 when you were doing this evaluation? 01:23:42

21 A. Yes.

22 Q. Did Duane Slade make any comments about the liquidity or  
23 illiquidity about the assets in the reserve fund during this  
24 call or give you an impression about the liquidity or  
25 illiquidity? 01:23:58

United States District Court

HERRICK MICHAEL DRAKE - Redirect

1 A. They told me that in 2004, October. 02:30:47

2 Q. All right. Next, Mr. Jones asked you some questions about  
3 whether it's okay to just transfer money from one investor to  
4 another and whether Mathon is like a mutual fund. Do you  
5 remember those questions? 02:31:00

6 A. Yes.

7 Q. Pulling up Exhibit 6015, page 21 of the document. It's  
8 actually page number 11 on the bottom of the screen. Have I  
9 pulled up the part of the relevant portion of the July 2004 PPM  
10 dealing with transferring money from one investor to another? 02:31:21

11 A. Transferring units, yes. That's the relevant provision.

12 Q. And can you, please focusing on the highlighted language,  
13 tell the jury, whether, based on your review of the PPM, you  
14 thought it was permissible for Mathon to take money from one  
15 investor to pay off another without telling them that that is 02:31:42  
16 what was happening?

17 A. No. That was not proper.

18 Q. And, in fact, does it say that for such a transfer to  
19 happen, the first step is the investor actually has to request  
20 a transfer in writing? Is that the highlighted language there? 02:31:57

21 A. Yes.

22 Q. And if I go on to the next page of Exhibit 6015, do you  
23 see there that even after, if an investor wanted to transfer  
24 their unit to a different investor, Mathon would then be  
25 required to make the offer available to all the other Mathon 02:32:22



HERRICK MICHAEL DRAKE - Redirect

1 investors? 02:32:25

2 A. Yes.

3 Q. And Mathon can't get in the middle of those negotiations,  
4 the manager will not assist either party in negotiations.

5 A. That's correct. 02:32:35

6 Q. Does this say that Mathon can just take money from one  
7 investor and pay off another one and not tell either one that's  
8 what's happening?

9 A. That's not the purpose of this as I see it.

10 Q. All right. Final questions. Mr. Jones asked you, he said 02:32:47  
11 was anything concealed from you when you went down to Mathon in  
12 2004. Do you remember that question?

13 A. I do.

14 Q. During that trip, anybody tell you about the Ponzi warning  
15 from the Squire auditors? 02:33:02

16 A. No one did.

17 Q. Anybody tell you that Mathon was using new money to pay  
18 off old investors?

19 A. No.

20 Q. Anybody tell you that Mathon had made millions of dollars 02:33:09  
21 of loans in previous Mathon Fund, the old and new fund had made  
22 millions of dollars of loans to companies that were also  
23 controlled by Duane Slade and Guy Williams?

24 A. That was not told to us.

25 MR. LANZA: Nothing further. 02:33:28

LAWRENCE PEW - Direct

1 went down to the Mathon offices, pictures that we just looked  
2 at a moment ago, for the purpose of meeting with Guy Williams  
3 and Duane Slade, did you have occasion to meet with Brent  
4 Williams?

03:41:25

5 A. I did meet him, yes.

03:41:41

6 Q. On how many occasions on the times that you went down to  
7 the Mathon offices did you meet with Brent Williams?

8 A. Meet with him?

9 Q. Yes.

10 A. I actually met him a couple of times at the point holders,  
11 when they were explaining that, he was in there. I also had  
12 met him. At one point I was in an area that I thought was  
13 probably his office area.

03:41:57

14 Q. And were you with Mr. Brent Williams in there privately?

15 A. Yes.

03:42:18

16 Q. And did you have a discussion with him at all?

17 A. He just told me that he had been a church leader over --  
18 kind of a leader over a stake, a number of wards, and that he  
19 wouldn't lead me astray. And that if I had any more money, I  
20 would be wise to put it in with him.

03:42:41

21 MR. RAPP: Nothing further. Thank you, Your Honor.

22 THE COURT: Cross-exam?

23 MR. JONES: I will be right up, Judge.

24

25

United States District Court

MICHAEL FLEISCHMANN - Direct

1 They may have meant otherwise but that's what it says. 04:27:01

2 BY MR. LANZA:

3 Q. All right. Next, Exhibit 2670, two parter. On the  
4 bottom, e-mail from Justin Hall to Guy, e-mail forward, Duane  
5 e-mail forward, Brent Williams, Tim Abraham, Luann Martinez and 04:27:24  
6 Jane Woodbury on December 31, 2004. Subject: Incoming money.  
7 And it says: \$50,000 came in from Bindrup Legacy Group  
8 yesterday, 12-30-2004.

9 Now, going to the top of this e-mail, this is an  
10 e-mail that Guy Williams replies to Justin Hall and Brent 04:27:53  
11 Williams two minutes later, at 10:45 a.m., and says: We need  
12 to move 250,000 over to MM, and write a check from MM to Bruce  
13 McMullin for the 250,000. Bruce is here right now to pick up a  
14 check.

15 All right. Here's an e-mail that actually starts at 04:28:36  
16 the bottom, is Exhibit 3278. It's an e-mail from the  
17 investorinfo@mathonmgmt.com e-mail and it's talking about the  
18 December 31, 2004 statement. Then in the middle of this  
19 exhibit, somebody names Dennis Reese writes back to the  
20 investor info e-mail address on April 5, 2005. Is Dennis R [REDACTED] 04:29:12  
21 a Mathon investor?

22 A. He is.

23 Q. April 5, 2005, was that the day that the conservator took  
24 over?

25 A. Yes, sir. 04:29:26

United States District Court

MICHAEL FLEISCHMANN - Direct

1           And that is the conclusion of the excerpts from that 04:38:21  
2 first transcript. There's one more transcript that has only  
3 three or four pages and I'll be done.

4           And that is Exhibit 3178. This is another  
5 examination under oath before the Arizona Corporation 04:38:38  
6 Commission. This time on November 9, 2004, the joint  
7 examination of Guy Williams and Tim Abraham.

8           So on page 82, there's a question: "How many  
9 borrowers are in the Mathon Fund?'"

10           Answer by Mr. Williams: "I think there's about 10. 04:39:10

11           "Question: Okay. So for seven months, only one  
12 borrower has made payments totaling \$10,000, real money, green  
13 stuff?

14           "Answer: Yes."

15           Page 143, question concerning the reserve fund: "Is 04:39:37  
16 that real money, or is that these notes that if these defaulted  
17 borrowers pay, then it's going to be 5 million?

18           "Answer: It's a combination. In some of these,  
19 point contributors wrote checks, wrote new money. Some of it  
20 was, as we've discussed at length, LOU conversions. The 04:39:58  
21 reserve is primarily, at this time, paper; primarily consists  
22 of notes, receivables."

23           And that's it.

24           THE COURT: Ladies and gentlemen, we're at the end of  
25 the road for today, a little earlier quit. We worked little 04:40:19

United States District Court

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

---

United States of America,        )  
  )     No.   CR 09-01492-PHX-ROS  
      Plaintiff,                    )  
  )  
      vs.                            )           Phoenix, Arizona  
  )           June 20, 2013  
Guy Andrew Williams,            )           12:30 p.m.  
Brent F. Williams,                )  
  )  
      Defendants.                    )  
\_\_\_\_\_ )

BEFORE:   THE HONORABLE JACK ZOUHARY, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL  
DAY 4 - P.M. SESSION

(Pages 953 - 1110)

Official Court Reporter:  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

—Scott Johnson - Direct Examination - June 20, 2013—

1 A. Yeah.

2 Q. And what did he say to you?

3 A. Hey, there's an opportunity for a select few investors to  
4 purchase these points. The moneys that you would be investing  
5 would be part of a reserve fund. And for putting that money up  
6 you'd be entitled to these ongoing payments. And then as the  
7 assets in the fund grew, your point payments each month would  
8 increase in value.

13:15:08

9 Q. Now you mentioned a second ago that it was going to go into  
10 a reserve.

13:15:33

11 Did you ever inspect any books and records of the  
12 Mathon Management Company to see whether or not any moneys for  
13 points ever went into a reserve?

14 A. No.

15 Q. When you became president of the Mathon Fund -- and by the  
16 way, you were vice president of Mathon Management Company at  
17 that time, weren't you?

13:15:41

18 A. I believe so.

19 Q. Did you ever see anything that would indicate that any of  
20 these participation point payments of a million dollars were  
21 ever chopped up in any way and put into a reserve?

13:15:54

22 A. No.

23 Q. Exhibit 395. Is this the first page of the document that  
24 you had to sign to become a point holder?

25 A. It is.

13:16:26

— Scott Johnson - Direct Examination - June 20, 2013 —

1 A. I do.

2 Q. What did you find out?

3 A. It looked to me like, one, the loan portfolio was limited  
4 in the number of actual loans, and two, nearly all of them  
5 appeared to be in -- either on the verge of default or in  
6 default.

13:29:57

7 Q. Now as far as the volume, what were you led to believe was  
8 the nature of the volume of loans that were being made out of  
9 Mathon?

10 A. Well, certainly prior to coming on board I always -- I had  
11 always had in my head that they had successfully completed  
12 hundreds of loans. I was --

13:30:13

13 Q. Let me stop you. Who put that in your head?

14 A. Duane and Guy.

15 Q. And so when you come on board and look at the loan  
16 portfolio, how many loans are there, approximately?

13:30:28

17 A. Like 12, 13, 14, somewhere in that range.

18 Q. Were you at all surprised at the size of some of these  
19 loans?

20 A. Yes.

13:30:45

21 Q. Why did that surprise you?

22 A. Because those 24 loan transactions that I had thought I had  
23 personally participated in tended to be in the 200 to \$500,000  
24 range, and the loans that I was seeing on the books were in the  
25 millions of dollars.

13:31:05

— Scott Johnson - Direct Examination - June 20, 2013 —

1 Q. And now you're coming on in February of '05, and the fund  
2 started -- the new fund started in December of '03. How many  
3 new loans had been done in those 15 months?

4 A. It looked to me like the number was less than half a dozen.

5 Q. Was this the first week you're looking at this?

13:31:29

6 A. Yeah.

7 Q. As you're looking at this, what's going through your mind?

8 A. What have I done? Will I ever get any money out of this  
9 thing, any of my personal money out? Did I make a huge  
10 mistake? Very, very sleepless period in my life.

13:32:01

11 Q. When you looked at this loan portfolio, did you have grave  
12 or not concerns about the going concern nature of this fund at  
13 that time?

14 A. I quickly began developing those concerns.

15 Q. After you started looking at this loan portfolio, did you  
16 ever confront Duane Slade, Guy Williams or Brent Williams about  
17 your concerns at this point?

13:32:22

18 A. Sure.

19 Q. When, who?

20 A. I would say all three. And I think almost immediately once  
21 I got in there and started kind of looking at the books,  
22 asking, hey, you know, what -- looks like the loans are not  
23 performing, what's -- what's up? It looks like we have a lot  
24 of demands from investors to get their money out. I've got --  
25 some of the loan officers are presenting me loans, but it

13:32:42

13:33:12



—Scott Johnson - Direct Examination - June 20, 2013—

1 MR. SEXTON: So let's look at Exhibit 3290.

2 You're starting to be --

3 Top part. Go to the top. No, you were right. Let's  
4 do it the way you were doing it, because it's an e-mail chain.  
5 Start with the original message.

13:44:34

6 BY MR. SEXTON:

7 Q. This is from you to Terry Shanahan and Shelley DiGiacomo;  
8 right?

9 A. Yes.

10 Q. Two lawyers; right? Those are the two lawyers in the  
11 office?

13:44:46

12 A. They are.

13 Q. Okay. And this is you looking at the -- is this the  
14 new -- the old --

15 A. A draft of the MM Colonial memorandum, I believe. I had  
16 been asked to read it and make comments.

13:45:01

17 Q. And one of your concerns had to do with the loan reserve,  
18 on page 15?

19 A. Yes.

20 Q. And that you actually indicate on the third line there  
21 that, in order to sort of be in compliance we're going to need  
22 a few liquidity events. Do you see that?

13:45:15

23 A. Yes.

24 Q. What does that mean?

25 A. I believe I'm referring to the fact that I did not see any

13:45:27

—Scott Johnson - Direct Examination - June 20, 2013—

1 account anywhere that had reserve liquid assets in it. And so  
2 because of that, we can't say that it exists when it doesn't.  
3 We really need some loans to pay off to generate that reserve  
4 fund.

5 Q. So one of the things you're seeing rather early on is an  
6 issue about a reserve?

13:45:53

7 A. Yes.

8 MR. SEXTON: 2701. Let's go to the paragraph that's  
9 marked -- well, first off, go ahead and start at the top there  
10 so I can sort of orient.

13:46:25

11 BY MR. SEXTON:

12 Q. This is on February 16th. It's from Shelley DiGiacomo,  
13 again, to Duane, Brent, Guy, and you and Terry Shanahan about  
14 the Mathon Fund PPM. Do you see that?

15 A. Yes.

13:46:42

16 MR. SEXTON: Now go to the paragraph that's indicated  
17 as -- with the first word of "second."

18 BY MR. SEXTON:

19 Q. This is a discussion by Shelley in which she's saying, we  
20 are going to sort of make it understood now in the PPM that it  
21 might not be a liquid reserve. Do you see that?

13:46:57

22 A. Yes.

23 Q. Up to this point, to the extent that you believed there was  
24 a reserve, you thought it had liquid cash or assets?

25 A. Well, at this point I don't think I believed there was a

13:47:21

—Scott Johnson - Direct Examination - June 20, 2013—

1 A. Yes.

2 Q. And then sort of the last two lines say, in addition, we've  
3 got some lending opportunities in the pipe here, but we have  
4 all these withdrawal inquiries.

5 A. Correct.

13:49:19

6 Q. And we're getting these withdrawal inquiries on almost a  
7 daily basis.

8 A. Yes.

9 Q. And then your last line is, I feel that I am truly in the  
10 dark when it comes to knowing what our funding priorities are,  
11 what cash we have in the bank, which withdrawal requests are  
12 most critical, et cetera. Do you see that?

13:49:28

13 A. Yes.

14 Q. And then the very top of this message is a one-line reply  
15 from Guy Williams to you where it's simply, happy to discuss.

13:49:45

16 A. Yes.

17 Q. During the two months you were there before it was closed,  
18 were you reviewing loan prospects, possible places to put money  
19 for a hard-money loan?

20 A. Yes. Every, I believe it was Wednesday in the morning we  
21 had a loan committee meeting scheduled. It usually took place.  
22 The purpose of that meeting was for me to bring potential loans  
23 to the committee for approval. I was bringing those loans,  
24 they were coming in to me from the loan officers that were out,  
25 again, finding these loans. I'd bring them to Duane, Guy,

13:50:22

13:50:50

—Scott Johnson - Direct Examination - June 20, 2013—

1 Brent, Terry Shanahan would also be at the meeting.

2 Q. So let me stop you real quick.

3 A. Yeah.

4 Q. There were some good loan prospects in that -- in those  
5 meetings?

13:51:04

6 A. I believed so.

7 Q. Some that you thought were worth making?

8 A. Yes.

9 Q. Was there any money to make those loans?

10 A. No.

13:51:10

11 Q. But at the same time was the sales force bringing in new  
12 money into the fund?

13 A. Yes.

14 Q. Was any of that new money going to any new loans that you  
15 were looking at?

13:51:25

16 A. No. I didn't -- was not able to make any loans during my  
17 entire two months there.

18 Q. Did you talk to either Duane Slade, Guy Williams or Brent  
19 Williams about, I got loans here but I have no money?

20 A. Yes.

13:51:43

21 Q. Who and when?

22 A. It was in that committee meeting, I don't recall which one,  
23 but it would have been, again, on a Wednesday in the committee  
24 meeting.

25 Q. Who is in the committee, by the way?

13:51:56

Scott Johnson - Direct Examination - June 20, 2013

1 A. So on that committee was Kevin Kellis, who was a loan  
2 officer, Terry Shanahan, who was the compliance officer, Brent  
3 Williams, Guy Williams, Duane Slade, and myself.

4 Q. And so you raised this concern?

5 A. I did.

13:52:18

6 Q. And who says something back to you in regard?

7 A. Well, I specifically remember Guy -- or excuse me, Duane  
8 saying, look, Scott, if it's a good loan, bring it to us, we'll  
9 fund it. I'll find the money and we'll fund that loan.

10 Q. Did you have good prospects that were never funded?

13:52:35

11 A. Yes.

12 MR. SEXTON: Let's go to 2710.

13 Actually if it please the Judge, let's skip this one.

14 Let's go to 3286.

15 BY MR. SEXTON:

16 Q. All right. The jury heard a few minutes ago that  
17 sackorocks is Robert Lloyd or Bob Lloyd?

18 A. Yes.

19 Q. Okay. And this is you -- he's writing to you. Do you see  
20 that?

13:53:54

21 A. Yes.

22 Q. And make sure I'm on the right page here.

23 So in this e-mail you write, I have watched Duane and  
24 Guy successfully weather the growing pains of a start-up fund.

25 Do you see that?

13:54:20

CR-09-01492-PHX-ROS (DKD), June 21, 2013 A.M.

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3

4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. ) CR-09-01492-PHX-ROS (DKD)  
8 Guy Andrew Williams, Brent F. )  
9 Williams, )  
10 Defendants. ) Phoenix, Arizona  
11 ) June 21, 2013  
12 ) 8:22 a.m.  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )

21 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
23 JURY TRIAL  
24 Day 5 - A.M. SESSION

25 (Pages 1111-1227)

21 Official Court Reporter:  
22 Elaine Cropper, RDR, CRR, CCP  
23 Sandra Day O'Connor U.S. Courthouse, Suite 312  
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(602) 322-7245

Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

United States District Court

RUSSELL SEWELL - Direct

1 Q. And Aspen Grove was something that you either put full 08:34:25  
2 time into or part in for how many years?

3 A. Full time and part-time for about eight years, until --  
4 for 2007 or 2008.

5 Q. So from about 1999 to when? 08:34:39

6 A. 2007 or 2008.

7 Q. Okay. We'll talk about Aspen Grove a bit more.

8 At the same time, do you have a couple of ins and  
9 outs into the Mathon Funds? First of all, into the old fund,  
10 did you have -- in essence, you were one of the original 08:35:02  
11 founders of it, weren't you?

12 A. I was. Early 2002, myself and Duane and Guy started the  
13 Mathon Management Company which -- and its fund, the Mathon  
14 Fund I or the old fund.

15 Q. And by Duane and Guy, you're referring to? 08:35:23

16 A. Duane Slade and Guy Williams.

17 Q. And if you would, when you're testifying and to the extent  
18 you're talking about either Brent Williams or Guy Williams, if  
19 you could identify which one of the Williams you're talking  
20 about rather than just using the last name, that would be 08:35:39  
21 helpful.

22 A. Sure.

23 Q. Now, look at Exhibit 3486 -- excuse me, 3476, is this an  
24 early e-mail in 2002 that sort of talks about the fact that you  
25 have a one-third interest in the old fund during that time? 08:35:59

RUSSELL SEWELL - Direct

1 Q. Pay-back strategies and personal guarantee stuff at the 10:45:14  
2 bottom.

3 A. Yes. That is correct.

4 Q. Even things about your personal residence, bank  
5 references, all of that stuff. Do you see all of that? 10:45:27

6 A. I do.

7 Q. Were you in any way subjected to any of this due diligence  
8 for any of the money that you got from either of these two  
9 funds?

10 A. No. 10:45:38

11 Q. So now with the new Mathon Fund and the PPM coming out, is  
12 the PPM like the number one marketing document that you're  
13 giving to investors?

14 A. It was the only approved document for sales.

15 Q. And what is the primary sales points in that document to 10:46:15  
16 entice investors?

17 A. The primary selling points were the reserve, the  
18 insurance, those were the two primary.

19 Q. Pull up 2902, Kevin.

20 First page here, is this one dated November 25, 2003, 10:46:50  
21 the first PPM that was being used when the funds started  
22 operation in a few days later, on December 1 of 2003?

23 A. Yes.

24 Q. Now, let's go to page 13. There's something near the  
25 bottom called a nationwide deal flow network. It says here the 10:47:27



RUSSELL SEWELL - Direct

1 that was in any way kicking the tires or doing anything that 10:51:05  
2 would even look like it was coming close to funding any  
3 insurance for this fund?

4 A. I'm not aware of anything.

5 Q. And you're on the Management Committee at this time? 10:51:17

6 A. I am.

7 Q. Now look at 3462. This is a PPM that's dated June 15,  
8 2004. Is this the first time that a PPM is going out in the  
9 new fund that makes no mention of fund insurance?

10 A. Yes. 10:51:59

11 Q. And so let's go to page 23 of this document. Right here  
12 at the very bottom. Highlight that loan reserve section. So  
13 on the previous 2902 that the jury was looking at, it said Loan  
14 Reserve and Insurance in this heading, didn't it?

15 A. Yes. 10:52:34

16 Q. And now the "and insurance" has simply been removed from  
17 this June 15 copy; right?

18 A. Yes.

19 Q. Now, let's go to the next page where there was that  
20 insurance language. In between the end of the first paragraph 10:52:47  
21 and the start of the first full new paragraph, that little  
22 section of three lines has simply just been removed. That's  
23 it?

24 A. Yes. That's correct.

25 Q. So even though no insurance came into place by March 1, 10:53:12

RUSSELL SEWELL - Direct

1 according to the original PPM, you continued to use a document 10:53:17  
2 that said fund insurance was going to happen all the way up  
3 until June 15 of 2004?

4 A. Yes. For about three months, any new solicitations would  
5 have used the November PPM. So from March of 2004 to June of 10:53:41  
6 2004 we used the old PPM.

7 Q. And even before March it became apparent, did it not, that  
8 no fund insurance was even going to be obtained?

9 A. Well, I don't recall specifically. I do remember that it  
10 was discussed. But the fact of the matter was that there was 10:54:06  
11 nothing material happening that would have indicated that an  
12 insurance company was doing any underwriting. They didn't ask  
13 for any diligence. Not -- I wasn't aware of anything that was  
14 going on on that front.

15 Q. And so this change that we just saw to this document, this 10:54:26  
16 wasn't some fancy glossy type of thing that you were sending  
17 out. You were just really photocopying it and sending it out  
18 to investors or giving it to investors?

19 A. Being printed with standard office software to a printer  
20 and copies and it was copied and bound. 10:54:49

21 Q. So to remove these two sections, was that in some way some  
22 difficult printing process?

23 A. A few keystrokes, that's it.

24 Q. Were investors who had put money into the new fund based  
25 on this promise first were they ever notified, "We never made 10:55:15

RUSSELL SEWELL - Direct

1 good on that promise," to your knowledge? 10:55:19

2 A. Not to my knowledge.

3 Q. Were they ever given any right to withdraw or change their  
4 mind because this major thing hadn't occurred?

5 A. Not to my knowledge. 10:55:32

6 Q. Let's talk now about sort of raising -- how you went about  
7 raising investor funds; okay? Let's start off with  
8 Exhibit 2616.

9 All right. This is from you on November 10 and is it  
10 fair to say that's mostly your sales group there? 10:56:32

11 A. Yes. That's correct.

12 Q. And at the very end, it copies Guy Williams and Duane  
13 Slade in the "to" section and Brent Williams and Doug Towler in  
14 the cc.

15 A. Yes. 10:56:47

16 Q. And in this e-mail that you're sending out on November 10,  
17 2003, are you telling your sales reps that they are authorized  
18 to extend an opportunity for them to -- for their customers to  
19 now invest in the new Mathon Fund; right?

20 A. Yes, that's correct. 10:57:14

21 Q. And in the line below, it says, "This means" -- right  
22 there in the first paragraph, "This means if the lender has  
23 three loans with a sum principal and interest in the amount of  
24 \$500,000 and maturity at \$650,000 with interest, they get  
25 credit for everything in the new fund." 10:57:33

United States District Court

RUSSELL SEWELL - Direct

1 BY MR. SEXTON:

11:05:02

2 Q. 2004; correct?

3 A. Yes.

4 MR. SEXTON: Thank you, Mr. Simpson.

5 BY MR. SEXTON:

11:05:10

6 Q. In that whole time, between December 1 of 2003 and until  
7 you leave on July 31, 2004, on the Lending Committee, are there  
8 any new loans being done with any of this money coming in to  
9 the new fund?

10 A. No.

11:05:25

11 Q. And Mr. Guy Williams' expectation in the middle where it  
12 says: As such, we really need each representative or each rep  
13 to raise \$250,000 this week. Do you see that?

14 A. I do.

15 Q. And if a representative was making and bringing in  
16 \$250,000 a week per month, that would be about a million  
17 dollars; right?

11:05:50

18 A. Correct.

19 Q. How many representatives did you have that were full-time  
20 trying to bring in this kind of money?

11:06:06

21 A. There was 10 or 12. They are listed up there. We would  
22 have to count them but there was 10 or 12 of them.

23 Q. And during the time before you resigned, is millions of  
24 dollars being collected by these reps in new money?

25 A. There was a lot of fresh capital coming in to Mathon Fund

11:06:23

United States District Court

RUSSELL SEWELL - Direct

1 factual basis that you pled guilty to in this case? 11:27:18

2 A. Yes, it was.

3 Q. Parsons 4Energy.

4 A. Okay.

5 Q. This extension agreement, tell them how you became -- who 11:27:31  
6 approached you about being part of this 4Energy extension  
7 agreement for \$400,000.

8 A. Duane Slade came to me March time frame of 2004 and said  
9 Parsons 4E, which is a loan that was outstanding, was going to  
10 extend. We had an opportunity -- 11:27:59

11 Q. Hold on. Before we go any further, is it just you two or  
12 is it you and several others in a room?

13 A. Well, Duane was doing the talking. It was myself, Guy,  
14 Brent and Doug Towler.

15 Q. You're all in the same room? 11:28:18

16 A. That's correct.

17 Q. Okay.

18 A. That's correct.

19 Q. Now with that in mind, who -- what is Duane Slade now  
20 saying to all of you? 11:28:24

21 A. We have an opportunity for the management team to  
22 participate in an extension agreement of about \$400,000. We  
23 expect it to roughly double our money in a short period of  
24 time, 30 or 60 days. I don't remember the exact amount. And  
25 Duane said, "We've done this, you know -- we do this all the 11:28:46

RUSSELL SEWELL - Direct

1 time and here is -- and you need to put up \$25,000 to 11:28:51  
2 participate." It was a \$400,000 bridge or -- excuse me,  
3 extension agreement.  
4 Q. Was there any discussion why this money -- first of all,  
5 does it say where this money is supposed to go? What entity? 11:29:07  
6 A. Not at the time. It was -- but it was -- I understood at  
7 the time that it was part of -- it was going to go to Parsons  
8 4E.  
9 Q. But from the standpoint of -- are you supposed to be  
10 giving money to something in order that it go towards this 11:29:22  
11 \$400,000?  
12 A. Right. We were supposed to write checks, to -- it turns  
13 out we wrote it to World Sports Fans.  
14 Q. Right. The money is going to go into World Sports Fans?  
15 A. Right. 11:29:38  
16 Q. Why isn't it -- if it's such a good deal, why isn't it  
17 going through the new fund at this point?  
18 A. I don't know and I didn't ask.  
19 Q. The minimum to put in was \$25,000?  
20 A. Correct. 11:29:56  
21 Q. Did you have \$25,000 of savings to put into this?  
22 A. No.  
23 Q. What did you have?  
24 A. \$12,500.  
25 Q. Did you take all of that money out of your savings account 11:30:04

United States District Court

RUSSELL SEWELL - Direct

1 to put into this investment?

11:30:06

2 A. Yes, I did.

3 Q. Where did you get the other \$12 500 to make your \$25,000  
4 minimum?

5 A. Doug Towler lent me \$12,500.

11:30:16

6 Q. Were all five of you the five people in upper management  
7 at that time?

8 A. Correct.

9 Q. Did Parsons Energy in any way owe this money on the  
10 original defaulted loan of about 5.3 million, did they owe that  
11 to the new fund or did they owe it to World Sports Fans?

11:30:49

12 A. As I recall, they owed it to the new fund.

13 Q. Why are you guys pooling \$400,000? Why isn't it just  
14 coming from Parsons Energy to pay \$400,000 for the right to extend  
15 their loan? Why aren't they paying it?

11:31:13

16 A. I don't know. It doesn't make sense to me.

17 Q. But you participated?

18 A. I did.

19 Q. You grabbed your savings and you added \$12,500 that Doug  
20 Towler gave you as well to make your ante into this is; right?

11:31:31

21 A. Right.

22 THE COURT: Doesn't make sense then or now or both?

23 THE WITNESS: It makes less sense now. It didn't  
24 make sense then but I just did it.

25

United States District Court

RUSSELL SEWELL - Direct

1 BY MR. SEXTON:

11:31:52

2 Q. Your money that you gave, the \$12,500, who did you give it  
3 to?

4 A. Brent.

5 Q. Brent Williams?

11:31:59

6 A. Brent Williams.

7 Q. Right around the same time as this conversation?

8 A. Soon thereafter.

9 MR. SIMPSON: I'm sorry. I couldn't hear the  
10 witness's answer.

11:32:10

11 THE COURT: Soon thereafter.

12 THE WITNESS: I'm sorry. I was told to back away  
13 from the microphone.

14 THE COURT: You did. But I think it was because we  
15 were having that static problem. We're not having it anymore.

11:32:20

16 THE WITNESS: So I'll get closer.

17 BY MR. SEXTON:

18 Q. Thank you.

19 To your knowledge, did your money ever leave World  
20 Sports Fans in any fashion?

11:32:27

21 A. No.

22 Q. To your knowledge, was your money ever at risk at all?

23 A. No.

24 Q. And within three weeks, had you effectively doubled your  
25 money?

11:32:46

United States District Court



RUSSELL SEWELL - Direct

1 A. Yes. 11:32:47

2 Q. So you put in \$12,500, you got some money from Doug  
3 Towler. Did you have a little arrangement with Doug Towler  
4 that you would split a little bit of the profits on his helping  
5 you into this affair? 11:33:06

6 A. I don't recall.

7 Q. At the bottom line, how much money did you get back? Even  
8 though only \$12,500 came out of your accounts, how much money  
9 did you get back?

10 A. Me personally? 11:33:18

11 Q. Yes.

12 A. About \$25,000 net after I paid Doug back.

13 Q. So your money doubled, didn't it?

14 A. It did.

15 Q. 3350. Is this a schedule, basically, of your salary, kind 11:33:48  
16 of compensation here during the time that you were associated  
17 with these Mathon entities?

18 A. Correct. This is my -- it looks like it's my W-2 wages.

19 Q. So it starts in Slade Williams on this first page here and  
20 you can see checks. Roughly, you started on 10-1 of 2003. Do 11:34:20  
21 you see that?

22 A. Yes.

23 Q. And then it has all of the amounts and stuff. It goes  
24 on -- go to the final page of this particular exhibit. Hold  
25 on. Go back one. 11:34:37

United States District Court

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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United States of America,	)	
	)	No. CR 09-01492-PHX-ROS
Plaintiff,	)	
	)	
vs.	)	Phoenix, Arizona
	)	June 21, 2013
Guy Andrew Williams,	)	1:01 p.m.
Brent F. Williams,	)	
	)	
Defendants.	)	

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BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL

DAY 5 - P.M. SESSION

(Pages 1228 - 1388)

Official Court Reporter:  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

—Jed Bindrup - Direct Examination - June 21, 2013—

1 A. Yes.

2 Q. And can you tell the jury where you might have been during  
3 that time period, if you can remember back to December of 2004,  
4 late December.

5 A. I was with my family and another family, we were in Island 13:39:28  
6 Park, Idaho, which is just outside of west Yellowstone,  
7 snowmobiling. We had rented a cabin for the holiday.

8 And Duane had called me and said that there was this  
9 opportunity, that if I wired some money that day, I would get  
10 credit as though I had invested for the whole month, because he 13:39:49

11 led me to believe that every month they tallied up the loans  
12 that had come back in and had paid off, and then they

13 distributed out evenly amongst those that had invested in it.

14 And he said it didn't matter if I invested the 1st of December  
15 or the 31st, that it would all be counted the same. You just 13:40:11  
16 had to have your money in that month.

17 So I invested \$100,000 at that time.

18 Q. All right. Let's just break that down so we understand.

19 Duane Slade gives you a call. Does he have any difficulty  
20 reaching you? 13:40:27

21 A. Initially he does, yes. This was, you know, back when the  
22 smart phones weren't there. But I had cell service, and the  
23 phone that I had wasn't as reliable, but he eventually got hold  
24 of me.

25 Q. All right. And he is telling you that you should put some 13:40:43

Jed Bindrup - Direct Examination - June 21, 2013

1 more money into now -- that's well into the new fund. And he's  
2 telling you that the -- there's a real opportunity for you to  
3 make a profit because loans are paying off in December of 2004?

4 A. Yes. That it's going to be a really good month. That the  
5 loans that are paying off and those that are in the pool that  
6 month, I believe it was like nearly ten percent or 12 percent  
7 return for the month.

13:41:10

8 Q. All right. Now -- and so while you're in Idaho Park on a  
9 family vacation, do you call a banker and have them --

10 A. Yes. We called my bank, and they wired it I think the 31st  
11 or the 30th.

13:41:34

12 Q. All right. Now when you did that, you believed your money  
13 was going where?

14 A. Into the super fund that was going to fund more loans. And  
15 those loans were going to pay off, and we were going to get a  
16 greater rate of return.

13:41:54

17 Q. All right. And did Mr. Slade give you the time period that  
18 your investment -- your additional investment of \$100,000, the  
19 time period that you were going to receive this larger than  
20 usual payoff?

13:42:14

21 A. By January.

22 Q. By January?

23 A. In fact, when I pulled up, you know, on the computer, you  
24 know, the next week when I got home, it was already there. I  
25 mean, it showed the interest rate of return on that.

13:42:24

—Jed Bindrup - Direct Examination - June 21, 2013—

1 Q. All right. On your -- on the computer on your account --

2 A. Right.

3 Q. -- that you logged on to?

4 A. Yes.

5 Q. Now, I have up on the screen an exhibit that was shown  
6 yesterday. It's 2670. Do you see this bottom part here? Do  
7 you see this Bindrup Legacy Group?

13:42:36

8 A. Yes.

9 Q. I'm not giving you much help here, am I? There it is.

10 So Bindrup Legacy Group. And this is from somebody,  
11 it looks like, that works for Mathon Management. And it's from  
12 Guy, with copies to Brent, Tim Abraham, and some other  
13 employees. And your money had just come in on December 30th,  
14 2004. I think that's what you testified, about that time  
15 period?

13:43:07

13:43:31

16 A. Yes.

17 Q. What's wrong with what this says?

18 A. Well, it says 50,000 came from Bindrup Legacy Group, and I  
19 invested 100,000.

20 Q. Bindrup Legacy Group, if we haven't established that, is  
21 that some type of an LLC or a vehicle that you do investments  
22 in?

13:43:42

23 A. Yes. It's the Bindrup Legacy Trust, but they probably  
24 worded it as the group here.

25 Q. But it's you; right?

13:43:57

—Jed Bindrup - Cross-Examination - June 21, 2013—

1 A. It's me.

2 Q. Now, up above here, from Guy Williams, the next  
3 day -- well, the next day from when you wired the money in, he  
4 has a statement here that, we need to move 250,000 over to MM  
5 and write a check from MM to Bruce McMullin for \$250,000.  
6 Bruce is here right now to pick up a check.

13:44:32

7 Did you understand that the \$100,000 that you were  
8 providing to Mathon Management, did you understand that that  
9 money was, in fact, going to another investor?

10 A. No.

13:44:54

11 MR. JONES: Objection. Assumes facts not in evidence.

12 THE COURT: Overruled. You'll have an opportunity to  
13 cross-examine. Answer may stand.

14 MR. RAPP: I'll pass the witness, Your Honor.

15 MR. JONES: May I have just a moment?

13:45:16

16 THE COURT: You can stand and stretch, yes.

17 (Discussion held off the record)

18 MR. JONES: Can I keep this in case I still can't  
19 hear?

20 THE CLERK: Yes.

13:47:13

21 CROSS-EXAMINATION

22 BY MR. JONES:

23 Q. Dr. Bindrup, good afternoon.

24 A. Good afternoon.

25 Q. Sorry about before, I just was really having a hard time

13:47:29

CR-09-01492-PHX-ROS (DKD), June 24, 2013 P.M.

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3

4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. ) CR-09-01492-PHX-ROS (DKD)  
8 Guy Andrew Williams, Brent F. )  
9 Williams, )  
10 Defendants. ) Phoenix, Arizona  
11 ) June 24, 2013 P.M.  
12 ) 1:14 p.m.  
13 )  
14 )  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )

21 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
23 JURY TRIAL  
24 Day 6 - P.M. SESSION

25 (Pages 1529-1684)

21 Official Court Reporter:  
22 Elaine Cropper, RDR, CRR, CCP  
23 Sandra Day O'Connor U.S. Courthouse, Suite 312  
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25 Phoenix, Arizona 85003-2151  
(602) 322-7245

Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

United States District Court

RAY PHILLIP ZOBRIST - Direct

1 get a level of comfort with what they were doing.

2 Q. So you paid the offices a visit?

3 A. Yes, I did.

4 Q. And just so we're clear, did you understand these offices  
5 that he visited were their new offices or the old offices?

6 A. I don't think that there was any -- they were the only  
7 offices that I had known about.

8 Q. These were the only offices you knew?

9 A. Yes.

10 Q. Let me just cycle through some of these photos to make  
11 sure we're talking about the same office. That's the office  
12 that you visited.

13 A. Yes.

14 Q. This is 2518 was the previous one. This is 2519. 2520,  
15 2521. Do you recognize that as being the offices that you  
16 visited?

17 A. Yes.

18 Q. Now, when you were present -- and, again, when did this  
19 visit take place that you recall?

20 A. October of 2004.

21 Q. When you arrived at the office, who was present of the  
22 principals of Mathon?

23 A. We flew in to -- well, I flew in to Phoenix and Jason  
24 Briggs and John Lewis flew in from Salt Lake City. We met  
25 there. We were picked up by a runner and delivered to the

United States District Court



RAY PHILLIP ZOBRIST - Direct

1 Mathon offices. We were -- we met Jane Woodbury at the office,  
2 receptionist, and went into the conference room and then Guy  
3 Williams came in along at that time with Brent Williams and  
4 later in the meeting Terry Shanahan and Tim Abraham also.

5 Q. And Terry Shanahan, what did you understand was his role  
6 at the Mathon offices?

7 A. I thought he was the corporate counsel.

8 Q. And Tim Abraham, what was his role?

9 A. He would have been the accountant, accountant/bookkeeper.

10 Q. Now, you met with an individual I think you described as  
11 Guy Williams?

12 A. Correct.

13 Q. And Brent Williams?

14 A. Correct.

15 Q. And what did you understand Guy Williams did for Mathon?

16 A. I understood that Guy was partners with Duane and was one  
17 of the principals.

18 Q. And how about Brent Williams, what was his role?

19 A. Brent Williams was the CFO.

20 Q. Did you sit around in this conference room that's on your  
21 screen and discuss the Mathon investment opportunity?

22 A. Yes, we did.

23 Q. What did they tell you?

24 A. Basically --

25 MR. SIMPSON: I'm sorry.

United States District Court

RAY PHILLIP ZOBRIST - Direct

1 MR. RAPP: Let me see if I can clear up counsel's  
2 concern.

3 BY MR. RAPP:

4 Q. Who was talking during this meeting?

5 MR. SIMPSON: Thank you, counsel.

6 THE WITNESS: Guy Williams proceeded to explain the  
7 process that they go through when they take different loans and  
8 look at and then they, meaning his accounting people, evaluate  
9 each of the opportunities to invest in.

10 BY MR. RAPP:

11 Q. Did you discuss collateral during that meeting?

12 A. Yes, we did.

13 Q. What, if anything, was said by Guy Williams regarding  
14 collateral?

15 A. Guy Williams said that they only loan up to 50 percent of  
16 the appraised value. We have a two-to-one comfort level in all  
17 of these assets.

18 Q. And with respect to defaults, did defaults come up during  
19 this discussion at all?

20 A. The defaults came up as two percent, yes.

21 Q. So this was consistent with what you had been previously  
22 represented?

23 A. Yes.

24 Q. Now, did you discuss any other security an investor would  
25 have in the Mathon Fund investment? What else would protect an

United States District Court

RAY PHILLIP ZOBRIST - Direct

1 investor's loan to a borrower? Did any other item come up?

2 A. Well, we -- Mr. Briggs and Mr. Lewis as well as myself  
3 both all three asked the question how the insurance was going  
4 to be put into place because we were told by Mr. Laitinen at  
5 our meeting, or I was told by Mr. Laitinen, that there was an  
6 insurance policy that would be put in place to guarantee the  
7 Mathon Fund, not the individual loans but the fund itself, and  
8 that there was a \$25,000 up-front fee for all investors and  
9 that was going into a reserve account.

10 Q. All right. And was this reserve account also known as the  
11 reserve fund?

12 A. Yes. That would be the reserve fund that they wanted to  
13 purchase the insurance.

14 Q. So let's just be clear. Who is explaining this all to you  
15 at this time?

16 A. Guy Williams.

17 Q. And Brent Williams was still present?

18 A. Yes.

19 Q. Did anybody in the room contradict Guy Williams about any  
20 of these things that he brought up about the fund, whether it  
21 be the insurance, the reserve, the collateral, the rate of  
22 default?

23 A. No.

24 Q. Was there any discussion about how they documented the  
25 borrowers that they were lending the investors' money to?

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 growing more dissatisfied with law firm life and looking for a  
2 change?

3 A. Yes, I was actively looking for work at the time.

4 Q. And during that active search process, did you happen to  
5 run across Mr. Shanahan again?

6 A. I did. It was happenstance. He reached out to me. He  
7 sent me an e-mail about an opportunity at Mathon.

8 Q. Were you interested in that opportunity?

9 A. I was. I thought it would be a good opportunity to try  
10 something different than the standard corporate law firm  
11 experience.

12 Q. Did you end up interviewing for a position at Mathon?

13 A. I did.

14 Q. Who was the primary person who interviewed you?

15 A. I was interviewed by Guy Williams.

16 Q. And can you please describe to the jury your impression of  
17 Mr. Williams when you went through the interview process?

18 A. He presented as a very successful businessman,  
19 well-dressed, fancy office. It seemed like a very successful  
20 business.

21 Q. So by outward appearances, you were impressed by how  
22 Mathon appeared to be doing?

23 A. Yes.

24 Q. Cutting to the chase, did you eventually agree to join  
25 Mathon as an attorney?

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 A. I did.

2 Q. Starting work there in February of 2005?

3 A. That's correct.

4 Q. About seven weeks before the shutdown?

5 A. Yes.

6 Q. Please tell the jury what you thought your compensation  
7 was going to be when you were hired.

8 A. I understood my compensation to be 89,000 annually, bonus.

9 Q. And what specifically did you think your job  
10 responsibilities were going to be?

11 A. I thought my job was on the securities disclosure side,  
12 basically vetting the disclosure documents to be sure they were  
13 accurate and transparent, complete.

14 Q. In other words, making sure that the representations  
15 Mathon is making to its investors, they are telling the truth?

16 A. Right. Making sure they are accurate and consistent with  
17 the requirements of the securities regulations.

18 Q. After joining in February of 2005, was one of the things  
19 you were asked to do evaluate the accuracy of the  
20 representations that Mathon was making concerning its reserve  
21 fund?

22 A. Yes.

23 Q. As part of this process, did you review past versions of  
24 Mathon's Private Placement Memorandum or PPM?

25 A. Yes.

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 Q. What did they say about the reserve fund?

2 A. That the reserve fund was supposed to be an amount equal  
3 to the greater of \$5 million or five percent of the capital  
4 account balances in the fund and then it would be comprised of  
5 assets or cash.

6 Q. As part of this process as to trying to figure out whether  
7 that disclosure was accurate, did you have any discussions with  
8 anybody at Mathon about what was actually in the reserve fund?

9 A. Yes.

10 Q. Who did you talk to?

11 A. I talked to Brent Williams. I talked to Terry Shanahan.

12 Q. And let's focus on Brent Williams. What did Brent  
13 Williams tell you about what was in the reserve fund?

14 A. That the reserve fund was actually comprised of defaulted  
15 loans.

16 Q. Rather than cash?

17 A. Rather than cash, that the assets in the fund were  
18 defaulted loans.

19 Q. Now, I'm going to ask you a few more questions about the  
20 significance of that in a second; but as a side note, did you  
21 actually confirm whether that was true, whether there were even  
22 defaulted notes set aside in a separate account?

23 A. I did not.

24 Q. You took his word for it?

25 A. I did.

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 Q. Okay. Now, let's focus on this claim that the reserve  
2 fund had defaulted notes in it.

3 When you heard that, did that cause you any concern?

4 A. I was concerned.

5 Q. Please elaborate.

6 A. Typically, the way the disclosure was written, the reserve  
7 fund was there to protect investors. So in that context. I  
8 thought it was reasonable in reading the disclosure to assume  
9 that it would be readily available, the amount in that reserve  
10 would be readily available to compensate investors in case of a  
11 problem or defaulted loan or something like this. And in the  
12 case of a defaulted loan, it's not immediately liquid. In  
13 other words, you don't know when it might become cash; right?  
14 If ever.

15 So I thought that disclosure was misleading without  
16 more elaboration.

17 Q. Now, you said you thought this disclosure was misleading.  
18 As a securities lawyer, did this disclosure give you any  
19 discomfort about the compliance with Mathon's PPM under the  
20 securities laws?

21 A. It did. The disclosure under the securities laws has to  
22 be complete and not misleading. So it's clearly in violation.

23 Q. From your perspective as a securities lawyer, is it a big  
24 deal to have misleading disclosures in a company's own  
25 marketing materials?

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 A. It is a big deal. It's a clear violation of the rules.

2 Q. So you've only been at Mathon now for a few weeks and you  
3 see this big deal problem in the PPM. Do you raise your  
4 concerns to management?

5 A. I did.

6 Q. And do you end up having a meeting with management about  
7 your concerns?

8 A. We did have a meeting.

9 Q. Tell the jury who was at this meeting.

10 A. It was Brent Williams, Guy Williams, Duane Slade, so  
11 management and then the professionals, Terry Shanahan and  
12 myself.

13 Q. At this meeting with the two defendants and Duane Slade,  
14 did you express your views to them that this misleading  
15 disclosure was unacceptable?

16 A. I did.

17 Q. Mr. Shanahan agree with your position or disagree with  
18 your position?

19 A. He agreed with me. We agreed that it was putting the fund  
20 at serious risk.

21 Q. So both the lawyers in the meeting are saying this is a  
22 problem. How do the defendants and Duane Slade react?

23 A. I don't remember the exact words but I can tell you that  
24 they thought we were being too conservative and they indicated  
25 that they didn't think there was any need to change the

United States District Court



SHELLEY DETWILLER DIGIACOMO - Direct

1 disclosure.

2 Q. So bottom line, they wouldn't go along with your proposed  
3 change?

4 A. Bottom line, they didn't want to change the disclosure,  
5 right.

6 Q. Now, sometimes when you're in business you have clients  
7 who -- you are working as an attorney, you have disagreements,  
8 reasonable differences of opinion.

9 Did you think this was a reasonable difference of  
10 opinion? Was this a gray area?

11 A. I did not think it was a gray area.

12 Q. Did you express this belief that it wasn't a gray area to  
13 the defendants?

14 A. I did.

15 Q. They wouldn't change it?

16 A. No.

17 Q. Around the time of this meeting, did you also send some  
18 e-mails to the defendants to further your attempt to change  
19 this misleading disclosure?

20 A. I did.

21 Q. I want to turn your attention to Exhibit 2701. Let's  
22 start first at the top of the e-mail. This is an e-mail from  
23 you to Brent Williams, Duane Slade, Guy Williams, Scott Johnson  
24 and Terry Shanahan on February 16?

25 A. Yes.

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 Q. Was Brent Williams able to explain to your satisfaction  
2 how all of these transfers between companies worked?

3 A. Not to my satisfaction. I couldn't quite understand what  
4 was happening.

5 Q. Can you please explain a little bit more and what he told  
6 you about these transfers?

7 A. He was explaining some kind of -- my best recollection is  
8 it was some sort of round trip that the cash was moving around  
9 the group of entities but ultimately ending up back in the  
10 fund, almost a no harm, no foul sort of explanation. But I  
11 couldn't understand the purpose of the transfers and really  
12 just wanted to hear from the auditors what they thought about  
13 the transfers by the end of the meeting.

14 Q. Were you able to discern from Brent Williams' explanation  
15 legitimate business purpose for this as you describe  
16 round-tripping of cash through these entities?

17 A. No. It didn't make sense to me.

18 Q. And were you able to actually follow up with the auditors  
19 before Mathon was shut down?

20 A. I wasn't. This meeting happened I want to say it was the  
21 Friday before we were shut down. It was very close in time to  
22 the receiver coming in to Mathon.

23 Q. Okay.

24 And on that point, on the issue of the cash flow  
25 between Mathon, were you aware when you were at Mathon that the

SHELLEY DETWILLER DIGIACOMO - Direct

1 fund was taking money from new investors and using it to pay  
2 off old investors without telling both sets of investors that  
3 that was happening?

4 A. I was not.

5 Q. Would that have been concerning to you as a securities  
6 lawyer?

7 A. It would have been.

8 Q. Now, let's look at the very first page of the PPM that you  
9 were reviewing again to make sure it was not misleading.

10 Do you see the very first paragraph of the PPM which  
11 states: The primary business objective is to earn an  
12 above-average return for investors by making loans?

13 A. Yes.

14 Q. Were you told at any point during the interview process or  
15 during your discussions with Brent Williams or other Mathon  
16 principals that of all of the millions of dollars that had come  
17 in to Mathon, only a tiny fraction of that money had been used  
18 to make new loans?

19 A. I was not.

20 Q. Had you known that, would that have caused you any concern  
21 as a securities lawyer concerning the accuracy of this very  
22 first paragraph of the PPM?

23 A. Yes. We would have had to be more clear about what  
24 percentage of the investments were being used to make loans.

25 Q. Because this suggests that's what's going on, new loans

SHELLEY DETWILLER DIGIACOMO - Direct

1 are being made?

2 A. Right. This suggests that new loans are being made other  
3 than basic administrative costs, et cetera.

4 Q. All right. Now I next want to turn to a different section  
5 of the PPM. We're going to look ultimately at three different  
6 pages but they are pages 10, 11, and 12.

7 Starting first, do you see on the bottom of page ten  
8 is where the PPM talks about withdrawal and transferability of  
9 investors' investments in the fund?

10 A. Yes.

11 Q. And now moving on to page 11 and then 12 and I'll try to  
12 put them up side by side.

13 Fair to say that the two paragraphs that I've  
14 highlighted there outline the process under which one investor  
15 can transfer their investment in Mathon to another investor.

16 A. Yes.

17 Q. So it technically is possible for one investor to buy out  
18 another investor's position; correct?

19 A. That's true.

20 Q. But can you describe to the jury the process that needs to  
21 happen and the type of disclosures that need to happen for that  
22 sort of transfer to happen?

23 A. The investor, you can see in paragraph numbered one, has a  
24 responsibility to --

25 Q. Let me just jump in. I'm going to go back to single

United States District Court

SHELLEY DETWILLER DIGIACOMO - Direct

1 screen so I can highlight each one and I'll just flip to the  
2 next page when you want me to.

3 A. This is right between my ability to see it. Essentially,  
4 an investor who wanted to make a transfer would need to make a  
5 written request to execute a transfer and deliver that request  
6 to the manager. That's the Mathon Management Company.

7 Q. Okay.

8 A. And then the manager would have to approve that request  
9 before the transfer could be made.

10 Q. Okay. And then moving on to page 12 where this provision  
11 continues, can you please -- do you see that there's more  
12 highlighted language that says: Notwithstanding the  
13 aforementioned transfer request terms, any transfer of  
14 investment units must be offered first to the members and the  
15 manager will not assist either party in negotiations?

16 A. Yes.

17 Q. Can you please talk about that?

18 A. This is, basically, what is contingency, typically might  
19 know as a right of first refusal. Basically, what's happening  
20 here is an investor is coming to the manager and saying, "I  
21 want to transfer my interest. I have this buyer. Here are the  
22 terms on which the buyer is willing to take my interest."

23 But before the manager will approve that transfer to  
24 an outsider as it were, all of the current members have a right  
25 to take a piece of that offer. In other words, if I'm an

SHELLEY DETWILLER DIGIACOMO - Direct

1 investor and another investor wants to sell, I'm going to get a  
2 chance to buy my portion of that investor's position before an  
3 outside person will.

4 And if I don't do it, then the manager may approve  
5 the transfer to the outside third person.

6 Q. So taking all of what you just said, fair to summarize  
7 that to the extent the PPM allows one investor to buy out  
8 another investor, it requires a very detailed multistep process  
9 where there must be written requests, rights of first refusals  
10 to all of the other investors, management approving these  
11 things in writing?

12 A. That's correct.

13 Q. And on the flip side, it doesn't allow one investor to  
14 make a withdrawal request or one investor to put new money in  
15 the fund and not knowing that their money is going to buy out  
16 another investor. That's what the defendants make happen?

17 A. That's not in this disclosure.

18 Q. If you had known that that was what was occurring, that  
19 new investors were putting money in and thinking their money  
20 was going to new loans but it was actually going to buy out  
21 other investors, would you have had concerns about the accuracy  
22 of the PPM?

23 A. I would have had concerns, yes.

24 Q. All right. I now want to turn to a different section of  
25 the PPM. This is page -- it's a little Roman numeral three at

CR-09-01492-PHX-ROS (DKD), June 24, 2013 P.M.

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ARIZONA  
3

4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. ) CR-09-01492-PHX-ROS (DKD)  
8 )  
9 Guy Andrew Williams, Brent F. )  
10 Williams, )  
11 Defendants. )  
12 ) Phoenix, Arizona  
13 ) June 24, 2013 P.M.  
14 ) 1:14 p.m.  
15 )  
16 )  
17 )  
18 )  
19 )  
20 )

21 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

22 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
23 JURY TRIAL  
24 Day 6 - P.M. SESSION

(Pages 1529-1684)

25 Official Court Reporter:  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

United States District Court

MICHAEL FLEISCHMANN - Direct

1 Q. Time, 9:06 a.m. This is at the start of the interview?

2 A. Correct.

3 Q. And the interview itself, then, lasted for about an hour  
4 and a half?

5 A. That's correct.

6 Q. Sir, did you audio or videotape this interview?

7 A. I did not. The standard practice at our agency was not.  
8 We believe if you stick a video camera or tape recorder in  
9 front of somebody, it spooks them and they don't really want to  
10 talk to you, so we did not record.

11 Q. Did you, nevertheless, take careful written notes to make  
12 sure you were taking down exactly what Mr. Brent Williams was  
13 saying?

14 A. I did.

15 Q. And did you review those notes in preparing to testify  
16 here today?

17 A. Yes, I did. In addition, I mean once we take the notes,  
18 we also, then, type up a memorandum of interview as well.

19 Q. And did you review the memorandum of the interview in  
20 addition?

21 A. I did.

22 Q. Let's start first about Mr. Brent Williams' hiring role  
23 within Mathon. Did you ask him when he first started work at  
24 Mathon?

25 A. Yes, I did. He said approximately September 2003 and his

United States District Court



MICHAEL FLEISCHMANN - Direct

1 role was to assist with getting the Mathon Fund, the new fund,  
2 up and running.

3 Q. Did you ask Brent Williams whether he was simply an  
4 employee or if he was part of the management team?

5 A. I did. He said he was part of the management team.

6 Q. Did you ask him whether he was aware of any defaults at  
7 the time he was hired in September 2003?

8 A. Yes. He said he was aware of defaults and that those  
9 defaults were rolled from Mathon Fund I, the -- I mean the old  
10 fund to Mathon Fund, the new fund.

11 Q. I guess pursuant to that questioning about defaults,  
12 rolling defaulted loans from one fund to another, did you ask  
13 Brent Williams about the cash flow situation when he joined  
14 there?

15 A. I did.

16 Q. What did he say?

17 A. Well, he says anytime high-risk investments don't pay, it  
18 creates a challenge.

19 Q. So he said "a challenge"?

20 A. Correct.

21 Q. Did you ask him whenever he would know whenever new money  
22 came in from an investor?

23 A. Yes.

24 Q. What did he say?

25 A. He said he would know. He would be aware of that.

United States District Court

MICHAEL FLEISCHMANN - Direct

1 Q. Did you also ask him whether he had any involvement in  
2 deciding which old investors to pay off?

3 A. Yeah. He said he was part of that decision.

4 Q. All right. Let's talk about new loans. During this  
5 process, did you ask Brent Williams how many new loans Mathon  
6 had done, the new Mathon Fund, from December 2003 to when it  
7 was shut down in April of 2005?

8 A. I did.

9 Q. What was his response?

10 A. He couldn't give me a number.

11 Q. So the CFO of Mathon couldn't tell you how many new loans  
12 they did?

13 A. That's correct, he couldn't give me a number.

14 Q. Did you also ask him about insurance?

15 A. I did.

16 Q. What did he say?

17 A. He said that the old -- the original PPM did include  
18 insurance but it was too expensive and they never obtained it.

19 Q. So he admitted to you during this interview that Mathon  
20 never got insurance?

21 A. Correct.

22 Q. Same question, did you ask him about the reserve fund?

23 A. Yes, sir.

24 Q. And what did he say when you asked him about what the  
25 reserve fund was made up of?

United States District Court

MICHAEL FLEISCHMANN - Direct

1 A. I did.

2 Q. What did he say when you asked him about Mill Creek?

3 A. He was unable to provide me any information in regards to  
4 Mill Creek.

5 Q. Did he ask to see any documents? Did he say, "No, I want  
6 to talk more. I can give you more information if you just  
7 refresh my memory"?

8 A. No. He never asked me to see any documents.

9 Q. He just said, "I don't have any information about Mill  
10 Creek"?

11 A. Correct.

12 Q. Did you ask him about this \$400,000 insider loan that he  
13 and the other -- and Guy Williams and the other Mathon insiders  
14 put in World Sports Fans so that they then got bought out of  
15 the Parsons 4E deal?

16 A. I did and he said he was part of that transaction.

17 Q. So he acknowledged he was part of that insider  
18 transaction?

19 A. Yes. And he said it was later sold to the Mathon Fund.

20 Q. So he acknowledged that his personal money was then bought  
21 out by the Mathon Fund?

22 A. Correct.

23 Q. Did you ask Brent Williams about his compensation when he  
24 was at Mathon?

25 A. Yeah, I did. He said he earned approximately \$250,000 in

United States District Court

MICHAEL FLEISCHMANN - Direct

1 that approximately 18-month period.

2 Q. Just in salary and bonuses?

3 A. Correct. And then in addition to that, he said he  
4 obtained a quarter point in Mathon Management and he estimated  
5 that to be worth approximately another 250,000.

6 Q. So between the salary, bonuses, the quarter management  
7 point, he told you he made about a half million dollars in his  
8 18 months there?

9 A. Correct.

10 Q. All right. Final topic, you mentioned it earlier. The  
11 permissible and impermissible uses of money within Mathon.  
12 With respect to the old Mathon Fund, Mathon Fund I, did you ask  
13 Brent Williams point blank whether it was permissible to take  
14 money from new investors and use it to pay off old investors?

15 A. I did and he told me it should not have happened.

16 Q. Should not have happened?

17 A. Correct. Should not have happened.

18 Q. Same question with respect to the new fund. Did you ask  
19 Brent Williams directly whether incoming money was supposed to  
20 be used to pay off old investors or make new loans?

21 A. I did. He said it was to make new loans.

22 Q. But he couldn't even tell you how many new loans they  
23 made?

24 A. That's correct.

25 Q. One moment.

United States District Court

—Joni Robison - Direct Examination - June 25, 2013—

1 A. Correct.

2 Q. In the course of reviewing these statements every month,  
3 doing these allocations, did you have any conversations with  
4 anybody at Mathon about these monthly statements, how to  
5 interpret them, that sort of thing?

09:31:20

6 A. I did. I had numerous conversations with Brent Williams.

7 Q. And give ballpark figure, how many different times did you  
8 talk to Brent Williams about these monthly statements?

9 A. I would say over the course of our investment with them,  
10 maybe 20 times.

09:31:34

11 Q. During the course of these 20 different phone calls with  
12 Brent Williams, did he give -- ever give you any indication  
13 that Mathon was having trouble collecting on these loans?

14 A. No.

15 Q. Any trouble with the collateral on these loans?

09:31:47

16 A. No.

17 Q. Any trouble generally with Mathon?

18 A. No.

19 Q. So even though this accrual basis statement says that this  
20 \$630,000 is uncollected, what was your view, based on the  
21 statement, about the potential collectability of that money?

09:31:59

22 A. We just assumed that everything would be collected at some  
23 point, that it was just a matter of the loans being finished,  
24 and then the uncollected funds would become collectible.

25 MR. LANZA: Now if I could switch over to the ELMO,

09:32:19

Richard Bruce McMullin - Direct Examination - June 25, 2013

1 and income costs. I don't quite get all this. But, you know,  
2 at least they memorialized an obligation back to me.

3 Q. Which was that guarantee, that note that we looked at from  
4 September?

5 A. The 21-day million dollar loan. 11:03:06

6 Q. Right.

7 And you understood that you weren't even in the fund.

8 A. Correct. I was not in the fund.

9 Q. And this suggests that you have -- and this, again, is an  
10 accrual basis statement. You now have -- on December 31st you  
11 now have \$1,185,000 approximately as accrued to you. 11:03:21

12 A. Correct.

13 Q. And from a cash standpoint -- let's look at 1800, page 3.  
14 This is your cash statement. Also reflecting that you're in  
15 the Mathon Fund. And that one you have a million -- 1,051,000. 11:03:49

16 But you never understood you were even in the fund.

17 A. I never was in the fund to my knowledge.

18 Q. So with that you go over to the offices. And these  
19 are -- were these relatively new offices? Is this the -- do  
20 you recognize this as being the office? 11:04:13

21 A. Yeah. That's their new office, yeah.

22 Q. And then the interior reception area, this is 2518. The  
23 previous one is 2522. And 2519.

24 So what's the purpose of you going over there?

25 A. You know, I was going to go over there, and they were going 11:04:32

Richard Bruce McMullin - Direct Examination - June 25, 2013

1 to prepare a check for me. So I went over there and probably  
2 spent an hour or hour and a half waiting, talking to some other  
3 investors, and just kind of casing out the joint. They took us  
4 on a tour. And, you know, it was kind of a festive day because  
5 of the game and it was New Years Eve. But I ended up waiting a  
6 lot longer than I thought I would. And the purpose was to get  
7 paid in full, I hoped. Which I got a partial payment. At the  
8 end of the day I ended up getting a partial payment.

11:04:51

9 Q. All right. So while you were there who greeted you?

10 A. Duane -- well, Mr. Didier was there, and Duane and Brent.

11:05:09

11 And Brent took us on a tour around the building there. And

12 then Duane came out and I went into his office for a while.

13 And then the two of us went into Guy's office.

14 And, you know, after about an hour and a half for the  
15 final meeting to get some kind of a payment.

11:05:31

16 Q. All right. And can you describe for the jury the  
17 interaction with Mr. Guy Williams and Duane in Mr. Guy  
18 Williams' office?

19 A. I just said, guys, I really need to be paid. I mean, I  
20 lent you the money in good faith, and I'm sure you have it.

11:05:48

21 And I have every expectation that, you know, you'll make full  
22 payment back to me according to the terms and conditions of our  
23 loan. And they said that, you know, things were not quite  
24 as -- they hadn't got all the moneys in. It was year end, and  
25 some of the moneys will be coming in after the first of the

11:06:07

Richard Bruce McMullin - Direct Examination - June 25, 2013

1 year.

2 So they said, we'll give you 250,000 now, and you  
3 know, that's the best we can do today.

4 And I said, okay, let's get at least part of it paid.

5 So --

11:06:23

6 Q. I'm showing you what has already been shown to the jury,  
7 which is Exhibit 2670. And this is from Guy Williams to Brent  
8 Williams. And do you see that there? It's pretty light, but  
9 he says in there that he's moving \$250,000 over to MM, Mathon  
10 Management, and he's going to write a check from Mathon  
11 Management to Bruce McMullin for 250,000. Bruce is here right  
12 now to pick up the check.

11:06:50

13 Does that -- that happened at approximately 10:45 on  
14 December 31st. Do you see that on the e-mail there?

15 A. That's the first time I've seen this e-mail.

11:07:07

16 Q. All right. Does that --

17 A. That's probably right. I mean, I was there waiting for the  
18 check.

19 Q. Okay. Now after the 31st, did you learn that in early  
20 April of 2005 that state regulatory authorities had taken over  
21 Mathon?

11:07:24

22 A. I got a call from Mr. Didier, and he said --

23 Q. Well, before going into what he -- well, without going into  
24 what Mr. Didier tells you, did he advise you that Mathon had  
25 been taken over?

11:07:44



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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United States of America,	)	
	)	No. CR 09-01492-PHX-ROS
Plaintiff,	)	
	)	
vs.	)	Phoenix, Arizona
	)	June 25, 2013
Guy Andrew Williams,	)	8:45 a.m.
Brent F. Williams,	)	
	)	
Defendants.	)	

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BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
JURY TRIAL  
DAY 7

(Pages 1685 - 1930)

Official Court Reporter:  
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Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

George Dover - Direct Examination - June 25, 2013

1 Q. Could you tell the jury about that meeting you had with  
2 Duane Slade and Guy Williams where they were explaining to you  
3 the transition from the old fund into the new fund?

4 A. Yes. I mean, there was essentially two things that were  
5 being -- two opportunities were being explained to us. The 14:16:26  
6 first was that they were creating a private placement offering  
7 and were going to be making a transition, instead of working  
8 with individual and specific lenders for each individual and  
9 specific borrower, they would be pooling together all of the  
10 lenders' funds to make the loans. And all of the returns 14:16:48  
11 collectively from all the loans that paid off would then be  
12 distribute in a pro rata portion to the various investors.

13 That was the first thing.

14 And then the second thing that they talked to us about  
15 was the seemingly unique opportunity for Cody and I to become 14:17:04  
16 what they called point holders in Mathon.

17 Q. All right. So there was now two opportunities for you  
18 going into this -- into the new fund. And one was the fact  
19 that you could actually invest into this pooled fund. And then  
20 there was a second opportunity where you could be one of these, 14:17:23  
21 quote, unquote, point holders?

22 A. Correct.

23 Q. What did Mr. Slade, in the presence of Mr. Guy Williams,  
24 explain to you about the benefits of the new fund?

25 A. Well, I don't remember the specific words, but the benefit 14:17:38

George Dover - Direct Examination - June 25, 2013

1 is clear that by being able to take all of the lenders' funds  
2 collectively and put them into a pool for the use of making the  
3 individual hard-money loans that are being paired up  
4 specifically with specific lenders, would give them a lot more  
5 flexibility to make more loans, bigger loans. It's the  
6 difference between an individual bridge loan between a specific  
7 lender and a specific borrower, and an investment pool of funds  
8 for the same purpose.

14:18:13

9 Q. Spread the risk?

10 A. Yeah, it certainly spread the risk around. Yeah, because  
11 every lender that participated in the fund carried the same  
12 amount of risk, you know, on a pro rata basis based on how much  
13 they have in.

14:18:33

14 Q. During that meeting did they discuss with you a couple  
15 things that would protect the investors such as you from a  
16 default in the loan? In other words, was there anything that  
17 in the case you were in this pooled fund that would protect  
18 your interests in the event of a default from the borrower?

14:18:50

19 A. Yeah, they told us that there would be a reserve held by  
20 the fund to make investors whole in case of borrower default.  
21 And that the loans themselves would also be insured.

14:19:15

22 Q. With respect to the reserve, what did you understand during  
23 that discussion that that would be comprised of?

24 A. Either cash or cash equivalent, something that could be  
25 very readily liquidated.

14:19:36

CR-09-01492-PHX-ROS(DKD), June 26, 2013

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF ARIZONA

3 \_\_\_\_\_  
4 United States of America, )  
5 )  
6 Plaintiff, )  
7 vs. ) CR-09-01492-PHX-ROS(DKD)  
8 Guy Andrew Williams, Brent F. )  
9 Williams, )  
10 Defendants. ) Phoenix, Arizona  
11 ) June 26, 2013  
12 ) 9:02 a.m.  
13 \_\_\_\_\_ )

14 BEFORE: THE HONORABLE JACK ZOUHARY, JUDGE

15 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
16 JURY TRIAL  
17 Day 8

18 (Pages 1931 - 2157)

19  
20  
21 Official Court Reporter:  
22 Elaine Cropper, RDR, CRR, CCP  
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25 Phoenix, Arizona 85003-2151  
(602) 322-7245

Proceedings Reported by Stenographic Court Reporter  
Transcript Prepared by Computer-Aided Transcription

United States District Court

ROBERT CHARLES RIGGS - Cross

1 Q. So as you sit here today, you have no idea whether a 03:18:44  
2 reserve fund ever existed, do you?

3 MR. JONES: Objection. Misstates the evidence and  
4 what he just said.

5 THE COURT: He can answer. 03:18:52

6 THE WITNESS: Rephrase, please.

7 BY MR. RAPP:

8 Q. As you sit here today, you have no idea whether a reserve  
9 fund even existed; right?

10 A. I don't have any firsthand knowledge of that, no. 03:18:59

11 Q. Just based upon what some other people at Mathon  
12 represented to you; right?

13 A. Yes.

14 Q. And with respect to the insurance, I believe you testified  
15 on direct that they were going to get insurance but it became 03:19:13  
16 too cost-prohibitive so they decided not to; correct?

17 A. That's correct.

18 Q. Do you know what efforts, if any, they took to get the  
19 insurance?

20 A. That was handled by the staff in the office. We heard as 03:19:25  
21 sales reps that it was going to be unattainable because it was  
22 cost-prohibitive.

23 Q. But you didn't know if anybody actually came down and  
24 looked over the books and decided whether or not they wanted to  
25 really insure Mathon? You don't know anything about that; 03:19:40

# **EXHIBIT 2**

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CRIMINAL DOCKET FOR CASE #: 2:09-cr-01492-ROS All Defendants**

Case title: USA v. Slade et al

Date Filed: 12/02/2009

Date Terminated: 10/01/2013

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**Special Master**

**Michelle H Burns**

*Magistrate Judge*

*TERMINATED: 01/18/2013*

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Assigned to: Chief Judge Roslyn  
O Silver

Appeals court case number:  
14-10027 Ninth Circuit

**Defendant (1)**

**Duane Hamblin Slade**

*TERMINATED: 10/01/2013*

represented by **Anne DeGroot-Kaufman Osborn**

Wilenchik & Bartness PC

2810 N 3rd St., Ste. 103

Phoenix, AZ 85004

602-606-2810

Email: [anneo@wb-law.com](mailto:anneo@wb-law.com)

*TERMINATED: 07/15/2013*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: CJA Appointment*

**Michael D Kimerer**

Kimerer & Derrick PC

1313 E Osborn Rd., Ste. 100

Phoenix, AZ 85014

602-279-5900

Fax: 602-264-5566

Email: [MDK@kimerer.com](mailto:MDK@kimerer.com)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: CJA Appointment*

**William Edward Fisher, IV**

Wilenchik & Bartness PC

2810 N 3rd St., Ste. 103

Phoenix, AZ 85004

602-606-2810

*TERMINATED: 03/11/2013*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

*Designation: CJA Appointment*

**Dennis Ira Wilenchik**

Wilenchik & Bartness PC

2810 N 3rd St., Ste. 103

Phoenix, AZ 85004

602-606-2810

Fax: 602-606-2811

Email: [diw@wb-law.com](mailto:diw@wb-law.com)

*TERMINATED: 07/15/2013*

*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Joseph Andrew Turner**  
Attorney at Law  
1504 West Ave  
Austin, TX 78701  
512-474-4892  
Fax: 512-474-8252  
*TERMINATED: 01/06/2010*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

18:1349; 18:2 – Conspiracy; Aid  
and Abet  
(1)

**Disposition**

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED EIGHTY (180) MONTHS on Count 1, with credit for time served, to run concurrently to the sentence imposed in CR-13-0460-01-PHX-ROS. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Count 1, to run concurrently to the supervised-release in CR-13-0460-01-PHX-ROS. Supervised Release: \$100.00. Fine: Waived. Restitution: To be determined.

**Highest Offense Level**  
**(Opening)**

Felony

**Terminated Counts**

18:1341; 18:2 – Mail Fraud; Aid  
and Abet  
(2-5)

18:1343; 18:2 – Wire Fraud; Aid  
and Abet  
(6-18)

18:1957(a); 18:2 – Transactional  
Money Laundering; Aid and Abet  
(19-40)

**Disposition**

Dismissed by Government Motion at Sentencing.

Dismissed by Government Motion at Sentencing.

Dismissed by Government Motion at Sentencing.

**Highest Offense Level**  
**(Terminated)**

Felony

**Complaints**

None

**Disposition**

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Assigned to: Chief Judge Roslyn O  
Silver

Appeals court case number:  
13-10523 Ninth Circuit

**Defendant (2)**

**Guy Andrew Williams**  
*TERMINATED: 09/30/2013*

represented by **Stephen M Dichter**  
Christian Dichter & Sluga PC



2700 N Central Ave., Ste. 1200  
Phoenix, AZ 85004  
602-792-1700  
Fax: 602-792-1710  
Email: [sdichter@cdslawfirm.com](mailto:sdichter@cdslawfirm.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Anthony Bruce Bingham**  
Law Office of Anthony B Bingham PC  
Bldg 4  
1423 S Higley Rd  
Bldg 4 Ste 110  
Mesa, AZ 85206  
480-832-1922  
Fax: 480-924-4147  
Email: [tony@binghamlawaz.com](mailto:tony@binghamlawaz.com)  
*TERMINATED: 04/06/2010*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Dennis Craig Jones**  
Dennis Craig Jones Attorney at Law  
3219 E Camelback Rd  
Ste 159  
Phoenix, AZ 85018  
602-999-4289  
Email: [lawdjones@gmail.com](mailto:lawdjones@gmail.com)  
*TERMINATED: 07/19/2013*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

Pending Counts

18:1349; 18:2 – Conspiracy; Aid  
and Abet  
(1)

18:1341; 18:2 – Mail Fraud; Aid  
and Abet  
(4-5)

18:1343; 18:2 – Wire Fraud; Aid  
and Abet  
(6-18)

Disposition

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) MONTHS, with credit for time served. This term consists of ONE HUNDRED FIFTY (150) MONTHS on Counts 1,4-5, and 6-18 and ONE HUNDRED TWENTY (120) MONTHS on Counts 19-40, all counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, all counts to run concurrently; Special Assessment: \$3,800.00; Fine: Waived; Restitution: To be determined.

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) MONTHS, with credit for time served. This term consists of ONE HUNDRED FIFTY (150) MONTHS on Counts 1,4-5, and 6-18 and ONE HUNDRED TWENTY (120) MONTHS on Counts 19-40, all counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, all counts to run concurrently; Special Assessment: \$3,800.00; Fine: Waived; Restitution: To be determined.

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) MONTHS, with credit for time served. This term consists of ONE HUNDRED FIFTY (150) MONTHS on Counts 1,4-5, and 6-18 and ONE

18:1957(a); 18:2 – Transactional Money Laundering; Aid and Abet (19–40)

HUNDRED TWENTY (120) MONTHS on Counts 19–40, all counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4–5,6–18 and 19–40, all counts to run concurrently; Special Assessment: \$3,800.00; Fine: Waived; Restitution: To be determined.

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) MONTHS, with credit for time served. This term consists of ONE HUNDRED FIFTY (150) MONTHS on Counts 1,4–5, and 6–18 and ONE HUNDRED TWENTY (120) MONTHS on Counts 19–40, all counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4–5,6–18 and 19–40, all counts to run concurrently; Special Assessment: \$3,800.00; Fine: Waived; Restitution: To be determined.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:1341; 18:2 – Mail Fraud; Aid and Abet (2)

18:1341; 18:2 – Mail Fraud; Aid and Abet (3)

**Disposition**

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

Assigned to: Chief Judge Roslyn O Silver

Appeals court case number: 13–10529 Ninth Circuit

**Defendant (3)**

**Brent F Williams**  
*TERMINATED: 10/01/2013*

represented by **Daniel R Drake**  
Drake Law PLC  
4340 E Indian School Rd., Ste. 21–113  
Phoenix, AZ 85018  
602–881–5341  
Fax: 602–840–9685  
Email: [daniel.drake@azbar.org](mailto:daniel.drake@azbar.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Sean Robert Forrester**  
Alan M Simpson PC

P.O. Box 2976  
Carefree, AZ 85377  
480-488-1119  
Email: [Sean@alansimpson.net](mailto:Sean@alansimpson.net)  
*TERMINATED: 11/01/2013*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Alan M Simpson**  
Alan M Simpson PC  
P.O. Box 2976  
Carefree, AZ 85377  
480-488-1119  
Fax: 602-222-4879  
Email: [alan@alansimpson.net](mailto:alan@alansimpson.net)  
*TERMINATED: 11/01/2013*  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**Stephen M Dichter**  
(See above for address)  
*TERMINATED: 01/06/2010*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

Pending Counts

18:1349; 18:2 – Conspiracy; Aid  
and Abet  
(1)

18:1341; 18:2 – Mail Fraud; Aid  
and Abet  
(4-5)

18:1343; 18:2 – Wire Fraud; Aid  
and Abet  
(6-18)

18:1957(a); 18:2 – Transactional  
Money Laundering; Aid and Abet  
(19-40)

Disposition

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) MONTHS on Counts 1,4-5,6-18 and 19-40, with credit for time served, to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, to run concurrently. Special Assessment: \$3,800.00. Fine: Waived. Restitution: To be determined

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) MONTHS on Counts 1,4-5,6-18 and 19-40, with credit for time served, to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, to run concurrently. Special Assessment: \$3,800.00. Fine: Waived. Restitution: To be determined

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) MONTHS on Counts 1,4-5,6-18 and 19-40, with credit for time served, to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, to run concurrently. Special Assessment: \$3,800.00. Fine: Waived. Restitution: To be determined

the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) MONTHS on Counts 1,4-5,6-18 and 19-40, with credit for time served, to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, to run concurrently. Special Assessment: \$3,800.00.

Fine: Waived. Restitution: To be determined

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:1341; 18:2 – Mail Fraud; Aid and Abet  
(2)

18:1341; 18:2 – Mail Fraud; Aid and Abet  
(3)

**Disposition**

Dismissed by Government Motion

Dismissed by Government Motion

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

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Assigned to: Chief Judge Roslyn O Silver

**Defendant (4)**

**Douglas Edward Towler**  
*TERMINATED: 09/10/2012*

represented by **Bruce S Feder**  
Feder Law Office PA  
2930 E Camelback Rd., Ste. 160  
Phoenix, AZ 85016  
602-257-0135  
Fax: 602-954-8737  
Email: [bf@federlawpa.com](mailto:bf@federlawpa.com)  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

18:1349; 18:2 – Conspiracy; Aid and Abet  
(1)

18:1341; 18:2 – Mail Fraud; Aid and Abet  
(2-3)

18:1343; 18:2 – Wire Fraud; Aid and Abet  
(6-15)

18:1957(a); 18:2 – Transactional Money Laundering; Aid and Abet  
(19-36)

**Disposition**

Dismissed by Government Motion before Sentencing

Dismissed by Government Motion before Sentencing

Dismissed by Government Motion before Sentencing

Dismissed by Government Motion before Sentencing

**Highest Offense Level (Terminated)**

Felony

**Complaints**

None

**Disposition**

Assigned to: Chief Judge Roslyn O  
Silver

**Defendant (5)**

**Russell Laurence Sewell**  
*TERMINATED: 09/30/2013*

represented by **David S Eisenberg**  
David Eisenberg PLC  
2702 N 3rd St., Ste. 4003  
Phoenix, AZ 85004  
602-237-5076  
Fax: 602-314-6273  
Email: [david.eisenberg@azbar.org](mailto:david.eisenberg@azbar.org)  
*ATTORNEY TO BE NOTICED*  
*Designation: CJA Appointment*

**James E Padish**  
Padish & Wells PLLC  
7373 E Doubletree Ranch Rd., Ste. 255  
Scottsdale, AZ 85258  
480-264-7470  
Fax: 480-307-6763  
Email: [jpadish@cpwlawyers.com](mailto:jpadish@cpwlawyers.com)  
*TERMINATED: 04/22/2011*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

18:4 – Misprision of Felony  
(1s)

**Disposition**

the defendant is hereby placed on probation for a term of THREE (3) YEARS on the Information; Special Assessment: \$100.00

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

18:1349; 18:2 – Conspiracy; Aid  
and Abet  
(1)

**Disposition**

Dismissed by Government Motion at Sentencing.

**Highest Offense Level  
(Terminated)**

Felony

**Complaints**

None

**Disposition**

**Receiver**

James C Sell

represented by **David William Garbarino**  
Sherman & Howard LLC – Phoenix, AZ  
201 E Washington St., Ste. 800  
Phoenix, AZ 85004-2327  
602-240-3026

Fax: 602-240-6600  
Email: [david.garbarino@azag.gov](mailto:david.garbarino@azag.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**Movant**

**Nicholas Gouletas**

represented by **Laura Michelle Kam**  
DLA Piper LLP (US) – Phoenix, AZ  
2525 E Camelback Rd., Ste. 1000  
Phoenix, AZ 85016-423  
480-606-5118  
Fax: 480-606-5101  
Email: [laura.kam@dlapiper.com](mailto:laura.kam@dlapiper.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

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**Plaintiff**

**USA**

represented by **Dominic William Lanza**  
US Attorneys Office  
40 N Central Ave., Ste. 1200  
Phoenix, AZ 85004  
602-514-7500  
Fax: 602-514-7450  
Email: [dominic.lanza@usdoj.gov](mailto:dominic.lanza@usdoj.gov)  
*ATTORNEY TO BE NOTICED*  
*Designation: Assistant US Attorney*

**Kevin M Rapp**  
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602-514-7500  
Fax: 602-514-7537  
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*ATTORNEY TO BE NOTICED*  
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**Peter S Sexton**  
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*ATTORNEY TO BE NOTICED*  
*Designation: Assistant US Attorney*

**Wendy Lee Coy**  
Arizona Corporation Commission  
Securities Division  
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Phoenix, AZ 85007-2996  
602-542-0633  
Fax: 602-594-7418  
Email: [wcoy@azcc.gov](mailto:wcoy@azcc.gov)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
12/02/2009	<u>1</u>	MOTION to Seal Indictment and Case by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (MAP) (Entered: 12/03/2009)
12/02/2009	<u>2</u>	ORDER granting <u>1</u> Motion to Seal Indictment and Case as to Duane Hamblin Slade (1), Guy Andrew Williams (2), Brent F Williams (3), Douglas Edward Towler (4), Russell Laurence Sewell (5). Signed by Magistrate Judge Lawrence O Anderson on 12/2/09. (MAP) (Entered: 12/03/2009)
12/02/2009	<u>3</u>	INDICTMENT as to Duane Hamblin Slade (1) count(s) 1, 2-5, 6-18, 19-40, Guy Andrew Williams (2) count(s) 1, 2-5, 6-18, 19-40, Brent F Williams (3) count(s) 1, 2-5, 6-18, 19-40, Douglas Edward Towler (4) count(s) 1, 2-3, 6-15, 19-36, Russell Laurence Sewell (5) count(s) 1. Forfeiture Allegations. Arraignment set for 12/16/2009 at 11:00 AM before Magistrate David K. Duncan. (MAP) (Entered: 12/03/2009)
12/02/2009	<u>5</u>	Sealed Notice of No Probable Conflict re Judge Michelle H. Burns by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (MAP) (Entered: 12/03/2009)
12/10/2009		Arrest of Guy Andrew Williams (LAD) (Entered: 12/14/2009)
12/10/2009	<u>11</u>	MOTION to Unseal Indictment by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (LAD) (Entered: 12/14/2009)
12/10/2009	<u>12</u>	Minute Entry for proceedings held before Magistrate Judge Edward C Voss: finding as moot <u>11</u> Motion to Unseal Indictment as to Guy Andrew Williams (2); Detention Hearing as to Guy Andrew Williams submitted on 12/10/2009; Dft ordered released with conditions. Initial Appearance as to Guy Andrew Williams held on 12/10/2009; Anthony Bruce Bingham appointed conditionally for Guy Andrew Williams. Arraignment reset for 12/16/2009 10:45 AM before Magistrate Judge David K Duncan. Government makes oral motion to unseal case. GRANTED. (See document for full details). (Court Reporter COURTSMART). (LAD) (Entered: 12/14/2009)
12/10/2009	<u>13</u>	Receipt for Surrender of Passport as to Brent F Williams Passport Number 103763408 issued by United States of America (LAD) (Entered: 12/14/2009)
12/10/2009	<u>14</u>	NOTICE OF ATTORNEY APPEARANCE: Stephen M Dichter appearing for Brent F Williams (on a limited basis) (LAD) (Entered: 12/14/2009)
12/10/2009		Arrest of Brent F Williams (LAD) (Entered: 12/14/2009)
12/10/2009	<u>15</u>	Minute Entry for proceedings held before Magistrate Judge Edward C Voss: Detention Hearing as to Brent F Williams submitted on 12/10/2009. Dft ordered released with conditions. Initial Appearance as to Brent F Williams held on 12/10/2009. Arraignment reset for 12/16/2009 10:45 AM before Magistrate Judge David K Duncan. Government makes oral motion to unseal the case. GRANTED. Motion to unseal the indictment filed on 12/10/09 is moot. (Court Reporter COURTSMART). (LAD) (Entered: 12/14/2009)
12/10/2009	<u>17</u>	AMENDED by (Doc. 227). ORDER Setting Conditions of Release as to Guy Andrew Williams (2) OR (own recognizance). Signed by Magistrate Judge Edward C Voss on 12/10/2009. (LAD) Modified on 2/9/2011 (LSP). (Entered: 12/14/2009)
12/10/2009	<u>18</u>	AMENDED by (Doc. 228). ORDER Setting Conditions of Release as to Brent F Williams (3) OR (own/personal recognizance). Signed by Magistrate Judge Edward C Voss on 12/10/2009. (LAD) Modified on 2/9/2011 (LSP). (Entered: 12/14/2009)
12/10/2009	<u>22</u>	Summons Returned Executed on 12/10/09 as to Douglas Edward Towler (MAP) (Entered: 12/15/2009)
12/10/2009	<u>34</u>	ARREST Warrant Returned Executed on 12/10/09 as to Brent F Williams. (MAP) (Entered: 12/18/2009)

12/10/2009	<u>35</u>	ARREST Warrant Returned Executed on 12/10/09 as to Duane Hamblin Slade. (MAP) (Entered: 12/18/2009)
12/10/2009	<u>36</u>	ARREST Warrant Returned Executed on 12/10/09 as to Guy Andrew Williams. (MAP) (Entered: 12/18/2009)
12/11/2009	<u>19</u>	Receipt for Surrender of Passport as to Guy Andrew Williams Passport Number 429779517 issued by United States of America (LAD) (Entered: 12/14/2009)
12/11/2009	<u>145</u>	Receipt for 12/11/09 Surrender of Passport as to Duane Hamblin Slade Passport Number 439486342 issued by USA (Thomas, Julie) (Entered: 08/18/2010)
12/15/2009	<u>21</u>	Summons Returned Executed on 12/10/09 as to Russell Laurence Sewell (MAP) (Entered: 12/15/2009)
12/16/2009	24	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Status Hearing re: Initial Appearance and Arraignment as to Duane Hamblin Slade held on 12/16/2009. Appearances: AUSA Peter Sexton for the Government. Defendant is present and released. Defendant advises the Court he has retained counsel in Texas but counsel was unable to appear today. Defendant was advised that counsel will need to file the necessary documents to make his appearance in this court. Initial Appearance and Arraignment are reset for 1/6/2010 at 10:45 AM in Courtroom 305, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge David K Duncan. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 12/16/2009)
12/16/2009	25	AMENDED Minute Entry for proceedings held before Magistrate Judge David K Duncan: Amended Minute Entry as to Duane Hamblin Slade Amending the Status Hearing re: Initial Appearance and Arraignment scheduled for 12/16/2009. Reason for Amendment: to include the Court's ordered amendment to defendant's release conditions. The Court ORDERS the travel restriction on defendant's release conditions amended as follows: Defendant shall not travel outside the United States unless express PRIOR Court or Pretrial Services permission is granted to do so.(Court Reporter COURTSMART). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 12/16/2009)
12/16/2009	26	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Arraignment as to Guy Andrew Williams held on 12/16/2009. Appearances: AUSA Peter Sexton for the Government, CJA Attorney Anthony Bingham for defendant. Defendant is present and released. Defendant enters plea of NOT guilty to all pending counts. Motions due by 12/31/2009. Jury Trial set for 1/26/2010 at 9:00 AM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Judge Earl H Carroll. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 12/16/2009)
12/16/2009	27	Minute Entry for proceedings held before Magistrate Judge David K Duncan: The arraignment set as to Brent F Williams on 12/16/2009 is continued. Appearances: AUSA Peter Sexton for the Government. Defendant is present and released. The Court is informed that retained counsel Stephen Dichter entered his appearance for the defendant's initial appearance only and he has not been retained. Defendant wishes to request court appointed counsel. Attorney Appointment Hearing and Arraignment are set for 1/6/2010 at 10:45 AM in Courtroom 305, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge David K Duncan. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 12/16/2009)
12/16/2009	<u>28</u>	NOTICE OF ATTORNEY APPEARANCE: Bruce S Feder appearing for Douglas Edward Towler (MMO) (Entered: 12/16/2009)
12/16/2009	29	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Initial Appearance and Arraignment as to Douglas Edward Towler held on 12/16/2009. Appearances: AUSA Peter Sexton for the Government, retained attorney Bruce Feder for defendant. Defendant is present and released. Defendant enters plea of NOT guilty to all pending counts. Detention Hearing submitted. Defendant ordered released O/R with conditions. Defendant directed to report to USMS today for processing. Motions due by 12/31/2009. Jury Trial set for



		1/26/2010 at 9:00 AM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Judge Earl H Carroll. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 12/16/2009)
12/16/2009	<u>30</u>	ORDER Setting Conditions of Release as to Douglas Edward Towler (4): released O/R with conditions. Signed by Magistrate Judge David K Duncan on 12/16/2009.(MMO) (Entered: 12/16/2009)
12/16/2009	31	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Status Hearing re: Initial Appearance and Arraignment as to Russell Laurence Sewell held on 12/16/2009. Appearances: AUSA Peter Sexton for the Government, CJA Attorney Mark Berardoni standing by for defendant. Defendant is present and released. The Court is advised that defendant is attempting to retain counsel and requests the Initial Appearance and Arraignment be reset. Initial Appearance and Arraignment are reset for 1/6/2010 at 10:45 AM in Courtroom 305, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge David K Duncan. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 12/16/2009)
12/16/2009	<u>33</u>	Receipt for Surrendered Passport as to Douglas Edward Towler. Notice of Court Order (Order Date: 12/16/09). The above-named defendant is not permitted to apply for the issuance of a passport during the pendency of this action. The above-named defendant surrendered Passport Number 222463443 to the custody of the U.S. District Court on 12/16/09. (SAT) (Entered: 12/17/2009)
12/21/2009	<u>37</u>	NOTICE of Withdrawal as Counsel by Brent F Williams (Dichter, Stephen) (Entered: 12/21/2009)
12/31/2009	<u>38</u>	First MOTION to Continue Trial, <i>Designate Case as Complex, and Set a Status Conference</i> by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) (Entered: 12/31/2009)
01/05/2010	<u>39</u>	NOTICE OF ATTORNEY APPEARANCE: James E Padish appearing for Russell Laurence Sewell (Padish, James) (Entered: 01/05/2010)
01/06/2010	<u>42</u>	Rule 5(c)(3) Documents Received as to Duane Hamblin Slade (Copy of Order Requiring Dft to Appear) All documents originally filed in Western District of Texas, Austin Division. (Attachments: # <u>1</u> Minutes, # <u>2</u> Waiver, # <u>3</u> Docket)(LAD) (Entered: 01/06/2010)
01/06/2010	<u>43</u>	NOTICE OF ATTORNEY APPEARANCE: Joseph Andrew Turner appearing for Duane Hamblin Slade (originally filed in Western District of Texas, Austin Division on 12/10/09) (LAD) (Entered: 01/06/2010)
01/06/2010	<u>44</u>	ORDER Setting Conditions of Release as to Duane Hamblin Slade (1) UNSECURED BOND OF \$25,000. Signed by US Magistrate Judge Robert Pitman on 12/10/2009. (originally filed in Western District of TX on 12/10/09) (LAD) (Entered: 01/06/2010)
01/06/2010	<u>45</u>	Appearance (Unsecured) Bond Entered as to Duane Hamblin Slade in amount of \$ \$25,000.00 (Originally filed in Western District of TX on 12/10/09) (LAD) (Entered: 01/06/2010)
01/06/2010	<u>46</u>	NOTICE OF ATTORNEY APPEARANCE: Dennis Ira Wilenchik appearing for Duane Hamblin Slade (MMO) (Entered: 01/06/2010)
01/06/2010	47	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Initial Appearance as to Duane Hamblin Slade held on 1/6/2010. Appearances: AUSA Peter Sexton and Dominic Lanza for the Government, retained attorney Amanda Sarli for Dennis Wilenchik for defendant. Defendant is present and released. Attorney Joseph Andrew Turner terminated in case as to Duane Hamblin Slade. Arraignment as to Duane Hamblin Slade held. Defendant enters plea of NOT guilty to all pending counts. Release Conditions entered in the Western District of Texas affirmed and modified to allow contact with co-defendant Guy Williams as it pertains to business matters. Defendant is directed to report to USMS for processing if he has not already done so. Motions due by 1/21/2010. Jury Trial set for 1/26/2010 at 9:00 AM in Courtroom 501, 401 West Washington

		Street, Phoenix, AZ 85003 before Judge Earl H Carroll. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 01/06/2010)
01/06/2010	48	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Arraignment as to Brent F Williams held on 1/6/2010. Appearances: AUSA Peter Sexton and Dominic Lanza for the Government, CJA Attorney Alan Simpson for defendant. Defendant is present and released. Appointment of Counsel Hearing as to Brent F Williams held. FINANCIAL AFFIDAVIT TAKEN and ORDERED SEALED on motion of counsel. Appointing Alan M Simpson for Brent F Williams with Appointment Type: CJA. Attorney Stephen M Dichter terminated in case as to Brent F Williams. Defendant enters plea of NOT guilty to all pending counts. Motions due by 1/21/2010. Jury Trial set for 1/26/2010 at 9:00 AM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Judge Earl H Carroll. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 01/06/2010)
01/06/2010	49	Minute Entry for proceedings held before Magistrate Judge David K Duncan: Initial Appearance as to Russell Laurence Sewell held on 1/6/2010. Appearances: AUSA Peter Sexton and Dominic Lanza for the Government, retained attorney James Padish for defendant. Defendant is present and released. Arraignment as to Russell Laurence Sewell held. Defendant enters plea of NOT guilty to all pending counts. Detention Hearing submitted. Defendant ordered released O/R with conditions. Defendant directed to report to USMS for processing. Motions due by 1/21/2010. Jury Trial set for 1/26/2010 at 9:00 AM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Judge Earl H Carroll. (Court Reporter COURTSMART) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MMO) (Entered: 01/06/2010)
01/06/2010	<u>50</u>	ORDER Setting Conditions of Release as to Russell Laurence Sewell (5); O/R with conditions. Signed by Magistrate Judge David K Duncan on 1/6/10.(REW, ) (Entered: 01/06/2010)
01/06/2010	<u>51</u>	Receipt for Surrender of Passport as to Russell Laurence Sewell; Passport Number 217182859 issued by USA (REW, ) (Entered: 01/06/2010)
01/08/2010	<u>53</u>	Joint MOTION to Continue <i>the trial date and set a status conference</i> by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 01/08/2010)
01/09/2010	<u>54</u>	JOINDER re 38 by Guy Andrew Williams (Bingham, Anthony) Modified on 1/11/2010 (TLJ). DOCKET TEXT MODIFIED TO REFLECT DOCUMENT LINKAGE. (Entered: 01/09/2010)
01/12/2010	55	Minute Order: Setting a Motion Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F. Williams, Douglas Edward Towler and Russell Laurence Sewell, on First MOTION to Continue Trial, Designate Case as Complex, and Set a Status Conference [Doc. 38], and Joint MOTION to Continue the trial date and set a status conference [Doc. 53] for Tuesday, 1/19/2010 at 11:00 AM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Judge Earl H. Carroll. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAH) (Entered: 01/12/2010)
01/14/2010	<u>56</u>	MOTION for Joinder in <i>Defendant Douglas Towler's Unopposed Motion to Designate Case as Complex, Continue the Trial Date, and Set a Status Conference</i> by Russell Laurence Sewell. (Padish, James) (Entered: 01/14/2010)
01/14/2010	<u>57</u>	MOTION for Joinder in <i>Defendant Douglas Towler's Unopposed Motion to Designate Case as Complex, Continue the Trial Date, and Set a Status Conference</i> by Brent F Williams. (Simpson, Alan) (Entered: 01/14/2010)
01/15/2010	<u>58</u>	NOTICE <i>Advice to Court</i> by Brent F Williams (Simpson, Alan) (Entered: 01/15/2010)
01/19/2010	<u>59</u>	NOTICE of <i>Filing of Government's Proposed Scheduling Order</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Sexton, Peter) (Entered: 01/19/2010)

01/19/2010	<u>60</u>	Minute Entry for proceedings held before Judge Earl H Carroll: Motion Hearing on Defendant Towler's Motion to Designate Case as Complex, Continue the Trial Date, and Set a Status Conference, with written joiners by co-defendants as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 1/19/2010. Discussion held as to Motion to Designate Case as Complex. IT IS ORDERED setting Status Conference for 2/5/2010 03:00 PM in Courtroom 501, 401 West Washington Street, Phoenix, AZ 85003 before Judge Earl H Carroll. The Motion to Designate Case as Complex remains pending. IT IS ORDERED granting <u>53</u> Motion to Continue as to Duane Hamblin Slade (1) and joiners to continue trial as to all defendants; with further date to be proposed by counsel at the status conference. (Court Reporter Candy Potter). (LSP) (Entered: 01/20/2010)
01/21/2010	<u>61</u>	RESPONSE to <i>State's Proposed Trial Schedule</i> by Duane Hamblin Slade as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Wilenchik, Dennis) (Entered: 01/21/2010)
02/01/2010	<u>62</u>	NOTICE OF ATTORNEY APPEARANCE: Dominic W. Lanza appearing for USA. (Lanza, Dominic) (Entered: 02/01/2010)
02/05/2010	<u>64</u>	Minute Entry for proceedings held before Judge Earl H Carroll: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 2/5/2010 to address Defendant Towler's Motion to Designate Case as Complex and joiners (dks' 38,56,57). The Court recuses itself in this case for reasons stated on record. Order to follow. (Court Reporter Candy Potter). (LSP) (Entered: 02/08/2010)
02/08/2010	<u>63</u>	ORDER OF RECUSAL in case as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell: Judge Earl H Carroll recused. Case reassigned to Judge Roslyn O Silver for all further proceedings. All future pleadings and papers submitted for filing shall bear the following complete case number: CR 09-1492 PHX-ROS. Signed by Judge Earl H Carroll on 2/5/10.(LSP) (Entered: 02/08/2010)
02/08/2010	<u>65</u>	NOTICE OF ATTORNEY APPEARANCE: Kevin M. Rapp appearing for USA. (Rapp, Kevin) (Entered: 02/08/2010)
02/08/2010	66	TEXT ONLY Minute Order – Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – Status Conference set for 2/10/2010 at 09:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/08/2010)
02/09/2010	<u>67</u>	NOTICE of Change of Address by Bruce S Feder (Feder, Bruce) (Entered: 02/09/2010)
02/10/2010	<u>68</u>	Minute Entry for proceedings held before Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 2/10/2010. IT IS ORDERED granting Dfts' Motions to Designate the Case as Complex and Continue Trial 38 , 54 , 56 , 57 . IT IS FURTHER ORDERED setting an Interim Status Conference for 5/10/2010 09:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. Counsel are to file a Joint Status Report by Friday, April 30, 2010. (Court Reporter Elaine Cropper). (DTN) (Entered: 02/10/2010)
02/10/2010	<u>69</u>	SCHEDULING ORDER as to Duane Hamblin Slade (1), Guy Andrew Williams (2), Brent F Williams (3), Douglas Edward Towler (4) and Russell Laurence Sewell (5). XT excludable started and stopped. Pretrial Motions due by 1/17/2011. Final Pretrial Conference and Status Conference set for 3/14/2011 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. Jury Trial set for 4/5/2011 08:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. Signed by Judge Roslyn O Silver on 2/10/10. (DTN) (Entered: 02/10/2010)

02/10/2010	<u>115</u>	Amended Minute Entry for proceedings held before Judge Roslyn O Silver: Amended Minute Entry as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – Amending the Status Conference held on 2/10/10. Reason for Amendment: to reflect Attorney Alan Simpson is CJA Appointed. (Court Reporter Elaine Cropper). (CLB) (Entered: 05/13/2010)
02/18/2010	<u>72</u>	MOTION for Leave To Travel Outside the United States by Russell Laurence Sewell. (Padish, James) (Entered: 02/18/2010)
02/18/2010	<u>73</u>	Additional Attachments to Main Document by Defendant Russell Laurence Sewell (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) (Entered: 02/18/2010)
02/18/2010	<u>74</u>	MOTION to Expedite <i>Ruling on Defendant's Motion for Leave to Travel Outside the United States</i> by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) (Entered: 02/18/2010)
02/18/2010	<u>75</u>	ORDER granting Dft's <u>74</u> Motion to Expedite as to Russell Laurence Sewell (5). Signed by Judge Roslyn O Silver on 2/18/10.(CLB) (Entered: 02/18/2010)
02/18/2010	<u>76</u>	ORDER granting Dft's <u>72</u> Motion for Leave to travel from Phoenix, Arizona to Vancouver, British Columbia, Canada as to Russell Laurence Sewell (5). Signed by Judge Roslyn O Silver on 2/18/10.(CLB) (Entered: 02/18/2010)
02/19/2010	<u>77</u>	NOTICE OF ATTORNEY APPEARANCE: Wendy Coy appearing for USA. (Coy, Wendy) (Entered: 02/19/2010)
02/19/2010	<u>80</u>	Receipt for Returned Passport as to dft Russell Laurence Sewell – Passport Number 217182859 issued by USA (KMG) (Entered: 02/23/2010)
04/06/2010	<u>105</u>	ORDER adding Attorney Dennis Craig Jones and terminating Attorney Anthony Bruce Bingham as to Guy Andrew Williams. Signed by Judge Roslyn O Silver on 4/5/10.(MHU) (Entered: 04/06/2010)
04/08/2010	<u>106</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Guy Andrew Williams for proceedings held on 3/23/10 before Judge Silver. (PF) (Entered: 04/08/2010)
04/30/2010	<u>108</u>	NOTICE <i>Parties' Joint Statement</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 04/30/2010)
04/30/2010	<u>109</u>	NOTICE <i>of Filing</i> by Douglas Edward Towler (Attachments: # <u>1</u> Exhibit)(Feder, Bruce) (Entered: 04/30/2010)
05/10/2010	<u>110</u>	Minute Entry for proceedings held before Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 5/10/2010. Status Conference set for 9/13/2010 at 09:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. Joint Status Report is due by 9/7/2010. (Court Reporter Elaine Cropper). (CLB) (Entered: 05/10/2010)
05/10/2010	<u>111</u>	EX PARTE MOTION <i>for Funding and Request for Informal Conference</i> by Brent F Williams. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Simpson, Alan) (Entered: 05/10/2010)
05/10/2010	<u>114</u>	Amended Minute Entry for proceedings held before Judge Roslyn O Silver: Amended Minute Entry as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – Amending the Status Conference held on 5/10/10. Reason for Amendment: to reflect Attorney Alan Simpson is CJA Appointed. (Court Reporter Elaine Cropper). (CLB) (Entered: 05/13/2010)
05/11/2010	<u>112</u>	MOTION for Leave Unopposed Motion for Leave to Travel <i>Outside the United States</i> by Russell Laurence Sewell. (Padish, James) (Entered: 05/11/2010)
05/12/2010	<u>113</u>	ORDER granting <u>112</u> Motion for Leave to Travel Outside the United States as to Russell Laurence Sewell (5). Signed by Judge Roslyn O Silver on 5/12/10.(CLB) (Entered: 05/12/2010)

05/17/2010	<u>118</u>	EX PARTE Minute Order: Setting Ex Parte Motion Hearings as to Brent F Williams. <u>111</u> EX PARTE MOTION for Funding and Request for Informal Conference set for 5/24/2010 at 11:00AM before Judge Roslyn O Silver. (cc: Simpson/D Jones) (MAP) (Entered: 05/17/2010)
05/19/2010	<u>120</u>	MOTION to Modify Conditions of Release by Guy Andrew Williams. (Attachments: # <u>1</u> Text of Proposed Order)(Jones, Dennis) (Entered: 05/19/2010)
05/20/2010	125	IT IS ORDERED the <u>120</u> MOTION to Modify Conditions of Release as to Guy Andrew Williams is set for 5/26/2010 at 10:00 AM in Courtroom 304, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Edward C Voss. Ordered by Magistrate Judge Edward C Voss.(ECV)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 05/20/2010)
05/24/2010	<u>126</u>	Minute Entry for proceedings held before Judge Roslyn O Silver: Ex Parte Motion Hearing as to Brent F Williams held on 5/24/2010 re <u>111</u> EX PARTE MOTION for Funding and Request for Informal Conference. (Court Reporter Elaine Cropper). (cc: Simpson/D Jones) (MAP) (Entered: 05/24/2010)
05/26/2010	130	Minute Entry for proceedings held before Magistrate Judge Edward C Voss: Motion Hearing as to Guy Andrew Williams held on 5/26/2010 re <u>120</u> MOTION to Modify Conditions of Release filed by Guy Andrew Williams. Discussion held with the Court in regards to possible contact between the dft and a victim in the case. Defense counsel and the government to provide the Court with an order with the specifics of the contact.(Court Reporter COURTSMART). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (PKD) (Entered: 05/27/2010)
05/27/2010	<u>131</u>	ORDER granting dft's <u>120</u> Motion to Modify Conditions of Release as to Guy Andrew Williams and modifying the conditions of release to permit Mr. Williams to have contact with other co-dfts in the presence of respective counsel for the purpose of mutually preparing defenses. FURTHER ORDERED granting dft's motion and modifying the terms of dft's release to permit dft to have contact with JW as is necessary for JW to complete the purchase of dft's home subject to conditions. Signed by Magistrate Judge Edward C Voss on 05/27/10. (NOTE: see attached pdf for complete details) (ESL) (Entered: 05/27/2010)
07/12/2010	<u>138</u>	MOTION for Leave To Travel Outside The United States (Without Objection) by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order Order)(Padish, James) (Entered: 07/12/2010)
07/12/2010	<u>139</u>	ORDER – Upon defendant Russell Sewell's <u>138</u> Motion for Leave to Travel Outside the United States (Without Objection) as to Russell Laurence Sewell (5), IT IS ORDERED that dft Russell Sewell may travel from Phoenix, Arizona to Vancouver, British Columbia, Canada, via U.S. Air departing on or before 7/14/2010 and returning on the same airline not later than 7/16/2010.FURTHER ORDERED that the Clerk of the Court and/or PTS modify his release conditions to permit him to travel from the United States to Vancouver, British Columbia, Canada returning not later than 7/16/2010. Signed by Judge Roslyn O Silver on 7/12/10. (SAT) (Entered: 07/12/2010)
08/02/2010	<u>141</u>	NOTICE of Possible Expert Testimony by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Attachments: # <u>1</u> Exhibit 1–11)(Sexton, Peter) (Entered: 08/02/2010)
08/04/2010	<u>142</u>	NOTICE of Possible Expert Testimony (Supplemental) by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re <u>141</u> Notice (Other) (Attachments: # <u>1</u> Exhibit 1)(Sexton, Peter) (Entered: 08/04/2010)
08/23/2010	<u>146</u>	MOTION for Leave To Travel Outside the United States (Without Objection) by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) (Entered: 08/23/2010)
08/26/2010	<u>147</u>	ORDER granting <u>146</u> Motion for Leave to Travel Outside the United States as to Russell Laurence Sewell (5) – Defendant may travel from Phoenix, Arizona to Vancouver, British Columbia, Canada, via U.S. Air departing on or before August

		26, 2010 and returning on the same airline not later than August 27, 2010. IT IS FURTHER ORDERED that the Clerk of the Court and/or Pretrial Services modify his release conditions to permit him to travel from the United States to Vancouver, British Columbia, Canada returning not later than August 27, 2010. Signed by Judge Roslyn O Silver on 8/26/10.(CLB) (Entered: 08/26/2010)
08/26/2010	<u>148</u>	EX PARTE MOTION for Appointment of Certified Fraud Examiner by Brent F Williams. (Attachments: # <u>1</u> Exhibit Attachment 1, # <u>2</u> Exhibit Attachment 2, # <u>3</u> Exhibit Attachment 3)(Simpson, Alan) (Entered: 08/26/2010)
09/01/2010	<u>152</u>	EX PARTE Minute Order: Set Motion Hearings as to Brent F Williams re <u>148</u> EX PARTE MOTION for Appointment of Certified Fraud Examiner. Motion Hearing set for 9/15/2010 at 10:00AM before Judge Roslyn O Silver. (cc: Dft's Cnsl) (MAP) (Entered: 09/01/2010)
09/02/2010	<u>153</u>	NOTICE of Change of Address as to James E Padish by Russell Laurence Sewell. (Padish, James) (Entered: 09/02/2010)
09/07/2010	<u>154</u>	NOTICE Joint Status Report by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 09/07/2010)
09/07/2010	<u>155</u>	TEXT ONLY Minute Order –Terminate Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – The Court has received and reviewed the parties' Joint Statement <u>154</u> . The Court has determined a Status Hearing is not needed at this time. Accordingly, the Status Hearing set for Monday, September 13, 2010 is VACATED. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/07/2010)
09/15/2010	<u>158</u>	EX PARTE Minute Entry for proceedings held before Judge Roslyn O Silver: Ex Parte Motion Hearing as to Brent F Williams held on 9/15/2010 re <u>148</u> EX PARTE MOTION for Appointment of Certified Fraud Examiner. ORDERED taking under advisement <u>148</u> Ex Parte Motion. FURTHER ORDERED Status Conference re Defendant's Ex Parte Motion to Appoint a Fraud Examiner <u>148</u> set for 10/25/2010 01:30 PM before Judge Roslyn O Silver. (Court Reporter Elaine Cropper). (cc: Alan Simpson) (MAP) (Entered: 09/15/2010)
09/17/2010	<u>159</u>	MOTION for Leave To Travel Outside the United States (Without Objection) by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) (Entered: 09/17/2010)
09/21/2010	<u>161</u>	ORDER granting <u>159</u> Motion for Leave to Travel Outside the United States (Without Objection) as to Russell Laurence Sewell (5). Signed by Judge Roslyn O Silver on 9/21/10.(CLB) (Entered: 09/21/2010)
09/27/2010	<u>163</u>	EX PARTE ORDER granting <u>148</u> Ex Parte Motion for Appointment of Certified Fraud Examiner/s. FURTHER ORDERED vacating the Status Hearing set for 10/25/10 at 1:30 p.m. as to Brent F Williams (3). Signed by Judge Roslyn O Silver on 9/27/10. (cc: Dft's Cnsl/CJA) (MAP) (Entered: 09/27/2010)
10/05/2010	<u>164</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 02/10/2010 before Judge Roslyn O. Silver. (Jones, Dennis) (Entered: 10/05/2010)
10/06/2010	<u>165</u>	NOTICE TO FILER OF DEFICIENCY as to Guy Andrew Williams re <u>164</u> Transcript Request filed by Guy Andrew Williams. Description of deficiency: Transcript Order Form not attached. Please see the attached PDF for further information and instructions. (BAS) (Entered: 10/06/2010)
10/08/2010	<u>166</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 02/10/2010 before Judge Roslyn O. Silver. (Attachments: # <u>1</u> Transcript Order)(Jones, Dennis) (Entered: 10/08/2010)
10/29/2010	<u>169</u>	TRANSCRIPT REQUEST by Adam Mann for proceedings of Russell Sewell held on 2/10/10 before Judge Silver. (VAR) (Entered: 10/29/2010)
11/03/2010	<u>170</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Hearing Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams,

		Douglas Edward Towler, Russell Laurence Sewell held on 02/10/2010, before Judge Roslyn O Silver. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/24/2010. Redacted Transcript Deadline set for 12/6/2010. Release of Transcript Restriction set for 2/1/2011. (BAS) (Entered: 11/03/2010)
11/17/2010	<u>172</u>	MOTION to Produce <i>Grand Jury Transcripts</i> by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 11/17/2010)
11/23/2010	<u>174</u>	NOTICE of Joinder in co-dft Duane Hamblin Slade's Motion 172 Produce Grand Jury Transcripts by Douglas Edward Towler (Feder, Bruce) Modified on 11/23/2010 to add text. (KMG). (Entered: 11/23/2010)
12/02/2010	<u>178</u>	RESPONSE to Motion by USA as to Duane Hamblin Slade re <u>172</u> MOTION to Produce <i>Grand Jury Transcripts</i> (Sexton, Peter) Modified on 12/3/2010 to remove unrelated "as to" parties. (ESL). (Entered: 12/02/2010)
12/09/2010	<u>181</u>	REPLY TO RESPONSE to Motion by Duane Hamblin Slade re <u>172</u> MOTION to Produce <i>Grand Jury Transcripts</i> (Wilenchik, Dennis) Modified on 12/10/2010 to reflect party this filing applies to (SAT). (Entered: 12/09/2010)
12/15/2010	<u>182</u>	ORDER denying <u>172</u> Motion to Produce as to Duane Hamblin Slade (1) and Douglas Edward Towler (4). Signed by Judge Roslyn O Silver on 12/15/10.(CLB) (Entered: 12/15/2010)
12/22/2010	<u>183</u>	MOTION to Withdraw as Attorney as to Dennis Wilenchik and Amanda Sarli by Duane Hamblin Slade. (Attachments: # <u>1</u> Text of Proposed Order)(Wilenchik, Dennis) (Entered: 12/22/2010)
01/03/2011	<u>184</u>	TEXT ONLY Minute Order –Set/Reset Motion Hearings as to Duane Hamblin Slade re <u>183</u> MOTION to Withdraw as Attorneys Dennis Wilenchik and Amanda Sarli. Motion Hearing set for 1/11/2011 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 01/03/2011)
01/04/2011	<u>185</u>	EX PARTE ORDER denying <u>111</u> Ex Parte Motion for Funding as to Brent F Williams (3). Signed by Judge Roslyn O Silver on 1/4/11. (cc: Dft's Cnsl) (MAP) (Entered: 01/04/2011)
01/11/2011	<u>187</u>	IT IS ORDERED the motion hearing for <u>183</u> Motion to Withdraw as Attorney filed by Duane Hamblin Slade presently set for 1/11/2011 at 10:00 AM, is RESET. THIS IS A TIME CHANGE ONLY! Motion Hearing reset for 1/11/2011 at 02:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. Ordered by Judge Roslyn O Silver.(CLB)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 01/11/2011)
01/11/2011	<u>188</u>	Minute Entry for proceedings held before Judge Roslyn O Silver: Motion Hearing as to Duane Hamblin Slade held on 1/11/2011 re <u>183</u> MOTION to Withdraw as Attorney. Motion Hearing continued for 1/24/2011 at 03:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver.(Court Reporter Elaine Cropper). (CLB) (Entered: 01/11/2011)
01/19/2011	<u>190</u>	STATUS REPORT <i>Joint Status Report</i> by USA, Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 01/19/2011)
01/20/2011	<u>191</u>	TEXT ONLY Minute Order –Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – A Status Conference is set for 2/8/2011 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 01/20/2011)

01/21/2011	194	IT IS ORDERED the motion hearing for <u>183</u> Motion to Withdraw as Attorney filed by Duane Hamblin Slade presently set for 1/24/2011 at 3:00 PM, is RESET. THIS IS A TIME CHANGE ONLY! Motion Hearing reset for 1/24/2011 at 03:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Roslyn O Silver. Ordered by Chief Judge Roslyn O Silver.(CLB)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 01/21/2011)
01/24/2011	195	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing as to Duane Hamblin Slade held on 1/24/2011 re <u>183</u> MOTION to Withdraw as Attorney as to Dennis Wilenchik and Amanda Sarli. Appearances: Peter Sexton for the Government, Retained Attorney Dennis Wilenchik for the defendant. Defendant is present and released. IT IS ORDERED denying <u>183</u> Motion to Withdraw as Attorney. IT IS FURTHER ORDERED sealing the ex parte portion of the hearing. (Court Reporter Elaine Cropper). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 01/24/2011)
01/28/2011	<u>200</u>	MOTION to Extend Time Extend Plea Cutoff <i>Motion to Extend Plea Cutoff</i> by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) Modified on 1/31/2011 (LAD). Document not in compliance with LRCiv 7.1(c). Attorney noticed. (Entered: 01/28/2011)
01/31/2011	<u>201</u>	NOTICE <i>Juror Questionnaire</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 01/31/2011)
01/31/2011	<u>202</u>	NOTICE <i>Government's Statement of the Case</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 01/31/2011)
01/31/2011	<u>203</u>	NOTICE <i>Defendant Doug Towler's Proposed Statement of the Case, and Opposition to the Government's Proposal</i> by Douglas Edward Towler (Attachments: # <u>1</u> Exhibit)(Feder, Bruce) (Entered: 01/31/2011)
01/31/2011	<u>204</u>	Notice re Joinder to <i>Doug Towler's Proposed Statement of the Case and Opposition to Government's Proposal</i> by Guy Andrew Williams. (Jones, Dennis) Modified on 2/1/2011 (LAD). Incorrect event selected. Docket text modified from Motion to Notice. (Entered: 01/31/2011)
02/01/2011	<u>205</u>	MOTION to Extend Time Plea Cutoff by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) Modified on 2/2/2011 (LAD). Motion terminated as duplicative of Motion <u>200</u> . (Entered: 02/01/2011)
02/01/2011	<u>206</u>	NOTICE of Joinder by Douglas Edward Towler (Feder, Bruce) (Entered: 02/01/2011)
02/01/2011	<u>207</u>	NOTICE of Joinder re <i>TO DEFENDANT DOUG TOWLERS PROPOSED STATEMENT OF THE CASE AND OPPOSITION TO THE GOVERNMENTS PROPOSAL</i> by Duane Hamblin Slade. (Wilenchik, Dennis) Modified on 2/1/2011 (LAD). Incorrect event selected. Docket text modified from Motion to Notice (Other). (Entered: 02/01/2011)
02/01/2011	<u>208</u>	NOTICE re Joinder <i>Defendant Doug Towler's Proposed Statement of the Case and the Opposition to the Government's Proposal</i> by Brent F Williams. (Simpson, Alan) Modified on 2/1/2011 (LAD). Incorrect event selected. Docket text modified from Motion to Notice. (Entered: 02/01/2011)
02/01/2011	<u>209</u>	NOTICE re Joinder <i>Defendant Russell Sewell's Motion to Extend Plea Cut off</i> by Brent F Williams. (Simpson, Alan) Modified on 2/1/2011 (LAD). Incorrect event selected. Docket text modified from Motion to Notice. (Entered: 02/01/2011)
02/01/2011	<u>210</u>	NOTICE <i>JOINDER TO DEFENDANT RUSSELL SEWELLS MOTION TO EXTEND PLEA CUTOFF</i> by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 02/01/2011)
02/02/2011	<u>211</u>	NOTICE <i>Joinder to 203 Defendant Doug Towler's Proposed Statement of the Case and Opposition to the Government's Proposal</i> by Russell Laurence Sewell (Padish,



		James) Modified on 2/3/2011 (LSP). CORRECTION to document linkage. (Entered: 02/02/2011)
02/03/2011	<u>212</u>	MOTION to Withdraw as Attorney of Record, James E. Padish, for Defendant by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Padish, James) (Entered: 02/03/2011)
02/04/2011	<u>213</u>	Second MOTION to Continue Trial, First MOTION to Extend Time to File Pretrial Motions, First MOTION to Extend Time Present Scheduling Order Dates by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit)(Feder, Bruce) (Entered: 02/04/2011)
02/07/2011	<u>214</u>	First MOTION to dismiss Indictment by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit Exh 1, # <u>2</u> Exhibit Exh 2)(Jones, Dennis) (Entered: 02/07/2011)
02/07/2011	<u>215</u>	Proposed Jury Instructions by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Sexton, Peter) (Entered: 02/07/2011)
02/07/2011	<u>218</u>	NOTICE of Proposed Form of Verdict by USA as to Duane Hamblin Slade (Attachments: # <u>1</u> Exhibit 1)(Sexton, Peter) (Entered: 02/07/2011)
02/07/2011	<u>219</u>	NOTICE of Proposed Form of Verdict by USA as to Guy Andrew Williams (Attachments: # <u>1</u> Exhibit 1)(Sexton, Peter) (Entered: 02/07/2011)
02/07/2011	<u>220</u>	NOTICE of Proposed Form of Verdict by USA as to Brent F Williams (Attachments: # <u>1</u> Exhibit 1)(Sexton, Peter) (Entered: 02/07/2011)
02/07/2011	<u>221</u>	NOTICE of Proposed Form of Verdict by USA as to Douglas Edward Towler (Attachments: # <u>1</u> Exhibit 1)(Sexton, Peter) (Entered: 02/07/2011)
02/07/2011	<u>222</u>	NOTICE of Proposed Form of Verdict by USA as to Russell Laurence Sewell (Attachments: # <u>1</u> Exhibit 1)(Sexton, Peter) (Entered: 02/07/2011)
02/08/2011	<u>223</u>	Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 2/8/2011. The Court will grant the Motion to Continue 213 , but takes under advisement the length of the continuance. The Motion to Continue will be readdressed at the next Status Hearing. Status Conference set for 2/23/2011 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. A Joint Status Report is due to the Court by 2/18/2011.(Court Reporter Elaine Cropper). (CLB) (Entered: 02/08/2011)
02/08/2011	<u>227</u>	WAIVER AND ORDER setting modified Release Conditions as to Guy Andrew Williams. Signed by Magistrate Judge David K Duncan on 2/8/11.(LSP) Modified on 2/9/2011 (LSP). (Entered: 02/09/2011)
02/08/2011	<u>228</u>	WAIVER AND ORDER setting modified Release Conditions as to Brent F Williams. Signed by Magistrate Judge David K Duncan on 2/8/11.(LSP) (Entered: 02/09/2011)
02/10/2011	<u>229</u>	MOTION to Withdraw as Attorney as to Dennis I. Wilenchik by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Text of Proposed Order)(Wilenchik, Dennis) Modified on 2/11/2011 (LSP). DOCUMENT not in compliance with "Administrative Policies and Procedures Manual", Page 3, B(4). (Entered: 02/10/2011)
02/11/2011	230	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Duane Hamblin Slade re <u>229</u> MOTION to Withdraw as Attorney as to Dennis I. Wilenchik. Motion Hearing set for 2/14/2011 at 11:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Defendant is to be present. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/11/2011)
02/11/2011	231	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Russell Laurence Sewell re <u>212</u> MOTION to Withdraw as Attorney of Record, James E. Padish, for Defendant. Motion Hearing set for 2/23/2011 at 09:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver.

		This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/11/2011)
02/11/2011	<u>232</u>	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Duane Hamblin Slade re <u>229</u> MOTION to Withdraw as Attorney as to Dennis I. Wilenchik – Due to Defense Counsel's unavailability, the Motion Hearing set for 2/14/2011 is RESET to 2/15/2011 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/11/2011)
02/14/2011	<u>233</u>	WAIVER AND ORDER Amendment of Release Conditions as to Russell Laurence Sewell. (See document for full details). Signed by Magistrate Judge David K Duncan on 2/11/11.(LAD) (Entered: 02/14/2011)
02/15/2011	<u>234</u>	ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – IT IS HEREBY ORDERED appointing Magistrate Judge Michelle H. Burns as Special Master for this case to handle any and all discovery issues. IT IS FURTHER ORDERED the parties are to jointly contact the chambers of Magistrate Judge Michelle H. Burns at 602-322-7610 by Tuesday, February 15, 2011, to determine what the expectations are of Magistrate Judge Burns. Signed by Chief Judge Roslyn O Silver on 2/14/11.(LAD) (Entered: 02/15/2011)
02/15/2011	<u>235</u>	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing as to Duane Hamblin Slade held on 2/15/2011 re <u>229</u> MOTION to Withdraw Attorney Dennis I. Wilenchik. Appearances: Peter Sexton for the Gvt; Dennis Wilenchik for the Dft; Dft is present (telephonically) and released. IT IS ORDERED denying <u>229</u> Motion to Withdraw Attorney Dennis I. Wilenchik. A Financial Affidavit is to be filed with the Court by 2/22/2011. (Court Reporter Elaine Cropper). This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/15/2011)
02/15/2011	<u>236</u>	IT IS ORDERED, as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell, Status Conference set for 2/16/2011 04:00 PM in Courtroom 303, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michelle H Burns. Ordered by Magistrate Judge Michelle H Burns.(MHB,emc)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 02/15/2011)
02/16/2011	<u>237</u>	Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 2/16/2011. Appearances: AUSA Dominic Lanza and Peter Sexton for the Government, Amanda Sarli (telephonic) for retained attorney Dennis Wilenchik, CJA attorney Dennis Jones, attorney Sean Forrester for CJA Attorney Alan Simpson, retained attorney Bruce Feder and retained attorney James Padish (telephonic) for defendants. Defendants are not present and released. Discussion held re: discovery issues. IT IS ORDERED VACATING the 2/18/2011 deadline for filing a Joint Status Report before Judge Silver. IT IS FURTHER ORDERED that the parties file a Joint Status Report before Magistrate Judge Burns by close of business on 2/25/2011. The Joint Status Report will include a report on the Sell database/website, the searchability features, access costs and privacy issues, and a comparison with the discovery provided and organized by DOJ and cost of search software. IT IS FURTHER ORDERED VACATING the Status Conference currently scheduled before Judge Silver on 2/23/2011 at 10:00 AM. IT IS FURTHER ORDERED setting a Status Conference for 2/28/2011 at 10:00 AM in Courtroom 303, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michelle H Burns. (Court Reporter COURTSMART) [This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry.] (KAL) (Entered: 02/17/2011)
02/22/2011	<u>239</u>	RESPONSE to Motion by USA as to Guy Andrew Williams re <u>214</u> First MOTION to dismiss Indictment (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit)(Lanza,

		Dominic) (Entered: 02/22/2011)
02/23/2011	240	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing as to Russell Laurence Sewell held on 2/23/2011 re <u>212</u> MOTION to Withdraw as Attorney of Record, James E. Padish, for Defendant filed by Russell Laurence Sewell. Appearances: AUSA Peter Sexton for the Government, James Padish for the defendant. Defendant is present and released. Government's counsel is excused from the courtroom and sealed ex parte proceedings commence. IT IS ORDERED taking under advisement the <u>212</u> Motion to Withdraw as Attorney. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/23/2011)
02/23/2011	241	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade. Status Conference set for 3/7/2011 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/23/2011)
02/23/2011	<u>242</u>	NOTICE of Joinder by Douglas Edward Towler (Feder, Bruce) . (Entered: 02/23/2011)
02/25/2011	<u>244</u>	STATUS REPORT by USA, Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) CORRECTION: <i>incorrect event selected. This entry has been modified from (notice-other) to (status report).</i> Modified on 2/28/2011 (ESL). (Entered: 02/25/2011)
02/28/2011	<u>245</u>	TRANSCRIPT REQUEST by Michelle H Burns as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for status conference proceedings held on 02/28/2011 before Judge Michelle H Burns. (BAS) (Entered: 03/02/2011)
02/28/2011	<u>247</u>	Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler and Russell Laurence Sewell held on 2/28/2011. The Court ORDERS a report and memorandums to be filed by close of business on 3/4/2011. See attached pdf document for further information. (Recorded by COURTSMART.) (KAL) (Entered: 03/02/2011)
03/01/2011	<u>246</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 02/28/2011, before Judge Michelle H Burns. Court Transcriber AVTranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/22/2011. Redacted Transcript Deadline set for 4/1/2011. Release of Transcript Restriction set for 5/31/2011. (BAS) (Entered: 03/02/2011)
03/03/2011	<u>248</u>	Notice re Joinder <i>Guy Williams Motion to Dismiss</i> by Brent F Williams. (Simpson, Alan) Modified on 3/4/2011 from <i>motion to notice</i> (ESL). (Entered: 03/03/2011)
03/04/2011	<u>249</u>	MEMORANDUM by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell <i>Government's Supplemental Memorandum to Discovery Master</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(Lanza, Dominic) (Entered: 03/04/2011)
03/04/2011	<u>250</u>	First MOTION to Extend Time FILE MEMORANDUM REGARDING REQUESTED DISCOVERY ASSISTANCE by Guy Andrew Williams. (Jones, Dennis) (Entered: 03/04/2011)
03/07/2011	<u>251</u>	ORDER granting <u>250</u> Motion to Extend Time to 3/9/2011 to file Defendant's Memorandum as to Guy Andrew Williams (2). Signed by Magistrate Judge Michelle H Burns on 3/7/11.(LSP) (Entered: 03/07/2011)

03/07/2011	252	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade held on 3/7/2011. Appearances: AUSA Peter Sexton for the Government, CJA (Previously retained) Attorney Dennis Wilenchik for defendant. Defendant is present and released. The Government's counsel is excused from the courtroom and sealed proceedings commence. IT IS ORDERED appointing Dennis Wilenchik under the Criminal Justice Act. Defendant is directed to make monthly payments of \$500 towards the cost of Dennis Wilenchik, with the first payment being due April 1, 2011 and every month thereafter. Payments are to be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 03/07/2011)
03/07/2011	253	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell - The Final Pretrial Conference/Status Hearing regarding Juror Questionnaires set for 3/14/2011 is VACATED. A Status Conference is set for 3/17/2011 at 02:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Counsel shall be prepared to discuss the trial date. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 03/07/2011)
03/10/2011	<u>255</u>	MOTION to Seal <i>Docket 254</i> , MOTION to Seal Document by Guy Andrew Williams. (Attachments: # <u>1</u> Draft Order)(Jones, Dennis) (Entered: 03/10/2011)
03/10/2011	<u>256</u>	MEMORANDUM by Guy Andrew Williams <i>REGARDING REQUESTED DISCOVERY ASSISTANCE</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Jones, Dennis) (Entered: 03/10/2011)
03/11/2011	<u>259</u>	ORDER granting <u>255</u> Motion to Seal. ORDERED that all documents in Docket 254 shall be sealed until such time as the Court may order otherwise as to Guy Andrew Williams (2). Signed by Magistrate Judge Michelle H Burns on 3/11/11.(MAP) (Entered: 03/11/2011)
03/14/2011	<u>260</u>	NOTICE of Joinder <i>and Supplementation</i> by Brent F Williams. (Simpson, Alan) Modified on 3/15/2011 (LAD) Incorrect event selected. Docket text modified from Motion to Notice. (Entered: 03/14/2011)
03/14/2011	<u>261</u>	NOTICE re Advice to Court on Matters to be Considered at March 17, 2011 hearing by Brent F Williams. (Simpson, Alan) Modified on 3/15/2011 (LAD). Incorrect event selected. Docket text modified from Motion to Notice. (Entered: 03/14/2011)
03/14/2011	<u>262</u>	Reply to Government's Objections to Motion to Dismiss by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Jones, Dennis) Modified on 3/15/2011 (LAD). Incorrect event selected. Docket text modified from Motion to Reply to Response. (Entered: 03/14/2011)
03/16/2011	<u>263</u>	SPECIAL MASTER REPORT (First Report) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. Signed by Magistrate Judge Michelle H Burns on 03/16/11. (NOTE: See attached pdf for complete details) (Attachments: # <u>1</u> Exhibit A) (ESL) (Entered: 03/16/2011)
03/17/2011	264	IT IS ORDERED the Status Conference, as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell, presently set for 3/17/2011 at 2:30 PM is RESET AS TO TIME ONLY!! Status Conference reset for 3/17/2011 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Ordered by Chief Judge Roslyn O Silver.(CLB)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 03/17/2011)
03/17/2011	<u>265</u>	Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 3/17/2011. IT IS ORDERED that counsel submit their discovery assistance request to the National Litigation Support Team in the Office of Defender Services pursuant to Section

		320.70.40 and report to the Court what they suggest or recommend. IT IS FURTHER ORDERED granting the Motion to Continue Trial 213 and the Motion to Extend Plea Cutoff 200 . The Court moves the trial date to September 27, 2011 at 8:30 a.m. Counsel are to submit a revised Scheduling Order to the Court no later than March 25, 2011. The Court will reset the trial date upon receipt of the revised Scheduling Order. (Court Reporter Elaine Cropper.)(CLB) (Entered: 03/18/2011)
03/18/2011	<u>268</u>	NOTICE OF FILING OF OFFICIAL AMENDED TRANSCRIPT of Status Conference Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 02/28/2011, before Judge Michelle H Burns. Court Transcriber AV Tranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/8/2011. Redacted Transcript Deadline set for 4/18/2011. Release of Transcript Restriction set for 6/16/2011. (BAS) (Entered: 03/18/2011)
03/25/2011	<u>272</u>	NOTICE of Filing of Government's Amended Scheduling Order by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Rapp, Kevin) (Entered: 03/25/2011)
03/29/2011	<u>273</u>	FIRST AMENDED SCHEDULING ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell: Motions due by 7/11/2011. Final Pretrial Conference set for 9/19/2011 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O. Silver. Jury Trial set for 9/27/2011 at 08:30 AM in Courtroom 604. Signed by Chief Judge Roslyn O Silver on 03/29/11. (NOTE: see attached pdf for complete details) (ESL) (Entered: 03/29/2011)
04/06/2011	<u>277</u>	WAIVER AND ORDER as to Douglas Edward Towler, re: Amendment of Release Conditions. Signed by Magistrate Judge David K Duncan on 4/5/11.(REW) (Entered: 04/06/2011)
04/08/2011	<u>278</u>	MOTION to Withdraw as Attorney and Motion for Hearing / <i>Motion for Determination of Counsel</i> as to James Padish by Russell Laurence Sewell. (Padish, James). *Added MOTION for Hearing on 4/11/2011 (ESL). (Entered: 04/08/2011)
04/11/2011	<u>279</u>	*Proposed Jury Instructions by Brent F Williams. (Simpson, Alan) *Entry modified from (motion-miscellaneous relief) to (proposed jury instructions) Modified on 4/12/2011 (ESL). (Entered: 04/11/2011)
04/13/2011	280	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Russell Laurence Sewell re <u>278</u> MOTION to Withdraw as Attorney / <i>Motion for Determination of Counsel</i> as to James Padish. Motion Hearing set for 4/20/2011 at 02:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 04/13/2011)
04/15/2011	<u>281</u>	*Notice re Joinder to Defendant Brent Williams' Proposed Jury Instructions by Duane Hamblin Slade. (Wilenchik, Dennis) *Entry modified from (motion) to (notice) on 4/15/2011 (ESL). (Entered: 04/15/2011)
04/20/2011	282	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Russell Laurence Sewell re <u>278</u> MOTION to Withdraw as Attorney / <i>Motion for Determination of Counsel</i> as to James Padish – Motion Hearing set for 4/20/2011 is RESET for 4/22/2011 at 11:30AM before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 04/20/2011)
04/22/2011	283	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing as to Russell Laurence Sewell held on 4/22/2011 regarding <u>212</u> and <u>278</u> MOTION to Withdraw as Attorney / <i>Motion for Determination of Counsel</i> as to James Padish. Appearances: AUSA Kevin Rapp for the Government, Retained Attorney James Padish for the defendant. Defendant is present (telephonically) and released. IT IS ORDERED granting the <u>212</u> <u>278</u> Motions to Withdraw as Attorney as to James E Padish. Attorney James E. Padish is withdrawn. A Status Hearing is set for Friday, May 6, 2011 at 2:30 PM. (Court

		Reporter Gary Moll.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 04/22/2011)
04/22/2011	<u>285</u>	TEXT ONLY AMENDED Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Amended Minute Entry as to Russell Laurence Sewell. Amending the Motion Hearing held on 4/22/2011. Reason for Amendment: to reflect the defendant gave a new address. Motion Hearing as to Russell Laurence Sewell held on 4/22/2011 regarding <u>212</u> and <u>278</u> MOTION to Withdraw as Attorney /Motion for Determination of Counsel as to James Padish. Appearances: AUSA Kevin Rapp for the Government, Retained Attorney James Padish for the defendant. Defendant is present (telephonically) and released. IT IS ORDERED granting the <u>212 278</u> Motions to Withdraw as Attorney as to James E Padish. Attorney James E. Padish is withdrawn. A Status Hearing is set for Friday, May 6, 2011 at 2:30 PM. LATER: The defendant states his new address is: 3952 N. El Sereno, Mesa, AZ 85207. The Clerk's Office is directed to update the docket to reflect the correct address. (Court Reporter Gary Moll.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 04/25/2011)
04/25/2011	<u>284</u>	NOTICE of Correction of Record by Russell Laurence Sewell (Padish, James) (Entered: 04/25/2011)
05/04/2011	<u>290</u>	TEXT ONLY Minute Order: Set/Reset Hearings as to Russell Laurence Sewell – Dut to a conflict on the Court's calendar, the Status Conference set for 5/6/2011 is RESET to 5/9/2011 at 11:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/04/2011)
05/09/2011	<u>299</u>	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Conference as to Russell Laurence Sewell held on 5/9/2011. The Court has the defendant fill out a CJA Financial Affidavit form. The Court grants the defendant CJA counsel. IT IS ORDERED that the defendant make \$250 payments every month beginning Friday, May 13,2011, towards the cost of his CJA counsel, until the conclusion of this case. IT IS FURTHER ORDERED sealing the ex parte portion of this proceeding. LATER: David S Eisenberg (CJA) is appointed as counsel for Russell Laurence Sewell.  <b>Appearances:</b> AUSA Kevin Rapp for the Government. Defendant (pro se) is present and released. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/09/2011)
05/09/2011	<u>300</u>	NOTICE of Intent to Introduce Defendants' Statements by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 05/09/2011)
05/12/2011	<u>308</u>	*MOTION to Continue Trial, MOTION to Withdraw As Attorney by Russell Laurence Sewell (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Text of Proposed Order)(Eisenberg, David). *Added MOTION to Withdraw as Attorney on 5/13/2011 also removed unrelated as to parties from text. (ESL). (Entered: 05/12/2011)
05/16/2011	<u>310</u>	NOTICE of Possible Expert Testimony by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Wilenchik, Dennis) (Entered: 05/16/2011)
05/16/2011	<u>311</u>	RESPONSE to Motion by Guy Andrew Williams re <u>308</u> MOTION to Continue Trial MOTION to Withdraw as Attorney (Jones, Dennis) (Entered: 05/16/2011)
05/17/2011	<u>312</u>	MOTION for Bill of Particulars and/or Discovery by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) (Entered: 05/17/2011)
05/18/2011	<u>313</u>	*NOTICE of Errata, re: <u>310</u> Notice of Possible Expert Testimony by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler as to Duane Hamblin Slade (Wilenchik, Dennis) *Modified to add document number/link on 5/18/2011* (REW). (Entered: 05/18/2011)

05/18/2011	<u>314</u>	SPECIAL MASTER ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell; appointed defense counsel shall submit a report to the Court, on or before 5/25/11, re: the National Litigation Support Team's advice and recommendation regarding counsels' proposed expenditure. Signed by Magistrate Judge Michelle H Burns on 5/18/11.(REW) (Entered: 05/18/2011)
05/18/2011	315	TEXT ONLY ORDER denying <u>308</u> Motion to Continue Trial and denying <u>308</u> Motion to Withdraw as Attorney as to Russell Laurence Sewell (5). Ordered by Chief Judge Roslyn O. Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/18/2011)
05/20/2011	<u>317</u>	NOTICE of Filing Report Regarding Recommendation and Advice From National Litigation Support Team by Guy Andrew Williams (Jones, Dennis) (Entered: 05/20/2011)
05/31/2011	<u>335</u>	*RESPONSE to Motion by USA as to Douglas Edward Towler, re 312 MOTION for Bill of Particulars and/or Discovery (Lanza, Dominic) *Modified to remove other defendants on 6/1/2011* (REW). (Entered: 05/31/2011)
06/06/2011	344	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade. Status Conference set for 6/13/2011 at 10:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Defendant is to be present at this hearing. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/06/2011)
06/09/2011	<u>345</u>	SPECIAL MASTER ORDER RE: BILL OF PARTICULARS – denying <u>312</u> Motion for Bill of Particulars as to Douglas Edward Towler (4). (See document for further details). Signed by Magistrate Judge Michelle H Burns on 6/9/11.(LAD) (Entered: 06/09/2011)
06/13/2011	346	TEXT ONLY Minute Order: Terminate Hearings as to Duane Hamblin Slade – The Status Conference set for 6/13/2011 at 10:30 AM is VACATED. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/13/2011)
07/11/2011	<u>387</u>	NOTICE Government's Notice Concerning Rebuttal Experts by USA as to Duane Hamblin Slade re <u>273</u> Order, Set Deadlines/Hearings, Speedy Trial – Excludable Start,, <u>141</u> Notice (Other) (Lanza, Dominic) (Entered: 07/11/2011)
07/11/2011	<u>388</u>	MOTION to Amend/Correct <u>273</u> Scheduling Order by Brent F Williams. (Attachments: # <u>1</u> Text of Proposed Order Order)(Simpson, Alan) Modified on 7/12/2011 to remove text. (KMG). (Entered: 07/11/2011)
07/13/2011	390	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re 388 MOTION to Amend/Correct <u>273</u> Order – Motion Hearing set for 7/25/2011 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/13/2011)
07/25/2011	396	*Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing re: 388 Motion to Amend Scheduling Order as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 7/25/2011. IT IS ORDERED granting 388 Motion to Amend Scheduling Order <u>272</u> . Trial date to be continued to 10/25/2011 at 8:30 AM; Final Pretrial Conference to be continued to 10/14/2011 at 1:30 PM. Scheduling Order to follow. Counsel are directed to submit a second amended scheduling order no later than 8/1/2011.  <b>Appearances:</b> AUSA Peter Sexton and Dominic Lanza for the Government, CJA Attorney Dennis Wilenchik for defendant Duane Hamblin Slade (1), CJA Dennis Jones for defendant Guy Andrew Williams (2), CJA Alan Simpson for defendant Brent F Williams (3), Retained attorney Bruce Feder for defendant Douglas Edward Towler (4), CJA Alan Simpson for David Eisenberg for defendant Russell Laurence Sewell (5). Defendants are not present and released. Defendants presence waived. LATER: IT IS ORDERED appointing Magistrate Judge Michelle H. Burns

		to handle pretrial evidentiary issues. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (JIR) *Modified to include attorney designations on 7/26/2011 (CKST). (Entered: 07/25/2011)
08/01/2011	<u>397</u>	NOTICE <i>Joint Submission of Second Amended Scheduling Order</i> by USA, Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Attachments: # <u>1</u> Text of Proposed Order)(Lanza, Dominic) (Entered: 08/01/2011)
08/04/2011	<u>399</u>	SECOND AMENDED SCHEDULING ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell: Motions due by 8/12/2011. Final Pretrial Conference set for 10/14/2011 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Jury Trial set for 10/25/2011 at 08:30 AM in Courtroom 604. Signed by Chief Judge Roslyn O Silver on 08/04/11. (NOTE: see attached pdf for complete details) (ESL) (Entered: 08/04/2011)
08/11/2011	<u>405</u>	NOTICE of Change of Address as to David S Eisenberg by Russell Laurence Sewell. (Eisenberg, David) (Entered: 08/11/2011)
08/12/2011	<u>407</u>	MOTION Motion to Sever Trials or in the Alternative to Exclude Co-defendant's Statements by Brent F Williams. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4)(Simpson, Alan) (Entered: 08/12/2011)
08/12/2011	<u>408</u>	MOTION in Limine <i>to Preclude 404(B) Evidence</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Wilenchik, Dennis) Modified on 8/15/2011 Document is not Text Searchable. Attorney noticed. (KMG). (Entered: 08/12/2011)
08/12/2011	<u>409</u>	MOTION in Limine <i>to Identify Unindicted Co-conspirators</i> by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David) (Entered: 08/12/2011)
08/12/2011	<u>410</u>	MOTION in Limine <i>Re: Stacie Towler on Mathon Related Company Payroll</i> by Douglas Edward Towler. (Feder, Bruce) (Entered: 08/12/2011)
08/12/2011	<u>411</u>	MOTION to Sever Defendant by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) (Entered: 08/12/2011)
08/12/2011	<u>412</u>	MOTION in Limine <i>To Preclude Use of the Word "Ponzi" During Trial</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3)(Wilenchik, Dennis) Modified on 8/15/2011 Document is not text searchable. Attorney Noticed. (KMG). (Entered: 08/12/2011)
08/12/2011	<u>413</u>	MOTION to Sever Defendant <i>Sewell</i> by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David) (Entered: 08/12/2011)
08/12/2011	<u>414</u>	MOTION to Sever Defendant by Brent F Williams. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Simpson, Alan) (Entered: 08/12/2011)
08/12/2011	<u>415</u>	MOTION for Discovery, MOTION to Compel <i>Discovery</i> by Douglas Edward Towler. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2-4, # <u>3</u> Exhibit 5, # <u>4</u> Exhibit 6, # <u>5</u> Exhibit 7, # <u>6</u> Text of Proposed Order)(Feder, Bruce) (Entered: 08/12/2011)
08/12/2011	<u>416</u>	First MOTION for Hearing <i>Pre-Trial Determination of Conspiracy</i> by Guy Andrew Williams. (Attachments: # <u>1</u> Order)(Jones, Dennis) (Entered: 08/12/2011)
08/12/2011	<u>417</u>	First MOTION <i>to Sever</i> by Guy Andrew Williams. (Attachments: # <u>1</u> Order)(Jones, Dennis) (Entered: 08/12/2011)
08/15/2011	<u>418</u>	MOTION for Leave to File a Motion Out of Time ( <i>Defendant Sewell's Motion to Dismiss a Portion of the Conspiracy Charge on Grounds of Duplicity</i> ) by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit)(Eisenberg, David) Modified on 9/16/2011 to include text. (KMG). (Entered: 08/15/2011)



08/19/2011	<u>426</u>	MOTION to Enlarge Time to File Response by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Rapp, Kevin) (Entered: 08/19/2011)
08/24/2011	<u>430</u>	Second MOTION to Continue Trial by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David) (Entered: 08/24/2011)
08/26/2011	<u>435</u>	ORDER as to Defendants (1) Duane Hamblin Slade, (2) Guy Andrew Williams, (3) Brent F Williams, (4) Douglas Edward Towler, and (5) Russell Laurence Sewell, that the government has until September 16, 2011 to file a response to the substantive motions filed by certain defendants on August 12 and 15, 2011(Docs. 407, 409, 411, 415, 416, and 418). Signed by Magistrate Judge Michelle H Burns on 8/26/2011.(KMG) (Entered: 08/26/2011)
08/26/2011	<u>437</u>	*NOTICE of Joinder, re: 408 Motion in Limine by Douglas Edward Towler (Feder, Bruce) *Modified to add document number/link on 8/29/2011* (REW). (Entered: 08/26/2011)
08/26/2011	<u>438</u>	Proposed Jury Instructions by Douglas Edward Towler (Feder, Bruce) (Entered: 08/26/2011)
08/29/2011	<u>439</u>	Minute Order: Set/Reset Motion Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re 430 Second MOTION to Continue Trial. Motion Hearing set for 9/12/2011 at 03:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 08/29/2011)
08/31/2011		Notice of request for e-notices by Samuel Doncaster. (Wilenchik, Dennis) (Entered: 08/31/2011)
08/31/2011		Notice of request for e-notices by Samuel Doncaster. (Doncaster, Samuel) (Entered: 08/31/2011)
09/09/2011	<u>451</u>	Proposed Voir Dire by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 09/09/2011)
09/09/2011	<u>452</u>	*Proposed Voir Dire by Brent F Williams (Simpson, Alan) *Entry modified from "jury instructions" on 9/12/2011 (ESL). (Entered: 09/09/2011)
09/09/2011	<u>453</u>	WITHDRAWN by Doc. 464 – MOTION for Trial Witness Deposition by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Rapp, Kevin) Modified on 9/14/2011 (CLB). (Entered: 09/09/2011)
09/09/2011	<u>454</u>	*Joinder to Defendant Russell Sewell's Motion to Continue by Guy Andrew Williams. (Jones, Dennis) *Entry modified from "motion" on 9/12/2011 (ESL). (Entered: 09/09/2011)
09/09/2011	<u>455</u>	*Proposed Voir Dire, by Guy Andrew Williams (Jones, Dennis) *Entry modified from "notice (other)" on 9/12/2011 (ESL). (Entered: 09/09/2011)
09/09/2011	<u>456</u>	Proposed Voir Dire by Russell Laurence Sewell (Eisenberg, David) (Entered: 09/09/2011)
09/09/2011	<u>457</u>	NOTICE of Joinder by Douglas Edward Towler (Feder, Bruce) (Entered: 09/09/2011)
09/12/2011	<u>458</u>	RESPONSE in Opposition by Duane Hamblin Slade re <u>453</u> MOTION for Trial Witness Deposition (Wilenchik, Dennis) (Entered: 09/12/2011)
09/12/2011	<u>461</u>	*Notice re Joinder and Supplementation to Motion to Continue (Doc. #430) by Brent F Williams. (Simpson, Alan) * Entry modified from "motion" on 9/12/2011 (ESL). (Entered: 09/12/2011)
09/12/2011	<u>462</u>	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 9/12/2011

		<p>re 430 Second MOTION to Continue Trial filed by Russell Laurence Sewell. The Court grants the Motion to Continue Trial and moves the trial date to March 20, 2012. Counsel are to submit an Amended Scheduling Order no later than September 19, 2011. Order to follow.</p> <p><b>Appearances:</b> AUSA Peter Sexton, Kevin Rapp, Dominic Lanza for the Government, CJA Attorney Dennis Wilenchik (also present Samuel Doncaster) for Defendant Duane Slade, Dennis Jones for Defendant Guy Williams, Alan Simpson for Defendant Brent Williams, David Eisenberg for Defendant Russell Sewell, retained attorney Bruce Feder for Defendant Douglas Towler. Defendants Duane Slade, Guy Williams, Brent Williams, and Douglas Towler are not present and released. Defendant Russell Sewell is present and released. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/12/2011)</p>
09/13/2011	<u>464</u>	NOTICE of <i>Withdrawal of Trial Witness Deposition</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Rapp, Kevin) (Entered: 09/13/2011)
09/15/2011	<u>468</u>	RESPONSE in Opposition by USA as to Brent F Williams re <u>407</u> MOTION Motion to Sever Trials or in the Alternative to Exclude Co-defendant's Statements (Lanza, Dominic) (Entered: 09/15/2011)
09/15/2011	<u>469</u>	RESPONSE in Opposition by USA as to Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re <u>417</u> First MOTION to Sever, 413 MOTION to Sever Defendant <i>Sewell</i> , 414 MOTION to Sever Defendant, 411 MOTION to Sever Defendant (Lanza, Dominic) (Entered: 09/15/2011)
09/15/2011	<u>470</u>	RESPONSE in Opposition by USA as to Douglas Edward Towler re <u>415</u> MOTION for Discovery MOTION to Compel <i>Discovery</i> (Lanza, Dominic) (Entered: 09/15/2011)
09/15/2011	<u>471</u>	RESPONSE to Motion by USA as to Duane Hamblin Slade re <u>408</u> MOTION in Limine to <i>Preclude 404(B) Evidence</i> (Sexton, Peter) (Entered: 09/15/2011)
09/15/2011	<u>472</u>	RESPONSE to Motion by USA as to Russell Laurence Sewell re <u>409</u> MOTION in Limine to <i>Identify Unindicted Co-conspirators</i> (Sexton, Peter) (Entered: 09/15/2011)
09/15/2011	<u>473</u>	RESPONSE in Opposition by USA as to Guy Andrew Williams re <u>416</u> First MOTION for Hearing <i>Pre-Trial Determination of Conspiracy</i> (Sexton, Peter) (Entered: 09/15/2011)
09/15/2011	<u>474</u>	RESPONSE in Opposition by USA as to Russell Laurence Sewell re <u>418</u> MOTION for Leave to File a Motion Out of Time ( <i>Defendant Sewell's Motion to Dismiss a Portion of the Conspiracy Charge on Grounds of Duplicity</i> ) (Sexton, Peter) (Entered: 09/15/2011)
09/15/2011	<u>475</u>	RESPONSE in Opposition by USA as to Duane Hamblin Slade re <u>412</u> MOTION in Limine To <i>Preclude Use of the Word "Ponzi" During Trial</i> (Rapp, Kevin) (Entered: 09/15/2011)
09/16/2011	<u>476</u>	RESPONSE in Opposition by USA as to Douglas Edward Towler re <u>410</u> MOTION in Limine <i>Re: Stacie Towler on Mathon Related Company Payroll</i> (Rapp, Kevin) (Entered: 09/16/2011)
09/16/2011	<u>477</u>	NOTICE <i>Parties' Proposed Third Amended Scheduling Order</i> by USA, Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Lanza, Dominic) (Entered: 09/16/2011)
09/20/2011	<u>478</u>	ORDER granting <u>418</u> Defendant's Motion for Leave to Submit Out of Time Motion to Dismiss as to Russell Laurence Sewell (5). Signed by Magistrate Judge Michelle H Burns on 9/20/11.(TLJ) (Entered: 09/20/2011)
09/22/2011	<u>483</u>	REPLY TO RESPONSE to Motion by Russell Laurence Sewell re <u>413</u> MOTION to Sever Defendant <i>Sewell</i> (Attachments: # <u>1</u> Exhibit)(Eisenberg, David) (Entered: 09/22/2011)

		09/22/2011)
09/26/2011	<u>484</u>	REPLY TO RESPONSE to Motion by Duane Hamblin Slade re <u>408</u> MOTION in Limine to Preclude 404(B) Evidence (Wilenchik, Dennis) (Entered: 09/26/2011)
09/26/2011	<u>485</u>	REPLY TO RESPONSE to Motion by Duane Hamblin Slade re <u>412</u> MOTION in Limine To Preclude Use of the Word "Ponzi" During Trial (Wilenchik, Dennis) (Entered: 09/26/2011)
09/27/2011	<u>488</u>	*THIRD AMENDED SCHEDULING ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. IT IS ORDERED granting Defendant Sewell's Motion to Continue (Doc. 430 ). Discovery due by 12/16/2011. Final Pretrial Conference reset for 3/12/2012 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Trial reset for 3/20/2012 at 08:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. (see order for complete details). Signed by Chief Judge Roslyn O Silver on 9/26/11.(REW) *Modified to include motion on 9/28/2011 (CKST). (Entered: 09/27/2011)
09/30/2011	<u>490</u>	REPORT AND RECOMMENDATION as to Guy Andrew Williams re <u>214</u> First MOTION to dismiss Indictment be DENIED. Signed by Magistrate Judge Michelle H Burns on 9/30/11.(TLJ) (Entered: 09/30/2011)
10/27/2011	<u>516</u>	SPECIAL MASTER ORDER granting Defendant Sewell's <u>418</u> Motion for Leave to Submit Out of Time Motion, and directing the Clerk's Office to immediately docket Defendant Sewell's Motion to Dismiss a Portion of the Conspiracy Charge on Grounds of Duplicity, currently filed as Exhibit 1 (Doc. 418-2) to Defendant Sewell's Motion for Leave to Submit Out of Time Motion. Signed by Magistrate Judge Michelle H Burns on 10/27/11.(ESL) Modified on 10/27/2011 (ESL). (Entered: 10/27/2011)
10/27/2011	<u>517</u>	MOTION to Dismiss a Portion of the Conspiracy Charge on Grounds of Duplicity, by Russell Laurence Sewell. (Attachments: # <u>1</u> Proposed Order)(ESL) (Entered: 10/27/2011)
10/28/2011	<u>518</u>	REPORT AND RECOMMENDATIONS as to Russell Laurence Sewell; that Defendant Sewell's <u>517</u> Motion to Dismiss a Portion of the Conspiracy Charge on Grounds of Duplicity be DENIED. Signed by Magistrate Judge Michelle H Burns on 10/28/11.(ESL) (Entered: 10/28/2011)
11/02/2011	<u>523</u>	SPECIAL MASTER ORDER denying <u>415</u> Defendant Towler's Motion for Discovery and/or Motion to Compel Discovery as to Douglas Edward Towler (4). Signed by Magistrate Judge Michelle H Burns on 11/1/11.(LSP) (Entered: 11/02/2011)
11/03/2011	<u>524</u>	ORDER ADOPTING REPORT AND RECOMMENDATION of Magistrate Judge Michelle H. Burns – IT IS ORDERED adopting the Report and Recommendation Doc. 490 of Magistrate Judge Michelle H. Burns. IT IS FURTHER ORDERED denying Guy Williams' Motion to Dismiss Doc. 214 . Signed by Chief Judge Roslyn O Silver on 11/3/2011.(KMG) (Entered: 11/03/2011)
11/16/2011	<u>533</u>	NOTICE of Calendar Conflict by Russell Laurence Sewell (Eisenberg, David) (Entered: 11/16/2011)
11/28/2011	<u>541</u>	ORDER ADOPTING REPORT AND RECOMMENDATION as to Russell Laurence Sewell, adopting the Report and Recommendation Doc. <u>518</u> of Magistrate Judge Michelle H. Burns. IT IS FURTHER ORDERED denying Russell Laurence Sewell's Motion to Dismiss Doc. <u>517</u> . Signed by Chief Judge Roslyn O Silver on 11/28/2011.(KMG) (Entered: 11/28/2011)
12/01/2011	<u>543</u>	REPORT AND RECOMMENDATIONS as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell: IT IS THEREFORE RECOMMENDED that the Motions to Sever, filed separately by Defendants Towler, Sewell, Brent Williams, and Guy Williams (Docs. 411, 413, 414, 417) be DENIED without prejudice. (See document for further details). Signed by Magistrate Judge Michelle H Burns on 12/1/11.(LAD) (Entered: 12/01/2011)

12/16/2011	<u>550</u>	NOTICE of Expert Witness by Russell Laurence Sewell (Attachments: # <u>1</u> Exhibit)(Eisenberg, David) (Entered: 12/16/2011)
12/16/2011	<u>551</u>	ORDER as to Duane Hamblin Slade, et al., setting Oral Argument on Defendants' Motions in Limine (Docs. 408, 409, 410, 412) for Monday, January 30, 2012 at 9:30 a.m. before Magistrate Judge Michelle H. Burns, in courtroom 303. IT IS FURTHER ORDERED that if any party wishes to offer exhibits into evidence, then said exhibits must be provided to the courtroom deputy on or before January 23, 2012. The exhibits procedures can be found on the Court's website at www.azd.uscourts.gov under Judges & Courtrooms/Orders, Forms & Procedures/Judge Burns.. Signed by Magistrate Judge Michelle H Burns on 12/14/2011.(KMG) (Entered: 12/16/2011)
12/16/2011	<u>552</u>	MOTION to Extend Time for Disclosure of Proposed Expert Testimony and Jencks Material by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) (Entered: 12/16/2011)
12/16/2011	<u>553</u>	OBJECTION TO REPORT AND RECOMMENDATIONS <u>543</u> by Russell Laurence Sewell (Eisenberg, David) (Entered: 12/16/2011)
12/18/2011	<u>554</u>	NOTICE of Possible Expert Testimony by Guy Andrew Williams (Attachments: # <u>1</u> Exhibit Exh 1, # <u>2</u> Exhibit Exh 2)(Jones, Dennis) (Entered: 12/18/2011)
01/04/2012	<u>561</u>	NOTICE Government's Notice of Withdrawal of Objection to Defendant Towler's Motion to Extend Time for Disclosure of Proposed Expert Testimony by USA as to Douglas Edward Towler (Rapp, Kevin) (Entered: 01/04/2012)
01/10/2012	<u>577</u>	TEXT ONLY ORDER granting <u>552</u> Motion to Extend Time as to Douglas Edward Towler (4) – IT IS FURTHER ORDERED extending the time to disclose proposed expert testimony and Jencks Act material to 1/31/2012. The Court finds excludable delay under 18 U.S.C. § 3161(h) _____ from _____ to _____. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 01/10/2012)
01/18/2012	<u>582</u>	REPORT AND RECOMMENDATION that Defendant Brent Williams's Motion to Sever Trials or in the Alternative to Exclude Co-Defendants Statements (Doc. <u>407</u> ) be DENIED without prejudice. Signed by Magistrate Judge Michelle H Burns on 1/18/2012.(KMG) (Entered: 01/18/2012)
01/20/2012	<u>583</u>	REPORT AND RECOMMENDATION that Defendant (2) Guy Williams's Motion for Pre-Trial Determination of Conspiracy (Doc. <u>416</u> ) be DENIED without prejudice. Signed by Magistrate Judge Michelle H Burns on 1/19/2012.(KMG) (Entered: 01/20/2012)
01/27/2012	<u>584</u>	NOTICE of Possible Expert Testimony by Brent F Williams (Simpson, Alan) (Entered: 01/27/2012)
01/27/2012	<u>585</u>	MOTION in Limine re Admissibility of Evidence by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit)(Lanza, Dominic) (Entered: 01/27/2012)
01/30/2012	<u>594</u>	Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Motion Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 1/30/2012; denying as moot 409 Motion in Limine to Identify Unindicted Co-conspirators filed by Russell Laurence Sewell (5); granting <u>408</u> Motion in Limine to Preclude 404(B) Evidence filed by Duane Hamblin Slade (1); granting 410 Motion in Limine re: Stacie Towler on Mathon Related Company filed by Douglas Edward Towler (4); granting in part and denying in part <u>412</u> Motion in Limine To Preclude Use of the Word "Ponzi" During Trial filed by Duane Hamblin Slade (1). (Court Reporter Linda Schroeder.) (see attached pdf for complete details) (ESL) (Entered: 02/01/2012)
01/31/2012	<u>587</u>	*Second MOTION to Extend Time to Provide Expert Disclosure by Brent F Williams. (Attachments: # <u>1</u> Text of Proposed Order Order)(Simpson, Alan)

		*Document is not in compliance with L.R.Civ 7.1(c); attorney notified on 2/2/2012 (SAT). (Entered: 01/31/2012)
01/31/2012	<u>588</u>	NOTICE by <i>Defendant Duane Slade's Possible Expert Testimony</i> by Duane Hamblin Slade as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Wilenchik, Dennis) (Entered: 01/31/2012)
01/31/2012	<u>589</u>	NOTICE of <i>Possible Expert Testimony</i> by Guy Andrew Williams (Attachments: # <u>1</u> Exhibit Exh A)(Jones, Dennis) (Entered: 01/31/2012)
02/02/2012	<u>598</u>	ORDER as to defendants Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – IT IS ORDERED Magistrate Judge Burns' Report and Recommendation (Doc. <u>543</u> ) is ADOPTED IN FULL and Defendants' Motions to Sever (Docs. 411 , 413 , 414 , 417 ) are DENIED. Signed by Chief Judge Roslyn O Silver on 2/2/2012.(KMG) (Entered: 02/02/2012)
02/06/2012	<u>599</u>	NOTICE <i>United States' Proposed Statement of the Case</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 02/06/2012)
02/06/2012	<u>600</u>	*Third MOTION in <i>Limine Motion to Determine Pretrial Statement</i> by Duane Hamblin Slade (Attachments: # <u>1</u> Appendix)(Wilenchik, Dennis) *Modified on 4/10/2012 to Correct Filer and as to Defendant (MAP)*. (Entered: 02/06/2012)
02/07/2012	<u>601</u>	ORDER granting defendant (3) Brent F Williams' <u>587</u> Motion to Extend Time – modifying the Third Amended Scheduling Order (Doc. 488) by extending the deadline for production of defendants' Rule 26.2 material and initial disclosure as to intended expert witnesses to February 14, 2012. FURTHER ORDERED affirming all other provisions of the Third Amended Scheduling Order. Signed by Chief Judge Roslyn O Silver on 2/7/2012.(KMG) (Entered: 02/07/2012)
02/09/2012	<u>609</u>	* Third MOTION to Continue Trial by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David). * Added MOTION for Filing of Motions in Limine and MOTION to Set a Status Conference on 2/10/2012 (LAD). (Entered: 02/09/2012)
02/10/2012	<u>610</u>	*JOINDER to <u>600</u> Third Motion in <i>Limine Joinder Motion to Determine Pretrial Statement</i> by Douglas Edward Towler (Attachments: # <u>1</u> Exhibit)(Feder, Bruce) *Modified to correct event on 2/13/2012. (KMG). (Entered: 02/10/2012)
02/14/2012	<u>615</u>	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. Status Conference set for 2/22/2012 at 01:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/14/2012)
02/15/2012	<u>616</u>	ORDER ADOPTING REPORT AND RECOMMENDATION <u>582</u> . ORDER denying without prejudice Brent William's Motion to Sever Trials or in the Alternative to Exclude Co-Defendant's Statements <u>407</u> . Signed by Chief Judge Roslyn O Silver on 2/15/12.(TLJ) (Entered: 02/15/2012)
02/15/2012	<u>617</u>	*MOTION for Extension of Time to File Response/Reply re <u>585</u> to <i>Government's Motion In Limine to Determine Admissibility of Evidence</i> by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) *Modified to correct document number 2/16/2012 (CMAL). (Entered: 02/15/2012)
02/16/2012	<u>624</u>	ORDER ADOPTING REPORT AND RECOMMENDATION as to defendant Guy Andrew Williams – IT IS ORDERED adopting the Report and Recommendation (Doc. <u>583</u> ) of Magistrate Judge Michelle H. Burns. FURTHER ORDERED denying without prejudice Guy Williams's Motion for Pre-Trial Determination of Conspiracy (Doc. <u>416</u> ). Signed by Chief Judge Roslyn O Silver on 2/16/2012.(KMG) (Entered: 02/16/2012)
02/17/2012	<u>626</u>	JOINDER re <u>609</u> Motion to Continue by Brent F Williams. (Simpson, Alan) Modified on 2/21/2012 (KMG). (Entered: 02/17/2012)

02/17/2012	<u>627</u>	ORDER granting <u>617</u> Motion for Extension of Time to File Response through 2/27/12 to the Government's Motion In Limine to Determine Admissibility of Evidence as to Douglas Edward Towler (4). Signed by Magistrate Judge Michelle H Burns on 2/17/12.(DMT) (Entered: 02/17/2012)
02/21/2012	628	IT IS ORDERED the Status Conference, as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell, presently set for 2/22/2012 at 1:00 PM is RESET AS TO TIME ONLY!! Status Conference reset for 2/22/2012 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Ordered by Chief Judge Roslyn O Silver.(CLB)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 02/21/2012)
02/21/2012	<u>631</u>	NOTICE <i>Advice to Court on Matters to be Considered at February 22, 2012 Hearing</i> by Brent F Williams (Simpson, Alan) (Entered: 02/21/2012)
02/22/2012	632	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 2/22/2012. IT IS ORDERED granting 609 Motion to Continue Trial filed by Russell Laurence Sewell (5) as to all defendants. The parties are to submit a Fourth Amended Scheduling Order to the Court no later than 2/24/2012. Order to follow.  <b>Appearances:</b> AUSA Peter Sexton, Kevin Rapp, Dominic Lanza for the Government, CJA Attorney Dennis Wilenchik (also present Samuel Doncaster) for Defendant Duane Slade, CJA Attorney Dennis Jones for Defendant Guy Williams, CJA Attorney Alan Simpson (also present Sean Forrester) for Defendant Brent Williams, retained attorney Bruce Feder for Defendant Douglas Towler, CJA Attorney David Eisenberg for Defendant Russell Sewell. Defendants Brent Williams, Douglas Towler, and Russell Sewell are not present and released. Defendants Duane Slade (telephonically) and Guy Williams are present and released. Jury Trial continued to 9/4/2012 at 08:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/22/2012)
02/24/2012	<u>633</u>	NOTICE <i>Parties' Submission of Proposed Forth Amended Scheduling Order</i> by USA as to Duane Hamblin Slade re 632 Order on Motion to Continue Trial, Order on Motion for Hearing, Order on Motion for Miscellaneous Relief, Status Conference (Text Only), Common Prompts (Text Only), Set Hearings,,,,,,,,,,,,,,,,,,,,,,,,,,,,, (Attachments: # <u>1</u> Text of Proposed Order Exhibit A)(Lanza, Dominic) (Entered: 02/24/2012)
03/07/2012	<u>641</u>	FOURTH AMENDED SCHEDULING ORDER as to defendants Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – Per the Court's ruling at the hearing on February 22, 2012, at which the Court granted the defendants' motion to continue the trial, IT IS ORDERED setting the following case management schedule as to all parties: Final Pretrial Conference reset for 8/20/2012 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Jury Trial set for 9/4/2012 at 08:30 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Signed by Chief Judge Roslyn O Silver on 3/7/2012. (NOTE: See PDF for full details)(KMG) (Entered: 03/07/2012)
04/16/2012	<u>672</u>	MOTION Government's Motion to Authorize Pretrial Deposition by USA as to Duane Hamblin Slade, et al. (Attachments: # <u>1</u> Text of Proposed Order)(Lanza, Dominic) Modified on 5/3/2012 (KMG). (Entered: 04/16/2012)
04/27/2012	<u>690</u>	MOTION for Extension of Time to File Response/Reply to <i>Government's Motion to Authorize Pretrial Deposition</i> by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) (Entered: 04/27/2012)
04/30/2012	691	TEXT ONLY ORDER granting <u>690</u> Motion for Extension of Time to File Response as to Douglas Edward Towler (4). The Defendant's Response to the Government's Motion to Authorize Pretrial Deposition (Doc. 672) is due on or before May 2, 2012. This is a TEXT ENTRY ONLY. There is no PDF document

		associated with this entry. (CLB) (Entered: 04/30/2012)
05/02/2012	<u>692</u>	*RESPONSE to Motion by Douglas Edward Towler re 672 MOTION Government's Motion to Authorize Pretrial Deposition as to Defendant (1) Duane Hamblin Slade, et al., (Feder, Bruce) *Modified to correct document relationship on 5/3/2012 (KMG). (Entered: 05/02/2012)
05/03/2012	<u>695</u>	JOINDER to co-defendant Towler's Response re 692 by Guy Andrew Williams. (Jones, Dennis) Modified on 5/4/2012 (KMG). (Entered: 05/03/2012)
05/04/2012	<u>699</u>	JOINDER in re 692 Co-Defendant Towler's Response to Motion by Russell Laurence Sewell. (Eisenberg, David) Modified on 5/4/2012 (KMG). (Entered: 05/04/2012)
05/04/2012	<u>700</u>	REPLY TO RESPONSE to Motion by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re <u>672</u> MOTION Government's Motion to Authorize Pretrial Deposition (Lanza, Dominic) (Entered: 05/04/2012)
05/08/2012	<u>704</u>	NOTICE <i>Submission of Supplemental Authorities, Re: Motion to Authorize Pretrial Deposition; Request for Oral Argument</i> by Douglas Edward Towler re <u>692</u> Response to Motion (Feder, Bruce) (Entered: 05/08/2012)
05/17/2012	<u>715</u>	ORDER as to defendant (1) Duane Hamblin Slade, et al., granting the Government's Motion to Authorize Pretrial Deposition of Dr. Aruna Patel. Defendants' request that the Government produce documents prior to the deposition is DENIED. Signed by Chief Judge Roslyn O Silver on 5/17/2012.(KMG) (Entered: 05/17/2012)
05/29/2012	<u>721</u>	*MOTION for Extension of Time to File Response/Reply re: <u>585</u> MOTION in Limine to Determine Admissibility of Evidence by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David) *Modified to add document number/link on 5/30/2012* (REW). (Entered: 05/29/2012)
05/30/2012	<u>730</u>	*NOTICE of Errata Re: <u>585</u> Motion in limine to Determine Admissibility of Evidence by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) *Modified to add document number/link on 5/31/2012* (REW). (Entered: 05/30/2012)
05/30/2012	<u>731</u>	ORDER granting Defendant Russell Sewell's 721 Motion for Extension of Time to File Response/Reply ; the Defendants' responses to the Government's Motion in Limine to Determine Admissibility of Evidence <u>585</u> shall be due by 6/11/12 and the Government's replies to the Defendants' responses shall be due by 7/2/12. Signed by Chief Judge Roslyn O Silver on 5/30/12. (REW) (Entered: 05/30/2012)
06/11/2012	<u>736</u>	RESPONSE to Motion by Brent F Williams re <u>585</u> MOTION in Limine re <i>Admissibility of Evidence</i> (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Simpson, Alan) (Entered: 06/11/2012)
06/11/2012	<u>737</u>	RESPONSE to Motion by Douglas Edward Towler re <u>585</u> MOTION in Limine re <i>Admissibility of Evidence</i> (Attachments: # <u>1</u> Exhibit)(Feder, Bruce) (Entered: 06/11/2012)
06/11/2012	<u>738</u>	RESPONSE in Opposition by Russell Laurence Sewell re <u>585</u> MOTION in Limine re <i>Admissibility of Evidence</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Summons, # <u>14</u> Exhibit)(Eisenberg, David) (Entered: 06/11/2012)
06/11/2012	<u>739</u>	RESPONSE in Opposition by Duane Hamblin Slade re <u>585</u> MOTION in Limine re <i>Admissibility of Evidence</i> (Attachments: # <u>1</u> Exhibit Exhibit 1)(Wilenchik, Dennis) (Entered: 06/11/2012)
06/12/2012	<u>740</u>	RESPONSE to Motion by Guy Andrew Williams re <u>585</u> MOTION in Limine re <i>Admissibility of Evidence</i> (Jones, Dennis) (Entered: 06/12/2012)

06/14/2012	<u>741</u>	MOTION UNOPPOSED MOTION TO FILE CONSOLIDATED OVERSIZE REPLY BRIEF IN SUPPORT OF ITS MOTION IN LIMINE TO DETERMINE ADMISSIBILITY OF EVIDENCE (CR 585) by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Lanza, Dominic) (Entered: 06/14/2012)
06/15/2012	742	TEXT ONLY NOTICE as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – The Honorable Jack Zouhary will preside over the trial in this matter. A trial conference before the Honorable Jack Zouhary will be set in the near future. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/15/2012)
06/15/2012	743	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – A Telephonic Trial Conference is set for 6/18/2012 at 03:00 PM (EDT) before Judge Jack Zouhary. The parties are directed to call the District Court Bridge Line at (419) 213-5675. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/15/2012)
06/19/2012	<u>748</u>	ORDER granting Government's <u>741</u> Motion to file consolidated oversized reply brief in support of its Motion in Limine <u>585</u> as to Duane Hamblin Slade (1), Guy Andrew Williams (2), Brent F Williams (3), Douglas Edward Towler (4), Russell Laurence Sewell (5); the consolidated reply brief may be up to 30 pages long. Signed by Chief Judge Roslyn O Silver on 6/19/12. (REW) (Entered: 06/19/2012)
06/22/2012	<u>753</u>	ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. The case shall proceed to trial on September 5, 2012 at 9:00 a.m. Motions in Limine shall be ruled on prior to the start of trial and Judge Silver will conduct jury selection on September 4, 2012 at 1:30 p.m. Signed by Judge Jack Zouhary on 6/22/12.(REW) (Entered: 06/22/2012)
07/02/2012	<u>760</u>	REPLY TO RESPONSE to Motion by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re <u>585</u> MOTION in Limine re <i>Admissibility of Evidence</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Lanza, Dominic) (Entered: 07/02/2012)
07/09/2012	<u>761</u>	NOTICE of Filing Five Proposed Questions for Jury Questionnaire by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 07/09/2012)
07/09/2012	<u>762</u>	NOTICE Parties' Proposed Statements of the Case by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 07/09/2012)
07/09/2012	<u>763</u>	NOTICE Government's Proposed Additions to Jury Questionnaire by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 07/09/2012)
07/09/2012	<u>764</u>	NOTICE of Errata Regarding Notice of Filing Five Proposed Questions for Jury Questionnaire by Duane Hamblin Slade re <u>761</u> Notice (Other) (Wilenchik, Dennis) (Entered: 07/09/2012)
07/10/2012	<u>771</u>	*JOINDER Notice of Joinder in Defendant Duane Slade's Statement of the Case and Notice of Alternative Proposed Statement of the Case by Douglas Edward Towler (Attachments: # <u>1</u> Exhibit)(Feder, Bruce) *Modified to correct event on 7/11/2012 (KMG). (Entered: 07/10/2012)
07/10/2012	<u>772</u>	NOTICE of Filing Five Proposed Questions for Jury Questionnaire by Douglas Edward Towler (Feder, Bruce) (Entered: 07/10/2012)
07/10/2012	<u>773</u>	*JOINDER Notice of Joinder with Defendant Towler's Five Proposed Jury Questions 772 by Russell Laurence Sewell (Eisenberg, David) *Modified to correct event on 7/11/2012 (KMG). (Entered: 07/10/2012)
07/11/2012	<u>775</u>	NOTICE of Filing Proposed Questions for Jury Questionnaire by Guy Andrew Williams (Jones, Dennis) (Entered: 07/11/2012)



07/11/2012	<u>776</u>	*JOINDER <i>Notice of Joinder in Slades's Proposed Statement of the Case and Notice of Alternative Statement of the Case</i> by Guy Andrew Williams (Jones, Dennis) *Modified to correct event on 7/11/2012 (KMG). (Entered: 07/11/2012)
07/11/2012	<u>777</u>	*JOINDER <i>Notice of Joinder in Statement of the Case Filed by Defendant Towler</i> by Russell Laurence Sewell (Eisenberg, David) *Modified to correct event on 7/12/2012 (KMG). (Entered: 07/11/2012)
07/16/2012	<u>785</u>	MOTION in Limine <i>Defendant Duane Slade's Motion In Limine to Preclude Testimony of Expert Witness David Goldman Because the Government Failed to Disclose the Basis of Goldman's Testimony</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>786</u>	MOTION in Limine <i>Defendant Duane Slade's Motion In Limine to Preclude Testimony of Expert Witness Tim Gay Because the Government Failed to Disclose the Basis of Gay's Testimony</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>787</u>	MOTION in Limine <i>Defendant Duane Slade's Motion In Limine to Preclude Expert Testimony by Jim Sell Pursuant to FRE 702 and Daubert</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>788</u>	MOTION in Limine <i>Defendant Duane Slade's Motion In Limine to Preclude Expert Testimony by Tim Gay Pursuant to FRE 702 and Daubert</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>789</u>	MOTION in Limine <i>Defendant Duane Slade's Motion In Limine to Preclude Expert Testimony by Government Witness Jim Sell Due to Lack of Disclosure</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5 part 1, # <u>6</u> Exhibit 5 part 2, # <u>7</u> Exhibit 5 part 3, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>790</u>	FINAL SCHEDULING AND TRIAL ORDER as to Defendants Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell – This Court held a status hearing on July 13, 2012. This Court briefly discussed the status of discovery, number of trial days, and pending motions. After consulting with Judge Silver and reviewing the lengthy record in this case, the case shall proceed to trial on Wednesday, January 2, 2013 at 1:00 p.m. Change-of-Plea Deadline: Friday, November 2, 2012. Record Hearing on all pending motions (evidentiary and Daubert): Wednesday, September 12, 2012 at 9:00 a.m. Final Pretrial Conference: Monday, December 3, 2012 at 9:00 a.m. Signed by Judge Jack Zouhary on 7/16/2012. (Note: See PDF for full details.)(KMG) (Entered: 07/16/2012)
07/16/2012	<u>791</u>	MOTION in Limine <i>Defendant Duane Slade's Motion In Limine to Preclude Testimony of Expert Witness David Goldman Based on FRE 702 and Daubert</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>792</u>	MOTION in Limine <i>Defendant Duane Slade's Motion in Limine to Preclude Use of Evidence of Slade's Alleged Gambling Habit</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2)(Wilenchik, Dennis) (Entered: 07/16/2012)
07/16/2012	<u>793</u>	MOTION in Limine <i>to Exclude Evidence Concerning Rejected Plea Agreement</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Lanza, Dominic) (Entered: 07/16/2012)
07/16/2012	<u>794</u>	MOTION in Limine <i>Re: Miscellaneous Topics</i> by Douglas Edward Towler. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3a – 3f)(Feder, Bruce) (Entered: 07/16/2012)
07/16/2012	<u>795</u>	MOTION in Limine <i>To Preclude Evidence Of Post-Conspiracy Efforts To Collect On Defaulted Loans</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams,

		Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Lanza, Dominic) (Entered: 07/16/2012)
07/16/2012	<u>796</u>	MOTION in Limine by Russell Laurence Sewell. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Eisenberg, David) (Entered: 07/16/2012)
07/16/2012	<u>797</u>	MOTION in Limine Pursuant To Daubert And Fre 702 To Preclude Expert Testimony Regarding The Concept Of A Ponzi Scheme By Any Name Or Description For The Purpose Of Establishing Insolvency by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit Ex 1, # <u>2</u> Exhibit Ex 2, # <u>3</u> Exhibit Ex 3, # <u>4</u> Exhibit Ex 4)(Jones, Dennis) (Entered: 07/17/2012)
07/17/2012	<u>798</u>	MOTION in Limine Regarding Cumulative Winnesses by Guy Andrew Williams. (Jones, Dennis) (Entered: 07/17/2012)
07/17/2012	<u>799</u>	Additional Attachments to Main Document re <u>796</u> MOTION in Limine ( <i>Amended Proposed Order</i> ) by Russell Laurence Sewell (Eisenberg, David) (Entered: 07/17/2012)
08/02/2012	<u>813</u>	SPECIAL MASTER NOTICE OF ASSIGNMENT as to Duane Hamblin Slade, et al (see attached pdf for complete information). Signed by Magistrate Judge Michelle H Burns on 8/2/12.(TLJ) (Entered: 08/02/2012)
08/03/2012	814	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. A Status Conference regarding juror questionnaires is set for 12/4/2012 at 02:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Voir Dire is set for 12/11/2012 at 09:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 08/03/2012)
08/03/2012	<u>816</u>	RESPONSE to Motion by Brent F Williams re <u>793</u> MOTION in Limine to Exclude Evidence Concerning Rejected Plea Agreement (Attachments: # <u>1</u> Exhibit Exhibits A-F)(Simpson, Alan) (Entered: 08/03/2012)
08/06/2012	<u>818</u>	*RESPONSE to Motion by USA as to Duane Hamblin Slade re <u>789</u> MOTION in Limine Defendant Duane Slade's Motion In Limine to Preclude Expert Testimony by Government Witness Jim Sell Due to Lack of Disclosure, <u>791</u> MOTION in Limine Defendant Duane Slade's Motion In Limine to Preclude Testimony of Expert Witness David Goldman Based on FRE 702 and Daubert, <u>787</u> MOTION in Limine Defendant Duane Slade's Motion In Limine to Preclude Expert Testimony by Jim Sell Pursuant to FRE 702 and Daubert, <u>786</u> MOTION in Limine Defendant Duane Slade's Motion In Limine to Preclude Testimony of Expert Witness Tim Gay Because the Government Failed to Disclose the Basis of Gay's Testimony, <u>788</u> MOTION in Limine Defendant Duane Slade's Motion In Limine to Preclude Expert Testimony by Tim Gay Pursuant to FRE 702 and Daubert, <u>785</u> MOTION in Limine Defendant Duane Slade's Motion In Limine to Preclude Testimony of Expert Witness David Goldman Because the Government Failed to Disclose the Basis of Goldman's Testimony (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Sexton, Peter) *Modified to remove other defendants names on 8/7/2012 (KMG). (Entered: 08/06/2012)
08/06/2012	<u>819</u>	RESPONSE to Motion by Duane Hamblin Slade re <u>795</u> MOTION in Limine To Preclude Evidence Of Post-Conspiracy Efforts To Collect On Defaulted Loans (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4)(Wilenchik, Dennis) (Entered: 08/06/2012)
08/06/2012	<u>820</u>	*JOINDER in Brent F Williams RESPONSE to Motion re 793 MOTION in Limine to Exclude Evidence Concerning Rejected Plea Agreement by Duane Hamblin Slade. (Wilenchik, Dennis) *Modified to include text on 8/7/2012 (KMG). (Entered: 08/06/2012)
08/06/2012	<u>821</u>	RESPONSE to Motion by USA as to Douglas Edward Towler re <u>794</u> MOTION in Limine Re: <i>Miscellaneous Topics</i> (Lanza, Dominic) (Entered: 08/06/2012)
08/06/2012	<u>822</u>	RESPONSE to Motion by USA as to Russell Laurence Sewell re <u>796</u> MOTION in Limine (Lanza, Dominic) (Entered: 08/06/2012)

08/06/2012	<u>823</u>	RESPONSE to Motion by USA as to Guy Andrew Williams re <u>797</u> MOTION in Limine Pursuant To Daubert And Fre 702 To Preclude Expert Testimony Regarding The Concept Of A Ponzi Scheme By Any Name Or Description For The Purpose Of Establishing Insolvency (Rapp, Kevin) (Entered: 08/06/2012)
08/06/2012	<u>824</u>	RESPONSE to Motion by USA as to Guy Andrew Williams re <u>798</u> MOTION in Limine Regarding Cumulative Winnesses (Lanza, Dominic) (Entered: 08/06/2012)
08/06/2012	<u>825</u>	*RESPONSE to Motion by USA as to Duane Hamblin Slade's re <u>792</u> MOTION in Limine Defendant Duane Slade's Motion in Limine to Preclude Use of Evidence of Slade's Alleged Gambling Habit (Lanza, Dominic) *Modified to remove incorrectly chosen defendants on 8/7/2012 (KMG). (Entered: 08/06/2012)
08/06/2012	<u>826</u>	* MOTION for Extension of Time to File Response to Government's Motions In Limine <u>795</u> to Preclude Evidence of Post-Conspiracy Efforts to Collect on Defaulted Loans, and to Exclude Evidence <u>793</u> Concerning Rejected Plea Offer by Douglas Edward Towler. (Attachments: # <u>1</u> Text of Proposed Order)(Feder, Bruce) *Modified to include document relationship on 8/7/2012 (KMG). (Entered: 08/06/2012)
08/06/2012	<u>827</u>	RESPONSE to Motion by Russell Laurence Sewell re <u>793</u> MOTION in Limine to Exclude Evidence Concerning Rejected Plea Agreement (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Eisenberg, David) (Entered: 08/06/2012)
08/06/2012	<u>828</u>	RESPONSE to Motion by Guy Andrew Williams re <u>795</u> MOTION in Limine To Preclude Evidence Of Post-Conspiracy Efforts To Collect On Defaulted Loans (Jones, Dennis) (Entered: 08/06/2012)
08/06/2012	<u>829</u>	RESPONSE to Motion by Guy Andrew Williams re <u>793</u> MOTION in Limine to Exclude Evidence Concerning Rejected Plea Agreement (Attachments: # <u>1</u> Exhibit Ex 1, # <u>2</u> Exhibit Ex 2, # <u>3</u> Exhibit Ex 3, # <u>4</u> Exhibit Ex 4, # <u>5</u> Exhibit Ex 5)(Jones, Dennis) (Entered: 08/06/2012)
08/07/2012	830	TEXT ONLY ORDER granting <u>826</u> Motion for Extension of Time to File a Response to the Government's Motion in Limine to Preclude Evidence of Post-Conspiracy Efforts to Collect on Defaulted Loans <u>795</u> as to Douglas Edward Towler (4). Defendant's response is due no later than 8/10/2012. Ordered by Judge Jack Zouhary on 8/7/2012. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 08/07/2012)
08/13/2012	<u>834</u>	NOTICE Parties' Joint Notice Concerning Trial Matters by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 08/13/2012)
08/29/2012	<u>857</u>	EX PARTE MOTION by Guy Andrew Williams. (Attachments: # <u>1</u> Order, # <u>2</u> Subpoena DT, # <u>3</u> Exhibit to Subpoena, # <u>4</u> Attachment for Service)(Jones, Dennis) (Entered: 08/29/2012)
08/30/2012	<u>859</u>	ORDER as to Duane Hamblin Slade - setting Oral Argument on Motions in Limine (Docs. 785-789, 791) for Monday, September 17, 2012 at 9:00 a.m. before Magistrate Judge Michelle H. Burns, in courtroom 505. IT IS FURTHER ORDERED setting an Evidentiary Hearing, if needed, for October 17, 2012 at 9:00 a.m. before Magistrate Judge Michelle H. Burns, in courtroom 303. FURTHER ORDERED that if any party wishes to offer exhibits into evidence, then said exhibits must be provided to the courtroom deputy on or before September 14, 2012 by noon. Signed by Magistrate Judge Michelle H Burns on 8/30/2012.(KMG) (Entered: 08/30/2012)
08/31/2012	<u>860</u>	AMENDED SCHEDULING ORDER as to defendants Duane Hamblin Slade, et al., This Order amends the Final Scheduling and Trial Order of July 16, 2012 (Doc. 790). The record hearing for pretrial motions set for Wednesday, September 12, 2012 is vacated. A hearing for certain Motions in Limine is set for September 17, 2012 at 9:00 a.m. (Doc. 859) before Magistrate Judge Burns. The remaining Motions in Limine (Docs. 585, 79298) will be decided by Judge Zouhary; if a record hearing is needed, counsel will be notified. Signed by Judge Jack Zouhary on 8/31/2012.(KMG) (Entered: 08/31/2012)

08/31/2012	<u>861</u>	AMENDED EX PARTE MOTION re <u>857</u> MOTION by Guy Andrew Williams. (Jones, Dennis) (Entered: 08/31/2012)
08/31/2012	<u>862</u>	AMENDED EX PARTE MOTION re <u>857</u> MOTION for Subpoena Duces Tecum by Guy Andrew Williams. (Attachments: # <u>1</u> Order, # <u>2</u> Subpoena DT, # <u>3</u> Exhibit to Subpoena, # <u>4</u> Certification for Return)(Jones, Dennis) (Entered: 08/31/2012)
09/04/2012	<u>865</u>	EX PARTE ORDER granting <u>862</u> Amended Ex Parte Motion For Subpoena Duces Tecum for Pretrial Production of Documents as to Guy Andrew Williams (2). Signed by Chief Judge Roslyn O Silver on 8/31/12. (cc: Dft's Cnsl) (MAP) (Entered: 09/04/2012)
09/05/2012	<u>867</u>	MOTION to Dismiss Indictment by USA as to Douglas Edward Towler. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Text of Proposed Order)(Lanza, Dominic) (Entered: 09/05/2012)
09/10/2012	<u>868</u>	ORDER granting the Government's <u>867</u> Motion to Dismiss as to Defendant (4) Douglas Edward Towler – dismissing, without prejudice, all charges in the Indictment against defendant Douglas Edward Towler (i.e., Counts 1–3, 6–15, 19–36 as they pertain to Mr. Towler). Signed by Chief Judge Roslyn O Silver on 9/10/2012.(KMG) (Entered: 09/10/2012)
09/12/2012	<u>873</u>	* MOTION to Extend Time to Respond to Subpoena by James C Sell as to Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Text of Proposed Order Proposed form of order)(Garbarino, David) *Modified to remove defendant(s) on 9/12/2012 (KMG). (Entered: 09/12/2012)
09/17/2012	<u>887</u>	Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Appearances: Peter Sexton and Kevin Rapp for the Government. CJA Attorney Dennis Wilenchik for defendant Duane Hamblin Slade. Mr. Slade is not present and released. CJA attorney Dennis Jones for defendant Guy Andrew Williams. Mr. Andrews is present and released. CJA Attorney Alan Simpson and Sean Forrester for defendant Brent F. Williams. Mr. Williams is present and released. The Court confirms with counsel the following motions will be decided by Judge Zouhary: docs. 792, 794, 796, 797, 798, 585, 730, 793, 795. This is the time set for oral argument on Defendant Slade's Motions in Limine, docs. 785, 786, 787, 788, 789 and 791. IT IS ORDERED granting the oral motion by defendants Guy Williams and Brent Williams for joinder in defendant Slade's Motions in Limine, docs. 785, 786, 787, 788, 789 and 791. THE COURT THEREFORE DENIES as moot the following motions: <u>785</u> Motion In Limine to Preclude Testimony of Expert Witness David Goldman Because the Government Failed to Disclose the Basis of Goldman's Testimony; <u>786</u> Motion In Limine to Preclude Testimony of Expert Witness Tim Gay Because the Government Failed to Disclose the Basis of Gay's Testimony; <u>787</u> Motion In Limine to Preclude Expert Testimony by Jim Sell Pursuant to FRE 702 and Daubert; <u>788</u> Motion In Limine to Preclude Expert Testimony by Tim Gay Pursuant to FRE 702 and Daubert; <u>789</u> Motion In Limine to Preclude Expert Testimony by Government Witness Jim Sell Due to Lack of Disclosure; <u>791</u> Motion In Limine to Preclude Testimony of Expert Witness David Goldman Based on FRE 702 and Daubert. LATER: IT IS FURTHER ORDERED vacating the Evidentiary Hearing set for 10/17/2012 at 9:00 AM before Magistrate Judge Burns.(Recorded by COURTSMART.)(KMG) (Entered: 09/19/2012)
09/19/2012	<u>886</u>	ORDER the Court having reviewed the motion by James C. Sell for an extension of time to respond to the Subpoena requested by defendant (2) Guy Andrew Williams, and good cause appearing, IT IS HEREBY ORDERED extending the time for James C. Sell to respond to the subpoena issued in the above-referenced matter requested by defendant (2) Guy Andrew Williams through October 12, 2012. Signed by Chief Judge Roslyn O Silver on 9/19/2012.(KMG) (Entered: 09/19/2012)
10/02/2012	<u>900</u>	ORDER granting the Government's <u>585</u> Motion in Limine re Admissibility of Evidence as to defendant (1) Duane Hamblin Slade, et al., Signed by Judge Jack Zouhary on 10/2/2012. (Note: See PDF for full details.)(KMG) (Entered: 10/02/2012)
10/02/2012	<u>901</u>	ORDER the Government's <u>793</u> Motion in Limine to Exclude Evidence Concerning Rejected Plea Agreement is granted in part and denied in part as to defendant (1)

		Duane Hamblin Slade, et al., Signed by Judge Jack Zouhary on 10/2/2012.(Note: See PDF for full details.)(KMG) (Entered: 10/02/2012)
10/02/2012	<u>902</u>	ORDER Defendant (1) Guy Andrew Williams moves in limine (Doc. <u>792</u> ) to preclude any testimony regarding the concept of a Ponzi scheme. The Government opposes (Doc. 823), arguing that this issue is moot because this Court has already issued an Order granting this relief (Doc. 594). This Court has reviewed the earlier Order by Magistrate Judge Burns and finds that it does address the essence of Defendant's current Motion. Until and unless Defendant comes forward with a request for clarification, this Court affirms the earlier Order and denies this Motion. Signed by Judge Jack Zouhary on 10/2/2012.(KMG) (Entered: 10/02/2012)
10/12/2012	<u>912</u>	MOTION to Quash <i>Defendant Williams' Subpoena In Part</i> by James C Sell as to Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Garbarino, David) (Entered: 10/12/2012)
10/17/2012	915	IT IS ORDERED, as to Russell Laurence Sewell, Change of Plea Hearing set for 10/23/2012 at 11:15 AM in Courtroom 303, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Michelle H Burns. Ordered by Magistrate Judge Michelle H Burns.(MHB,emc)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 10/17/2012)
10/21/2012	<u>916</u>	*RESPONSE in Opposition by Guy Andrew Williams re <u>912</u> MOTION to Quash <i>Defendant Williams' Subpoena In Part</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Jones, Dennis) *Modified on 11/15/2012 to Seal Exhibit A Pursuant Doc. 967 (MAP). (Entered: 10/21/2012)
10/23/2012	<u>921</u>	NOTICE re PASSPORT as to Douglas Edward Towler. Passport condition no longer in effect. Passport returned to U.S. Dept of State via FedEx Tracking No. 874241845305 on 10/23/12. (Thomas, Julie) (Entered: 10/23/2012)
10/23/2012	<u>922</u>	WAIVER OF INDICTMENT by Russell Laurence Sewell (KAL) (Entered: 10/23/2012)
10/23/2012	<u>923</u>	INFORMATION as to Russell Laurence Sewell (5) count(s) 1s. (KAL) (Entered: 10/23/2012)
10/23/2012	<u>924</u>	CONSENT OF DEFENDANT Russell Laurence Sewell for Guilty Plea Hearing before a United States Magistrate Judge. (KAL) (Entered: 10/23/2012)
10/23/2012	925	Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Change of Plea Hearing as to Russell Laurence Sewell held on 10/23/2012. Defendant enters plea of guilty to an Information. THE COURT ORDERS the trial date/pending hearings VACATED. Pending motions are rendered moot. Prior custody/release orders are AFFIRMED. The Court directs the US Probation Office to prepare a Presentence Report.  <b>Appearances:</b> AUSA Dominic Lanza for the Government, CJA Attorney David Eisenberg for defendant. Defendant is present and released. Sentencing set for 1/22/2013 at 02:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. (Recorded by COURTSMART.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KAL) (Entered: 10/23/2012)
10/23/2012	<u>926</u>	LODGED PLEA AGREEMENT as to Russell Laurence Sewell re: 925 Change of Plea Hearing. (KAL) (Entered: 10/23/2012)
10/26/2012	<u>928</u>	MAGISTRATE JUDGE FINDINGS & RECOMMENDATIONS UPON A PLEA OF GUILTY AND ORDER as to Russell Laurence Sewell. Signed by Magistrate Judge Michelle H Burns on 10/26/12. (SMH) (Entered: 10/26/2012)
10/31/2012	<u>930</u>	MOTION to Continue <i>Plea Deadline</i> by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit)(Jones, Dennis) (Entered: 10/31/2012)
10/31/2012	931	TEXT ONLY ORDER granting <u>930</u> Motion to Continue Plea Deadline as to Guy Andrew Williams (2). No further extensions will be granted. Ordered by Judge Jack Zouhary on 10/31/2012. This is a TEXT ENTRY ONLY. There is no PDF

		document associated with this entry. (CLB) (Entered: 10/31/2012)
11/01/2012	<u>935</u>	REPLY TO RESPONSE to Motion by James C Sell as to Guy Andrew Williams re <u>912</u> MOTION to Quash <i>Defendant Williams' Subpoena In Part</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Garbarino, David) (Entered: 11/01/2012)
11/09/2012	<u>953</u>	MOTION to Strike <i>From the Record</i> <u>916</u> Response in Opposition, by James C Sell as to Guy Andrew Williams. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Motion to Strike)(Garbarino, David) (Entered: 11/09/2012)
11/13/2012	955	TEXT ONLY ORDER granting <u>953</u> Motion to Strike as to Guy Andrew Williams (2). Exhibit A to Doc. 916-1 is stricken. Counsel shall not make further public disclosure without prior court approval. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 11/13/2012)
11/13/2012	<u>956</u>	MOTION for Reconsideration re 955 Order on Motion to Strike, by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Jones, Dennis) (Entered: 11/13/2012)
11/14/2012	959	TEXT ONLY ORDER Adopting Magistrate Judge Findings and Recommendations <u>928</u> upon a plea of guilty as to Russell Laurence Sewell: On 10/23/2012, Magistrate Judge Michelle H. Burns filed "Findings and Recommendation of the Magistrate Judge Upon a Plea of Guilty." The Findings recommended to the District Court to accept the Defendant's plea of guilty, subject to this Court's acceptance of the Plea Agreement. Having reviewed this matter de novo, and no objections having been filed pursuant to 28 USC § 636(b)(1), the Court accepts the recommendation of the magistrate judge. Accordingly, THE COURT ORDERS the Defendant's plea of guilty ACCEPTED. THE COURT FURTHER ORDERS that the plea agreement will not be accepted or rejected at this time, but will be deferred to the time of sentencing. ORDERED BY THE COURT 11/14/2012. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 11/14/2012)
11/15/2012	967	TEXT ONLY ORDER granting <u>956</u> Motion for Reconsideration as to Guy Andrew Williams (2). In lieu of striking Exhibit A to Doc. 916-1, the document shall be filed under seal and thereby available as necessary. Ordered by Judge Jack Zouhary on 11/15/2012. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 11/15/2012)
11/26/2012	<u>975</u>	ORDER CONTINUING SENTENCING as to defendant (5) Russell Laurence Sewell - Sentencing is reset for 4/1/2013 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver.. Signed by Chief Judge Roslyn O Silver on 11/26/2012.(KMG) (Entered: 11/26/2012)
11/28/2012	<u>976</u>	ORDER as to Guy Andrew Williams (2): ORDERED granting <u>912</u> Motion to Quash filed by Third-Party Sell with the limitations set forth in the order. As to the draft declarations, the Court orders Sell to produce these draft declarations and affidavits to this Court for in camera review. Signed by Judge Jack Zouhary on 11/28/12.(SJF) (Entered: 11/28/2012)
11/29/2012	<u>977</u>	MOTION for Reconsideration <i>Def Slades Mtn to Reconsider Ruling Re: Defs Motion in Limine Re: Use of Evidence of Slades Alleged Gambling Habit</i> by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 11/29/2012)
11/29/2012	<u>978</u>	MOTION for Reconsideration re <u>976</u> Order on Motion to Quash, by Guy Andrew Williams. (Jones, Dennis) (Entered: 11/29/2012)
12/03/2012	983	TEXT ONLY Minute Entry for proceedings held before Judge Jack Zouhary: Telephonic Final Pretrial Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 12/3/2012.  <b>Appearances:</b> AUSA Peter Sexton, Kevin Rapp, Dominic Lanza for the Government, CJA Attorneys Dennis Wilenchik, Dennis Jones, and Alan Simpson for defendants. Defendants are not present and released. Hearing not recorded. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 12/05/2012)

12/04/2012	980	<p>TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Hearing regarding Juror Questionnaires as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 12/4/2012.</p> <p><b>Appearances:</b> AUSA Peter Sexon, Dominic Lanza, and Kevin Rapp for the Government, CJA Attorney Dennis Wilenchik for Defendant Slade, CJA Dennis Jones for Defendant Williams (2), and CJA Alan Simpson for Defendant Williams (3). Williams Defendants are present and released. Defendant Slade is not present and released. (Court Reporter Elaine Cropper.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 12/04/2012)</p>
12/05/2012	<u>981</u>	<p>FINAL PRETRIAL ORDER This Court held a phone conference on December 3, 2012. Counsel and parties present: Dominic Lanza, Kevin Rapp and Peter Sexton for Plaintiff USA; Dennis Wilenchik for Defendant Duane Slade; Alan Simpson for Defendant Brent Williams; Dennis Jones for Defendant Guy Andrew Williams; and Defendant Guy Williams. This Court discussed trial procedure and protocol. Jury selection will take place this month with Chief Judge Roslyn Silver. Judge Jack Zouhary shall preside over the trial. Trial will begin on Wednesday, January 2, 2013 at 9:00 a.m. in Courtroom 505 with counsel only for a record discussion regarding any pending pretrial matters. Signed by Judge Jack Zouhary on 12/5/2012.(KMG) (Entered: 12/05/2012)</p>
12/05/2012	<u>982</u>	<p>ORDER This Court held a phone conference on December 3, 2012. Counsel present: Dennis Jones for Defendant Guy Williams; David Garbarino for James Sell. Counsel and this Court discussed Defendant Guy Williams' Motion for Reconsideration (Doc. <u>978</u> ) of this Court's previous Order (Doc. 976). With agreement of counsel, James Sell may file a responsive brief by December 18, 2012 addressing the work product issue raised in Defendant's Motion for Reconsideration. At this juncture, the Motion to Reconsider has been granted in part and denied in part. Signed by Judge Jack Zouhary on 12/5/2012.(KMG) (Entered: 12/05/2012)</p>
12/10/2012	<u>997</u>	<p>ORDER as to Defendant (1) Duane Hamblin Slade's Motion for Reconsideration (Doc. <u>977</u> ) of this Court's prior Order (Doc. <u>902</u> ) – The Motion is denied. This Court reiterates its prior ruling that evidence of Slade's gambling is admissible only if the gambling is connected to the fraudulent activities charged in the Indictment. Signed by Judge Jack Zouhary on 12/7/2012.(KMG) (Entered: 12/10/2012)</p>
12/11/2012	<u>998</u>	<p>Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Voir Dire as to Duane Hamblin Slade, Guy Andrew Williams, and Brent F Williams held on 12/11/2012. Jury Trial set for 1/2/2013 at 08:30 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary is affirmed. (Court Reporter Elaine Cropper.) Hearing held 9:49 AM to 12:53PM.(CLB) (Entered: 12/11/2012)</p>
12/17/2012	<u>1002</u>	<p>NOTICE of Filing Documents Under Seal by James C Sell as to Guy Andrew Williams re <u>982</u> Order on Motion for Reconsideration,, (Garbarino, David) (Entered: 12/17/2012)</p>
12/18/2012	<u>1005</u>	<p>RESPONSE to Motion by James C Sell as to Guy Andrew Williams re <u>978</u> MOTION for Reconsideration re <u>976</u> Order on Motion to Quash, (Garbarino, David) (Entered: 12/18/2012)</p>
12/21/2012	1006	<p>TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams. A Telephonic Status Conference is set for 12/27/2012 at 11:00 AM (EDT) before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 12/21/2012)</p>
12/27/2012	<u>1008</u>	<p>ORDER re Defendant Williams' Motion for Reconsideration regarding Sell's Motion to Quash (Doc. 978 ) and Sell's supplemental Response (Doc. 1005 ). The Motion for Reconsideration is granted in part and denied in part. See Order for details. Signed by Judge Jack Zouhary on 12/27/12.(SJF) (Entered: 12/27/2012)</p>
12/27/2012	1009	<p>TEXT-ONLY Minute Entry for proceedings held before Judge Jack Zouhary: Telephonic Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, and Brent F Williams held on 12/27/2012.</p>

		<b>Appearances:</b> AUSA Dominic Lanza for the Government, CJA Attorneys Dennis Wilenchik and Bill Fisher for Defendant Slade; CJA Attorneys Sean Forrester and Alan Simpson for Defendant Brent Williams; CJA Attorney Dennis Jones for Defendant Duane Slade is present and released. Also present for portions of the hearing: David Garbarino and Robert Hackett for Third-Party James Sell. Status of the case is discussed. See Order issued this date. (Court Reporter Angela Nixon.) Hearing held 10:45 AM to 11:45 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 12/27/2012)
12/27/2012	<u>1010</u>	ORDER This Court held a record Status Phone Conference on December 27, 2012 as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams and third-party James Sell. Counsel and this Court discussed this Court's Order issued today (Doc. <u>1008</u> ). This Court also held a Status Phone Conference off the record with all individuals listed above except for counsel for third-party James Sell. Counsel and this Court discussed general trial procedure and policies. Counsel should report to the courtroom on Wednesday, January 2, 2013 no later than 11:00 a.m. for a record hearing, with the jury reporting promptly at 12:30 p.m. for the start of trial. Signed by Judge Jack Zouhary on 12/27/2012.(KMG) (Entered: 12/27/2012)
12/27/2012	<u>1011</u>	*Proposed Jury Instructions by USA, Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams. (Lanza, Dominic) *Modified to remove defendants names on 12/28/2012 (KMG). (Entered: 12/27/2012)
01/01/2013	<u>1019</u>	STIPULATION Stipulation re Foundation and Other Matters by USA, Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. (Lanza, Dominic) (Entered: 01/01/2013)
01/02/2013	<u>1021</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 1) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/2/2013. IT IS ORDERED granting Defendant Slade's Motions to Seal 1012 1015 1017 . IT IS FURTHER ORDERED granting Defendant Slade's Motion for Expedited Ruling and Motion to Authorize Second Chair Attorney. Attorney William Fisher is appointed under the Criminal Justice Act as a second chair attorney for Defendant Slade. Defendant Brent Williams makes an oral motion to join in the appointment of a second chair attorney under the Criminal Justice Act. Attorney Sean Forrester is appointed under the Criminal Justice Act as a second chair attorney for Defendant Brent Williams. Jury Trial to reconvene on 1/3/2013 at 09:00 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporter Elaine Cropper.) Hearing held 11:24 AM to 4:44 PM.(CLB) (Entered: 01/03/2013)
01/03/2013	<u>1022</u>	TRIAL BRIEF by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 01/03/2013)
01/03/2013	<u>1026</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 2) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/3/2013. Jury Trial to reconvene on 1/4/2013 at 09:00 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporter Elaine Cropper (am)/Candy Potter (pm).) Hearing held 8:44 AM to 5:16 PM.(CLB) (Entered: 01/04/2013)
01/04/2013	<u>1027</u>	TRANSCRIPT REQUEST by USA as to Duane Hamblin Slade for proceedings held on January 2, 2013 (Rapp, Kevin) (Entered: 01/04/2013)
01/04/2013	<u>1028</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 3) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/4/2013. Jury Trial to reconvene on 1/7/2013 at 09:00 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporter Candy Potter.) Hearing held 8:50 AM to 4:14 PM.(CLB) (Entered: 01/04/2013)



01/06/2013	<u>1029</u>	MEMORANDUM by Duane Hamblin Slade <i>DEFENDANT SLADES MOTION TO PRECLUDE A JURY INSTRUCTION RE: PONZI DEFINITION, OR IN THE ALTERNATIVE TO SUPPLEMENT THE PROPOSED INSTRUCTION AND MOTION TO PRECLUDE THE USE OF THE TERM, PYRAMID SCHEME</i> (Wilenchik, Dennis) (Entered: 01/06/2013)
01/07/2013	<u>1031</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 4) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/7/2013. Jury Trial to reconvene on 1/8/2013 at 08:45 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporter Elaine Cropper(am)/Candy Potter(pm)) Hearing held 9:01 AM to 5:28 PM.(CLB) (Entered: 01/08/2013)
01/08/2013	<u>1030</u>	First MOTION to Preclude Statements <i>Def Slades Mtn to Counter-Designate Portions of Defs Prior Deposition and Mtn to Preclude Admission of Certain Excerpts Identified by Prosecution at Trial</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit)(Wilenchik, Dennis) (Entered: 01/08/2013)
01/08/2013	<u>1035</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 5) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/8/2013. ORDERED granting in part and denying in part <u>1030</u> Defendant Slade's Motion to Preclude Statements. Jury Trial to reconvene on 1/9/2013 at 08:45 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporters Candy Potter and Elaine Cropper) Hearing held 8:54 AM to 5:22 PM.(VPB) (Entered: 01/09/2013)
01/09/2013	<u>1037</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 6) as to Duane Hamblin Slade, Guy Andrew Williams and Brent F Williams held on 1/9/2013. Jury Trial to reconvene on 1/10/2013 at 08:45 AM. (Court Reporters Elaine Cropper and Candy Potter.) Hearing held 8:49 AM to 4:47 PM.(LMR) (Entered: 01/09/2013)
01/10/2013	<u>1041</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 7) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/10/2013. Jury Trial to reconvene on 1/11/2013 at 08:45 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporter Candy Potter(am)/Elaine Cropper (pm).) Hearing held 8:47 AM to 5:21 PM.(CLB) (Entered: 01/10/2013)
01/11/2013	<u>1042</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 8) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/11/2013. Jury Trial to reconvene on 1/14/2013 at 08:45 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. (Court Reporter Elaine Cropper) Hearing held 8:47 AM to 1:04 PM.(VPB) (Entered: 01/11/2013)
01/14/2013	<u>1045</u>	NOTICE OF FILING OF EXCERPTED OFFICIAL TRANSCRIPT of Opening Statements Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 1/2/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/4/2013. Redacted Transcript Deadline set for 2/14/2013. Release of Transcript Restriction set for 4/15/2013. (VAR) (Entered: 01/15/2013)
01/14/2013	<u>1048</u>	*Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 9) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/14/2013. Defendant Guy Williams' ORAL MOTION for Mistrial is DENIED. Jury Trial to reconvene on 1/15/2013 at 8:45 AM. (Court Reporter Candy Potter (am) and Elaine Cropper (pm)). Hearing held 8:49 AM to 5:13 PM. (LMR) *Modified to include oral motion information on 1/16/2013 (CMAL). (Entered: 01/15/2013)
01/15/2013	<u>1047</u>	MOTION re <u>900</u> Order on Motion in Limine <i>Defendant Slade's Motion for Jury Instruction to Disregard Admitted Hearsay Email and Renewed Objection to Further Such Admission</i> by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 01/15/2013)

		01/15/2013)
01/15/2013	<u>1049</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 10) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/15/2013. Jury Trial to reconvene on 1/16/2013 at 8:45 AM. (Court Reporter Elaine Cropper (am) and Candy Potter (pm)). Hearing held 8:45 AM to 5:32 PM.(LMR) (Entered: 01/15/2013)
01/16/2013	<u>1050</u>	* TRIAL BRIEF by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Russell Laurence Sewell (Lanza, Dominic) * Modified to correct which defendants the document is "as to" on 1/17/2013 (LAD). (Entered: 01/16/2013)
01/16/2013	<u>1051</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 11) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/16/2013. IT IS ORDERED denying Defendant Slade's <u>1047</u> Motion for Jury Instruction to Disregard Admitted Hearsay Email and Renewed Objection to Further Such Admission. Jury trial to reconvene on 1/17/2013 at 9:00 AM. (Court Reporter Candy Potter (am) Elaine Cropper (pm).) Hearing held 8:54 AM to 4:53 PM.(CLB) (Entered: 01/17/2013)
01/17/2013	<u>1052</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 12) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/17/2013. Jury Trial to reconvene on 1/22/2013 at 8:45 AM. (Court Reporter Elaine Cropper (am)/Candy Potter (pm).) Hearing held 9:03 AM to 1:50 PM.(CLB) Modified on 1/17/2013 (CLB). (Entered: 01/17/2013)
01/18/2013	<u>1057</u>	TRANSCRIPT REQUEST by Brent F Williams for proceedings held on 1/3/13,1/4/13,1/7/13,1/9/13,1/10/13 before Judge Jack Zouhary. (Attachments: # <u>1</u> CJA-24)(Simpson, Alan) (Entered: 01/18/2013)
01/18/2013	<u>1058</u>	TRANSCRIPT REQUEST <i>Amended</i> by Brent F Williams for proceedings held on 1/3/13,1/4/13,1/7/13,1/9/13,1/10/13 before Judge Jack Zouhary. (Attachments: # <u>1</u> Amended CJA-24)(Simpson, Alan) (Entered: 01/18/2013)
01/18/2013	<u>1059</u>	TRANSCRIPT REQUEST <i>Second Amended</i> by Brent F Williams for proceedings held on 1/3/13, 1/4/13, 1/7/13, 1/9/13, 1/10/13 before Judge Jack Zouhary. (Attachments: # <u>1</u> 2nd Amended CJA-24)(Simpson, Alan) (Entered: 01/18/2013)
01/21/2013	<u>1060</u>	*Proposed Jury Instructions <i>Additional Instructions and Revisions and Objections to the Court's Proposed Jury Instructions</i> by Duane Hamblin Slade (Wilenchik, Dennis) *Modified to include text on 1/22/2013 (KMG). (Entered: 01/21/2013)
01/21/2013	<u>1061</u>	*Notice of Objection to <i>The Adequacy of the Proposed Jury Instructions re: Intent to Defraud and Motion to Include a Separate Instruction re Good Faith Defense</i> by Duane Hamblin Slade (Wilenchik, Dennis) *Modified to correct event and include text on 1/22/2013 (KMG). (Entered: 01/21/2013)
01/22/2013	<u>1062</u>	*Proposed Non-Uniform Jury Instruction: Puffing Not Ground for Fraud re <u>279</u> by Brent F Williams (Simpson, Alan) Modified on 1/23/2013 (KMG). (Entered: 01/22/2013)
01/22/2013	<u>1063</u>	*Notice of Objection to Proposed Jury Instruction re Deliberate Indifference by Brent F Williams (Simpson, Alan) *Modified to include text on 1/23/2013 (KMG). (Entered: 01/22/2013)
01/22/2013	<u>1064</u>	*Proposed (Amended re <u>279</u> ) Non-Uniform Jury Instruction No 3: Good Faith by Brent F Williams (Simpson, Alan) *Modified to include text on 1/23/2013 (KMG). (Entered: 01/22/2013)
01/22/2013	<u>1065</u>	Proposed Jury Instructions by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 01/22/2013)
01/22/2013	<u>1066</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 13) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/22/2013. Jury Trial to reconvene on 1/23/2013 at 10:00 AM (Court Reporter Elaine Cropper (am) and Candy Potter (pm)). Hearing held 8:52 AM to 5:05 PM.(LMR) (Entered: 01/22/2013)

01/23/2013	<u>1067</u>	Proposed Jury Instructions by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Lanza, Dominic) (Entered: 01/23/2013)
01/23/2013	<u>1068</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 14) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/23/2013. Motions for directed verdict are made in open court. The Court denies the Defendants' Motion to Dismiss Counts 7, 9-12, and 14-16. The Court further denies Defendants' Motion to Dismiss Count 2 and Count 5. The Court finds there is sufficient evidence for all counts to go to the jury. All motions for directed verdict are denied. Court to reconvene on 1/24/2013 at 8:30 AM (Court Reporter Candy Potter.) Hearing held 10:11 AM to 12:29 PM.(CLB) (Entered: 01/23/2013)
01/23/2013	<u>1069</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial - Day 2 - A.M. Session, Testimony of Scott Johnson Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/3/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1070</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial - Day 2 - P.M. Session, Testimony of Scott Johnson Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/3/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1071</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial - Day 3, Testimony of Scott Johnson Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/4/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1072</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial - Day 3, Testimony of Timothy Abraham Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/4/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1073</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial - Day 4 A.M. Session, Testimony of Timothy Abraham Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/7/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1074</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial - Day 4 P.M. Session, Testimony of Timothy Abraham Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/7/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at

		the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1075</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial – Day 6 A.M. Session, Testimony of Russell Sewell Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/9/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1076</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial – Day 6 P.M. Session, Testimony of Russell Sewell Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/9/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/23/2013	<u>1077</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial – Day 7 A.M. Session, Testimony of Russell Sewell Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/10/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/13/2013. Redacted Transcript Deadline set for 2/25/2013. Release of Transcript Restriction set for 4/23/2013. (VAR) (Entered: 01/24/2013)
01/24/2013	<u>1078</u>	ORDER RE: JURY INSTRUCTIONS as to Duane Hamblin Slade, et al., that Doc. 279 is denied; Doc. 1060 is granted in part and denied in part; Doc. 1061 is granted in part and denied in part; Doc. 1062 is denied; Doc. 1063 is denied as moot; Doc. 1064 is granted in part and denied in part; Doc. 1065 is denied. Signed by Judge Jack Zouhary on 1/24/2013.(KMG) (Entered: 01/24/2013)
01/24/2013	<u>1079</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 15) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/24/2013. Jury Trial to reconvene on 1/25/2013 at 8:45 AM. (Court Reporter Candy Potter(am)/Elaine Cropper (pm).) Hearing held 9:01 AM to 4:22 PM.(CLB) (Entered: 01/25/2013)
01/25/2013	<u>1081</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 16) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/25/2013. Jury to continue deliberations on Monday, January 28, 2013 at 8:45 AM. (Court Reporter Candy Potter.) Hearing held 8:44 AM to 1:50 PM.(CLB) (Entered: 01/25/2013)
01/28/2013	<u>1082</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 17) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/28/2013. Jury will continue deliberations on 1/29/2013 at 8:45 AM. (Court Reporter Elaine Cropper(am)/Candy Potter (pm)) Hearing held 10:18 AM to 2:00 PM.(CLB) (Entered: 01/29/2013)
01/29/2013	<u>1083</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial Completed as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/29/2013. IT IS ORDERED declaring a mistrial. (Court Reporter Candy Potter.) Hearing held 3:25 PM to 3:37 PM.(CLB) (Entered: 01/30/2013)
01/29/2013	<u>1084</u>	EXHIBIT LIST by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (KMG) (Entered: 01/30/2013)

01/29/2013	<u>1085</u>	EXHIBIT LIST by Guy Andrew Williams (KMG) (Entered: 01/30/2013)
01/29/2013	<u>1086</u>	EXHIBIT LIST by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (KMG) (Entered: 01/30/2013)
01/29/2013	<u>1087</u>	EXHIBIT LIST by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (Attachments: # <u>1</u> Exhibit list Continued, # <u>2</u> continued, # <u>3</u> continued)(KMG) (Entered: 01/30/2013)
01/29/2013	<u>1089</u>	WITNESS LIST by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (KMG) (Entered: 01/30/2013)
01/29/2013	<u>1090</u>	WITNESS LIST by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (KMG) (Entered: 01/30/2013)
01/29/2013	<u>1091</u>	Jury Instructions as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (KMG) (Entered: 01/30/2013)
01/29/2013	<u>1092</u>	ORDER – CERTIFICATION OF TRIAL EXHIBITS FOR JURY DELIBERATIONS as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams. Signed on 1/24/2013.(KMG) (Entered: 01/30/2013)
01/29/2013	<u>1093</u>	Sealed Jury Notes/Questions (During Trial) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (Attachments: # <u>1</u> (Part 2), # <u>2</u> (Part 3), # <u>3</u> (Part 4))(MAP) (Entered: 01/31/2013)
01/29/2013	<u>1094</u>	Sealed Jury Notes/Questions (Before Closing Arguments) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (MAP) (Entered: 01/31/2013)
01/29/2013	<u>1095</u>	Sealed Jury Notes/Questions (During Deliberations) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (MAP) (Entered: 01/31/2013)
01/30/2013	1088	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams. Status Conference set for 2/4/2013 at 03:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 01/30/2013)
01/31/2013	<u>1096</u>	Minute Order re Exhibits as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams – that the exhibits marked and/or admitted in the above entitled case at the time of the Jury Trial are returned to respective counsel. Counsel are directed to retain custody of the exhibits until the case is completely terminated, including all appeals. (KMG) (Entered: 01/31/2013)
02/01/2013	<u>1097</u>	*NOTICE <i>Joint Notice re Retrial</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (Lanza, Dominic) *Modified to remove defendants names on 2/4/2013 (KMG). (Entered: 02/01/2013)
02/04/2013	<u>1098</u>	TRANSCRIPT REQUEST by Duane Hamblin Slade for proceedings held on 1-2-13-1-4-13, 1-7-13-1-10-13, 1-14-13-1-17-13, 1-22-13-1-15-13, 1-28-13-1-29-13 before Judge The Honorable Zouhary. (Attachments: # <u>1</u> Exhibit CJA 24)(Wilenchik, Dennis) (Entered: 02/04/2013)
02/04/2013	1099	TEXT ONLY Minute Entry for proceedings held before Judge Jack Zouhary: Telephonic Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 2/4/2013. Trial schedule is discussed. The Court resets the hearing to 2/5/2013 at 3:15 PM.  <b>Appearances:</b> AUSA Dominic Lanza and Peter Sexton for the Government, CJA Attorneys Dennis Wilenchik, Dennis Jones, Alan Simpson, and Sean Forrester for defendants. Defendants are not present and released. No court reporter is present. Hearing held 3:30 PM to 3:50 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/04/2013)
02/05/2013	1102	*TEXT ONLY Minute Entry for proceedings held before Judge Jack Zouhary: Telephonic Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 2/5/2013. The Court grants the Government leave to promptly file Rule 404(b) motions. The defendants shall promptly respond. No replies are permitted. The Court will not accept any negotiated plea agreements

		<p>after 4/1/2013. IT IS ORDERED that if any subpoenas were previously issued and served in this matter, that they remain in effect and are answerable at the new trial date and the party who served the subpoena should advise the witnesses of the trial date.</p> <p><b>Appearances:</b> AUSA Dominic Lanza, Peter Sexton, Kevin Rapp, Wendy Coy for the Government, CJA Attorney Bill Fisher, Dennis Jones, Alan Simpson, and Sean Forrester for defendants. Defendants Guy Williams and Brent Williams are not present and released. Defendant Duane Slade is present and released. Hearing held 3:20 PM to 3:30 PM. No court reporter is present. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) *Modified to include court reporter information on 2/7/2013 (CMAL). (Entered: 02/06/2013)</p>
02/11/2013	<u>1112</u>	NOTICE <i>Notice of Intent to Introduce Rule 404(b) Evidence</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Lanza, Dominic) (Entered: 02/11/2013)
02/15/2013	<u>1113</u>	TRANSCRIPT REQUEST by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams for proceedings held on 1/3-22/13 (Jury Trial Days 2-13); 1/24/13 before Judge Jack Zouhary. (Sexton, Peter) (Entered: 02/15/2013)
02/18/2013	<u>1114</u>	TRANSCRIPT REQUEST by Russell Laurence Sewell for proceedings held on 1/09/2013; 1/10/2013 before Judge J. Zouhary. (Attachments: # <u>1</u> Exhibit)(Eisenberg, David) (Entered: 02/18/2013)
02/18/2013	<u>1115</u>	First MOTION to Continue Sentencing by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David) (Entered: 02/18/2013)
02/20/2013	1116	TEXT ONLY ORDER granting <u>1115</u> Motion to Continue Sentencing as to Russell Laurence Sewell (5). Reports and sentencing to be set following the retrial of the remaining Defendants. Ordered by Judge Jack Zouhary on 2/20/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/20/2013)
02/20/2013	1117	TEXT ONLY ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams – IT IS ORDERED setting the Jury Trial for 6/17/2013 at 09:00 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. IT IS FURTHER ORDERED setting Jury Selection for 6/6/2013 at 09:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. IT IS FURTHER ORDERED setting a Status Conference regarding juror questionnaires for 6/3/2013 at 03:00 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. IT IS FURTHER ORDERED affirming the plea deadline of April 1, 2013. Ordered by Chief Judge Roslyn O. Silver on 2/20/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 02/20/2013)
02/20/2013	<u>1118</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 1 Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/2/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1119</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 2 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/3/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)

02/20/2013	<u>1120</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 2 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/3/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1121</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 3 Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/4/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1122</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 4 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/7/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1123</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 4 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/7/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1124</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 5 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/8/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1125</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 5 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/8/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1126</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 6 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/9/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1127</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 6 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/9/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through

		the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1128</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 7 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/10/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1129</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 7 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/10/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1130</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 8 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/11/2013, before Judge Jack Zouhary. Court Reporter/Transcriber Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1131</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 9 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/14/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1132</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 9 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/14/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1133</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 10 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/15/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1134</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 10 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/15/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request



		due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1135</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 11 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/16/2013, before Judge Jack Zouhary. Court Reporter/Transcriber Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1136</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 11 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/16/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1137</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 12 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/17/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1138</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 12 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/17/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1139</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 13 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/22/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1140</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 13 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/22/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1141</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 14 Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/23/2013, before Judge Jack Zouhary. Court Reporter/Transcriber Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)

02/20/2013	<u>1142</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 15 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/24/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1143</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 15 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/24/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1144</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 16 Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/25/2013, before Judge Jack Zouhary. Court Reporter/Transcriber Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1145</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 17 A.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/28/2013, before Judge Jack Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1146</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 17 P.M. Session Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/28/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/20/2013	<u>1147</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial – Day 18 Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 1/29/2013, before Judge Jack Zouhary. Court Reporter Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/13/2013. Redacted Transcript Deadline set for 3/25/2013. Release of Transcript Restriction set for 5/21/2013. (VAR) (Entered: 02/21/2013)
02/22/2013	<u>1148</u>	NOTICE <i>Addendum to Rule 404(b) Notice</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re <u>1112</u> Notice (Other), (Lanza, Dominic) (Entered: 02/22/2013)
02/22/2013	<u>1149</u>	RESPONSE re <u>1148</u> Notice (Other), <u>1112</u> Notice (Other), <i>Defendant Slade's Response and Objection to Government's Notice of Intent to Admit Evidence Under Rule 404(B)</i> by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 02/22/2013)
02/25/2013	<u>1151</u>	MOTION <i>to Revise Certain Jury Instructions</i> by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 02/25/2013)
03/13/2013	<u>1183</u>	MOTION to Supplement Defendant's Motion to Revise Certain Jury Instructions re <u>1151</u> MOTION <i>to Revise Certain Jury Instructions</i> by Duane Hamblin Slade.

		(Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Wilenchik, Dennis) (Entered: 03/13/2013)
03/13/2013	<u>1184</u>	Proposed Jury Instructions by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 03/13/2013)
03/15/2013	<u>1186</u>	NOTICE of Change of Address as to Bruce S Feder by Douglas Edward Towler. (Feder, Bruce) (Entered: 03/15/2013)
03/24/2013	<u>1188</u>	Supplemental MOTION to Sever Defendant by Guy Andrew Williams. (Attachments: # <u>1</u> Draft Order)(Jones, Dennis) (Entered: 03/24/2013)
03/26/2013	<u>1190</u>	MOTION for Reconsideration re <u>414</u> MOTION to Sever Defendant, <u>616</u> Order by Brent F Williams. (Simpson, Alan) (Entered: 03/26/2013)
03/27/2013	<u>1191</u>	ORDER as to Duane Hamblin Slade, Guy Andrew Williams, and Brent F Williams, that counsel submit simultaneous supplemental briefing, if they wish, by April 8, 2013 (See Order for details). Signed by Judge Jack Zouhary on 3/27/13.(CLB) (Entered: 03/27/2013)
03/27/2013	<u>1192</u>	ORDER denying without prejudice <u>1151</u> <u>1183</u> Motions to Revise Certain Jury Instructions and to Supplement as to Duane Hamblin Slade (1). Signed by Judge Jack Zouhary on 3/27/13.(CLB) (Entered: 03/27/2013)
03/29/2013	<u>1195</u>	*RESPONSE to Motion by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell re <u>1183</u> MOTION to Supplement Defendant's Motion to Revise Certain Jury Instructions re <u>1184</u> Proposed Jury Instructions, <u>1151</u> MOTION to Revise Certain Jury Instructions (Lanza, Dominic) *Modified to edit linkage on 4/1/2013 (LFIG). (Entered: 03/29/2013)
04/08/2013	<u>1197</u>	RESPONSE to Motion by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams re <u>1190</u> MOTION for Reconsideration re <u>414</u> MOTION to Sever Defendant filed by Brent F Williams , <u>1188</u> Supplemental MOTION to Sever Defendant , <i>Supplemental Response to Renewed Severance Motions and the Court's Order <u>1191</u></i> (Sexton, Peter) (Entered: 04/08/2013)
04/08/2013	<u>1198</u>	MOTION for Reconsideration re <u>1148</u> Notice filed by USA, <u>1149</u> Response filed by Duane Hamblin Slade, <u>1112</u> Notice filed by USA, <u>1191</u> Order <i>RE DKT 1191 AND SUPPLEMENTAL MOTION TO DEFENDANT SLADE'S RESPONSE AND OBJECTION TO GOVERNMENT'S NOTICE OF INTENT TO ADMIT EVIDENCE UNDER RULE 404(B)</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Wilenchik, Dennis) (Entered: 04/08/2013)
04/08/2013	<u>1199</u>	MOTION to Sever Defendant <i>JOINING WILLIAMS DEFENDANTS' MOTION TO SEVER AND OBJECTION TO LIMITATION OF REPRESENTATION AT TRIAL</i> by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 04/08/2013)
04/23/2013	<u>1211</u>	EX PARTE MOTION to Revoke Defendant's Release Pending Trial and Petition to Issue a Warrant by USA as to Duane Hamblin Slade. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Exhibit A - S)(MAP) Modified to UNSEAL per minute entry <u>1239</u> on 5/10/2013 (LAD). (Entered: 04/23/2013)
04/30/2013	<u>1234</u>	Pretrial Release Warrant Returned Executed on 4/30/13 as to Duane Hamblin Slade. (MAP) (Entered: 05/09/2013)
05/06/2013	<u>1228</u>	MOTION to Exclude Testimony Under Rule 403 by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit Exhibits)(Wilenchik, Dennis) (Entered: 05/06/2013)
05/07/2013	<u>1229</u>	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams. A Telephonic Status Conference is set for 5/10/2013 at 01:00 PM (EDT) before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/07/2013)
05/07/2013	<u>1230</u>	MOTION for Disclosure of <i>Grand Jury Transcripts</i> by Brent F Williams. (Simpson, Alan) (Entered: 05/07/2013)

05/07/2013	<u>1231</u>	*RESPONSE in Opposition by USA as to Duane Hamblin Slade re <u>1228</u> MOTION to Exclude Testimony Under Rule 403 (Lanza, Dominic) *Modified to remove incorrectly chosen defendants on 5/8/2013 (KMG). (Entered: 05/07/2013)
05/08/2013	<u>1232</u>	*RESPONSE to Motion by USA as to Brent F Williams re 1230 MOTION for Disclosure of <i>Grand Jury Transcripts</i> (Sexton, Peter) *Modified to remove incorrectly chosen defendants on 5/9/2013 (KMG). (Entered: 05/08/2013)
05/09/2013	<u>1235</u>	ORDER that this Court is prepared to allow limited testimony with respect to the Bruner fraud and will give a limiting instruction to the jury both at the time the evidence is offered and as part of the final jury instructions. The Government's Notice (Doc. <u>1112</u> ) is approved and Defendants' Motions Doc. ( <u>1198</u> ) and Doc. ( <u>1199</u> ) as to Duane Hamblin Slade (1); Doc. ( <u>1188</u> ) as to Guy Andrew Williams (2); Doc. ( <u>1190</u> ) as to Brent F Williams (3) are denied. Signed by Judge Jack Zouhary on 5/9/2013.(LFIG) (Entered: 05/09/2013)
05/09/2013	<u>1236</u>	ORDER Pending before this Court is Defendant Duane Hamblin Slade's Motion to Exclude Testimony Under Federal Evidence Rule 403 (Doc. <u>1228</u> ). The Government opposes (Doc. 1231). Defendants' Motion is denied without prejudice as was done with the similar motion raised before the first trial. This Court is not yet in a position to address the merits until it sees which witnesses testify and what they have to say. Defendants may re-raise this motion at an appropriate time when sufficient ground work has been laid for the presentation of the motion. Pending before this Court is Defendant Brent Williams' Motion to Disclose Grand Jury Transcript (Doc. 1230). This Motion is opposed (Doc. 1232). The Government's succinct Response to Defendants' Motion (Doc. 1232) is adopted by this Court. Defendants fail to demonstrate under Federal Criminal Rule 6(e)(3)(E)(1) the necessary need for the transcript. Further, the sole witness who testified before the grand jury did not testify at the January 2013 trial. Unlike fine wine, Defendants' renewed arguments have not improved with age —this Motion is also denied. Signed by Judge Jack Zouhary on 5/9/2013.(KMG) (Entered: 05/09/2013)
05/09/2013	<u>1237</u>	Rule 5(c)(3) Documents Received from Western District of Texas as to Duane Hamblin Slade (Attachments: # <u>1</u> Minutes, # <u>2</u> Docket)(REW) (Entered: 05/09/2013)
05/10/2013	1238	TEXT ONLY Minute Entry for proceedings held before Judge Jack Zouhary: Telephonic Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 5/10/2013. The trial schedule is discussed. The Court will not allow the jury to ask questions. The Court sets a telephonic status for 5/16/2013 at 2:00 PM (EDT) so the Government may have time to respond to the pending motions.  <b>Appearances:</b> AUSA Dominic Lanza, Kevin Rapp, Peter Sexton, Wendy Coy for the Government, CJA Attorneys Anne Osorn and Dennis Wilenchik for defendant Slade. Defendant Slade is not present and in custody. CJA Attorney Dennis Jones for Defendant Guy Williams. Defendant is not present and released. CJA Attorney Sean Forrester for Defendant Brent F. Williams. Defendant is not present and released. Hearing is not recorded. Hearing held 10:05 AM to 10:41 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/10/2013)
05/10/2013	<u>1239</u>	Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Anne Osborn (CJA) for defendant. Initial Appearance – Pretrial Release Revocation Hearing as to Duane Hamblin Slade held on 5/10/2013. Defendant ordered temporarily detained in custody of the US Marshal. Pretrial Revocation Hearing set for 5/14/2013 at 03:45 PM before Magistrate Judge Lawrence O Anderson. IT IS ORDERED granting the oral motion by the Government to unseal the Ex Parte Motion to Revoke Defendants Release Pending Trial and Petition to Issue a Warrant (doc. <u>1211</u> ). (Recorded by COURTSMART.) Hearing held 1:45 PM to 1:47 PM. (LAD) (Entered: 05/10/2013)
05/10/2013	<u>1240</u>	*AMENDED Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Amending Doc. <u>1239</u> Minute Entry for proceedings held before Magistrate Judge Michelle H Burns: Anne Osborn (CJA) for defendant. Initial Appearance – Pretrial Release Revocation Hearing as to Duane Hamblin Slade held on 5/10/2013. Defendant ordered temporarily detained in custody of the US

		<p>Marshal. Pretrial Revocation Hearing set for 5/14/2013 at 03:45 PM before Magistrate Judge Lawrence O Anderson. IT IS ORDERED granting the oral motion by the Government to unseal the Ex Parte Motion to Revoke Defendants Release Pending Trial and Petition to Issue a Warrant (doc. <u>1211</u> ). (Recorded by COURTSMART.) Hearing held 1:45 PM to 1:47 PM.</p> <p>Reason for Amendment: to reflect defendant in custody. (LAD) *Modified to remove duplicate text on 5/14/2013 (CEI). (Entered: 05/10/2013)</p>
05/13/2013	<u>1246</u>	<p>RESPONSE to Motion by Duane Hamblin Slade re <u>1211</u> MOTION to Revoke <i>Defendant Slade's Release Pending Trial</i> (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E)(Wilenchik, Dennis) (Entered: 05/13/2013)</p>
05/14/2013	1248	<p>Minute Entry for proceedings held before Magistrate Judge Lawrence O Anderson: Pretrial Revocation Hearing as to Duane Hamblin Slade began on 5/14/2013. The parties stipulate if Defendant detained in CR-09-1492-PHX-ROS (DKD), Defendant will waive and submit the issue of detention in CR-13-460-PHX-DGC (MHB). Government's exhibits admitted by stipulation: 1-28. Witness FBI Special Agent Kyle Armstrong sworn and examined by the Government. Exhibits 2, 5, 6, 8, 9 and 14 are discussed. Court is in recess until May 16, 2013 at 11:00 AM. Defendant remains temporarily detained.</p> <p><b>Appearances:</b> AUSA Kevin Rapp and Peter Sexton for the Government, CJA Attorney Anne Osborn for defendant. Defendant is present and in custody. Pretrial Release Revocation Hearing continued for 5/16/2013 at 11:00 AM in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Lawrence O Anderson. (Recorded by COURTSMART.) Hearing held 4:17 PM to 4:37 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (ESL) (Entered: 05/15/2013)</p>
05/15/2013	<u>1247</u>	<p>*RESPONSE to Motion for Rule 15 Deposition by USA as to Duane Hamblin Slade (Lanza, Dominic) *Modified to reflect document filed as to incorrect defendants on 5/15/2013 (LFIG). (Entered: 05/15/2013)</p>
05/16/2013	1249	<p>TEXT ONLY Minute Order as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams: The Status Conference set for 5/16/2013 at 2:00 PM (EDT) before Judge Jack Zouhary is VACATED. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/16/2013)</p>
05/16/2013	<u>1257</u>	<p>ORDER RE PRETRIAL DEPOSITION denying 1255 Motion to Authorize Pretrial Deposition FURTHER ORDERED denying as moot 1256 Motion for Expedited Ruling on Pretrial Deposition as to Duane Hamblin Slade (1). Signed by Judge Jack Zouhary on 5/16/13. (MAP) (Entered: 05/16/2013)</p>
05/16/2013	1258	<p>Minute Entry for proceedings held before Magistrate Judge Lawrence O Anderson: Day 2 - Pretrial Release Revocation Hearing as to Duane Hamblin Slade on 5/16/2013. Continuation of direct-examination of Government's witness Special Agent Kyle Armstrong. Government's Exhibits 29 and 30 admitted in evidence. 11:54 AM - Cross-examination of Special Agent Kyle Armstrong. 12:02 PM - Lunch recess. 1:18 PM - Court resumes with cross-examination of Special Agent Kyle Armstrong. Defendant temporarily detained.</p> <p><b>Appearances:</b> AUSA Kevin Rapp, Dominic Lanza and Peter Sexton for the Government, CJA Attorney Anne Osborn for defendant, LATER PM: CJA Attorney Dennis Wilenchik is present with Anne Osborn for the defendant. Defendant is present and in custody. Day 3 - Pretrial Release Revocation Hearing continued for 5/17/2013 at 01:15 PM in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Lawrence O Anderson. (Recorded by COURTSMART.) Hearing held 10:58 AM to 12:02 PM and 1:17 PM to 2:02 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMH) (Entered: 05/16/2013)</p>
05/17/2013	1262	<p>Minute Entry for proceedings held before Magistrate Judge Lawrence O Anderson: Day 3 - Pretrial Release Revocation Hearing as to Duane Hamblin Slade on 5/17/2013. Continuation of cross-examination of Government's witness Special</p>

		<p>Agent Kyle Armstrong. Defendant temporarily detained.</p> <p><b>Appearances:</b> AUSA Kevin Rapp for the Government, CJA Attorney Anne Osborn and Dennis Wilenchik for defendant. Defendant is present and in custody. Day 4 – Pretrial Revocation Hearing continued for 5/20/2013 at 03:00 PM in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Lawrence O Anderson. (Recorded by COURTSMART.) In Chambers Conference 1:10 PM to 1:18 PM (Not recorded). Hearing held 1:19 PM to 1:57 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMH) (Entered: 05/17/2013)</p>
05/17/2013	<u>1263</u>	TRANSCRIPT REQUEST by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for proceedings held on 05/16/2013 before Judge Lawrence O Anderson – first four minutes only. (BAS) (Entered: 05/17/2013)
05/17/2013	<u>1264</u>	TRANSCRIPT REQUEST by Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for proceedings held on 05/14/13, 05/16/13, and 05/17/13 before Judge Lawrence O Anderson –ordered by Judge Anderson (BAS) (Entered: 05/17/2013)
05/20/2013	<u>1265</u>	ORDER TO SHOW CAUSE as to Duane Hamblin Slade – Show Cause Hearing set for 5/23/2013 at 11:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver (See Order for details). Signed by Chief Judge Roslyn O Silver on 5/20/13.(CLB) (Entered: 05/20/2013)
05/20/2013	1269	<p>Minute Entry for proceedings held before Magistrate Judge Lawrence O Anderson: Day 4 – Pretrial Release Revocation Hearing as to Duane Hamblin Slade on 5/20/2013. 3:13 PM – Court resumes with redirect examination of Special Agent Kyle Armstrong. Government's Exhibit 33 admitted in evidence. 3:45 PM –Court examines Special Agent Kyle Armstrong. 4:02 PM – re–cross examination of Special Agent Kyle Armstrong. Defense Exhibit 46 admitted in evidence. 4:06 PM – Government rests. Discussion held regarding the Government's claim Defendant intentionally provided false information (lie[d])to Texas police officers when he was interviewed by the Lakeway, Texas Police Department. See Tex. Penal Code Ann. § 37.08. The Government moves to withdraw this claim as a basis to revoke defendant's pretrial release. No objection. Motion GRANTED. 4:19 PM – Defense witness Carwin Slade was sworn and examined. 4:45 PM – Cross–examination of defense witness Carwin Slade. 5:04 PM – Court recess until 5/24/13 at 9:45 AM. Defendant temporarily detained.</p> <p><b>Appearances:</b> AUSAs Kevin Rapp, Peter Sexton and LATER: Dominic Lanza for the Government, CJA Attorneys Anne Osborn and Dennis Wilenchik for defendant. Defendant is present and in custody. Day 5 – Pretrial Release Revocation Hearing continued for 5/24/2013 at 09:45 AM in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Lawrence O Anderson. (Court Reporter Linda Schroeder.) Hearing held 3:13 PM to 5:04 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMH) (Entered: 05/23/2013)</p>
05/20/2013	<u>1279</u>	NOTICE OF FILING OF OFFICIAL PARTIAL TRANSCRIPT of Pretrial Release Revocation Hearing Proceedings as to Duane Hamblin Slade held on 5/16/2013, before Magistrate Judge Lawrence O. Anderson. Transcriber AVTranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/10/2013. Redacted Transcript Deadline set for 6/20/2013. Release of Transcript Restriction set for 8/19/2013. (VAR) (Entered: 05/29/2013)
05/21/2013	<u>1267</u>	RESPONSE TO ORDER TO SHOW CAUSE by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 05/21/2013)
05/23/2013	1268	<p>TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Show Cause Hearing as to Duane Hamblin Slade held on 5/23/2013.</p> <p><b>Appearances:</b> AUSA Dominic Lanza for the Government, CJA Attorney Dennis</p>

		Wilenchik for defendant. Defendant is not present and in custody. Also present: Deputy Marshal Delvin Brown, Attorneys Lawrence Felder and Anne Osborn. (Court Reporter Elaine Cropper.) Hearing held 11:12 AM to 11:59 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 05/23/2013)
05/23/2013	<u>1270</u>	RESPONSE TO ORDER TO SHOW CAUSE by Duane Hamblin Slade (Wilenchik, Dennis) (Entered: 05/23/2013)
05/24/2013	1272	Minute Entry for proceedings held before Magistrate Judge Lawrence O Anderson: Day 5 – Pretrial Release Revocation Hearing as to Duane Hamblin Slade held on 5/24/2013. 9:45 AM – Cross-examination of defense witness Carwin Slade. 10:21 AM – Redirect-examination of witness Carwin Slade. 10:25 AM – Witness excused. 10:30 AM – Court recess. 10:40 AM – Court resumes. Defense counsel informed the Court that the defendant will not testify in this matter. 10:42 AM – Proffer by defense. Defense Exhibits 42, 2a (the original of the Government's Exhibit 2), 50, 52, 45, 40 and 44 admitted in evidence. 11:09 AM – Defense rest. 11:11 AM – Government's closing argument. 11:38 AM – Defense closing argument. 11:56 AM – The Court Finds that probable exist. Defendant detained pending trial. Order to follow. As a result of the defendant being detained in this matter, counsel also stipulate to the defendant being detained in CR-13-460-1-PHX-DGC (MHB).  <b>Appearances:</b> AUSAs Kevin Rapp, Peter Sexton and Dominic Lanza for the Government, CJA Attorneys Anne Osborn and Dennis Wilenchik for defendant. Defendant is present and in custody. (Court Reporter Linda Schroeder.) Hearing held 9:45 AM to 10:30 AM and 10:40 AM to 12:03 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SMH) (Entered: 05/28/2013)
05/24/2013	<u>1273</u>	GOVERNMENT'S WITNESS LIST by USA as to Duane Hamblin Slade. (SMH) (Entered: 05/28/2013)
05/24/2013	<u>1274</u>	GOVERNMENT'S EXHIBIT LIST by USA as to Duane Hamblin Slade. (SMH) (Entered: 05/28/2013)
05/24/2013	<u>1275</u>	DEFENDANT'S WITNESS LIST by Duane Hamblin Slade. (SMH) (Entered: 05/28/2013)
05/24/2013	<u>1280</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Pretrial Revocation Hearing Proceedings as to Duane Hamblin Slade held on 5/14/2013, before Magistrate Judge Lawrence O. Anderson. Transcriber AVTranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/14/2013. Redacted Transcript Deadline set for 6/24/2013. Release of Transcript Restriction set for 8/22/2013. (VAR) (Entered: 05/29/2013)
05/24/2013	<u>1281</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Pretrial Revocation Hearing Proceedings as to Duane Hamblin Slade held on 5/16/2013, before Magistrate Judge Lawrence O. Anderson. Transcriber AVTranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/14/2013. Redacted Transcript Deadline set for 6/24/2013. Release of Transcript Restriction set for 8/22/2013. (VAR) (Entered: 05/29/2013)
05/24/2013	<u>1282</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Pretrial Revocation Hearing Proceedings as to Duane Hamblin Slade held on 5/17/2013, before Magistrate Judge Lawrence O. Anderson. Transcriber AVTranz. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/14/2013. Redacted Transcript Deadline set for 6/24/2013. Release of Transcript Restriction set for 8/22/2013. (VAR) (Entered: 05/29/2013)

05/28/2013	<u>1276</u>	DEFENDANT'S EXHIBIT LIST by Duane Hamblin Slade. A (SMH) (Entered: 05/28/2013)
05/28/2013	<u>1277</u>	NOTICE <i>Joint Notice of Evidentiary Stipulations for Retrial</i> by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams (Lanza, Dominic) (Entered: 05/28/2013)
05/29/2013	1278	IT IS ORDERED the Status Conference re: juror questionnaires, as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, presently set for 6/3/2013 at 3:00 PM is RESET AS TO TIME ONLY!! Status Conference reset for 6/3/2013 at 02:30 PM in Courtroom 603, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Ordered by Chief Judge Roslyn O Silver.(CLB)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 05/29/2013)
05/31/2013	<u>1284</u>	MOTION to Transport Defendant from Central Arizona Detention Center in Florence, Arizona to Detention Center more centrally located to the trial by Duane Hamblin Slade. (Wilenchik, Dennis) (Entered: 05/31/2013)
06/03/2013	<u>1285</u>	ORDER granting <u>1284</u> Motion to Transport Defendant as to Duane Hamblin Slade (1). Signed by Judge Jack Zouhary on 6/3/13.(CLB) (Entered: 06/03/2013)
06/03/2013	1286	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams held on 6/3/2013. IT IS ORDERED sealing the portion of the transcript dealing with the questionnaires.  <b>Appearances:</b> AUSA Peter Sexton, Kevin Rapp, Dominic Lanza for the Government, CJA Attorneys Dennis Wilenchik and Anne Osborn for defendant Slade. Defendant is present and in custody. CJA Attorney Dennis Jones for defendant Guy Williams. Defendant is present and released. CJA Attorneys Alan Simpson and Sean Forrester for defendant Brent Williams. Defendant is present and released. (Court Reporter Elaine Cropper.) Hearing held 2:45 PM to 2:50 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/03/2013)
06/04/2013	1290	TEXT ONLY Minute Order: Set/Reset Hearings as to Duane Hamblin Slade. Change of Plea Hearing set for 6/5/2013 at 02:45 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/04/2013)
06/04/2013	<u>1291</u>	MOTION Transfer Case by USA as to Duane Hamblin Slade. (Attachments: # <u>1</u> Text of Proposed Order)(Lanza, Dominic) (Entered: 06/04/2013)
06/05/2013	<u>1293</u>	ORDER as to Defendant (1) Duane Hamblin Slade, that the Government's Ex Parte Petition to Revoke [Defendant's Pretrial] Release Pending Trial, doc. <u>1211</u> , is GRANTED. Defendant Duane Hamblin Slade shall be, and remain, DETAINED until further order of the assigned District Judge. IT IS FURTHER ORDERED kindly directing the Clerk of Court to provide a complete copy of this Order to all counsel of record in CR-13-460-PHX-DGC (MHB). Signed by Magistrate Judge Lawrence O Anderson on 6/5/2013.(KMG) (Entered: 06/05/2013)
06/05/2013	<u>1294</u>	ORDER granting the United States' motion <u>1291</u> to transfer case as to Defendant (1) Duane Hamblin Slade. IT IS FURTHER ORDERED that United States v. Duane Hamblin Slade, No.CR-13-460-PHX-DGC, will hereafter be assigned to this Court and captioned as United States v. Duane Hamblin Slade, No. CR-13-0460-PHX-ROS. Signed by Chief Judge Roslyn O Silver on 6/5/2013.(KMG) (Entered: 06/05/2013)
06/05/2013	1295	TEXT ONLY Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Change of Plea Hearing as to Duane Hamblin Slade held on 6/5/2013. Defendant enters plea of guilty to Count 1 of the Indictment. THE COURT ORDERS the trial date/pending hearings VACATED. Pending motions are rendered moot. Prior custody orders are AFFIRMED. The Court directs the US Probation Office to prepare a Presentence Report.  <b>Appearances:</b> AUSA Dominic Lanza, Kevin Rapp, Peter Sexton for the



		Government, CJA Attorney Dennis Wilenchik and Anne Osborn for defendant. Defendant is present and in custody. Sentencing set for 10/15/2013 at 01:30 PM before Judge Jack Zouhary. Date subject to change. (Court Reporter Elaine Cropper.) Hearing held 2:57 PM to 3:30 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/05/2013)
06/05/2013	<u>1297</u>	*LODGED PLEA AGREEMENT as to Duane Hamblin Slade re: 1295 Change of Plea Hearing (CLB) *Modified file date from 6/6 to 6/5; NEF regenerated on 6/6/2013 (CEI). (Entered: 06/06/2013)
06/06/2013	<u>1296</u>	Minute Entry for proceedings held before Chief Judge Roslyn O Silver: Jury Selection as to Guy Andrew Williams, Brent F Williams held on 6/6/2013. The Jury Trial set for June 17, 2013 at 8:30 a.m. in Courtroom 505 before Judge Jack Zouhary is affirmed. (Court Reporter Elaine Cropper.) Hearing held 9:44 AM to 12:05 PM.(CLB) (Entered: 06/06/2013)
06/10/2013	1298	TEXT ONLY Minute Order: Set/Reset Hearings as to Guy Andrew Williams, Brent F Williams. In-Court Hearing set for 6/12/2013 at 09:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/10/2013)
06/12/2013	1300	TEXT ONLY Minute Entry for proceedings held before Judge Jack Zouhary: In-Court Hearing as to Guy Andrew Williams, Brent F Williams held on 6/12/2013. The Court appears by way of video. Jurors 8, 10, and 13 are questioned individually. The Court does not release any jurors at this time.  <b>Appearances:</b> AUSA Kevin Rapp and Dominic Lanza for the Government, CJA Attorney Dennis Jones for defendant Guy Williams, CJA Attorney Alan Simpson for defendant Brent Williams. Defendants are present and released. (Court Reporter Elaine Cropper.) Hearing held 9:05 AM to 9:42 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/12/2013)
06/12/2013	1302	TEXT ONLY AMENDED Minute Entry for proceedings held before Judge Jack Zouhary: Amending Doc. 1300 TEXT ONLY Minute Entry for proceedings held before Judge Jack Zouhary: In-Court Hearing as to Guy Andrew Williams, Brent F Williams held on 6/12/2013. The Court appears by way of video. Jurors 3, 4, and 14 are questioned individually. The Court does not release any jurors at this time.  <b>Appearances:</b> AUSA Kevin Rapp and Dominic Lanza for the Government, CJA Attorney Dennis Jones for defendant Guy Williams, CJA Attorney Alan Simpson for defendant Brent Williams. Defendants are present and released.  Reason for Amendment: to reflect correct juror numbers. (Court Reporter Elaine Cropper.) Hearing held 9:05 AM to 9:42 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/17/2013)
06/17/2013	<u>1305</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 1) as to Guy Andrew Williams, Brent F Williams held on 6/17/2013. Trial will reconvene on June 18, 2013 at 8:45 a.m. (Court Reporter Candy Potter (am)/Elaine Cropper (pm).) Hearing held 8:41 AM to 5:00 PM.(CLB) (Entered: 06/18/2013)
06/18/2013	<u>1306</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 2) as to Guy Andrew Williams, Brent F Williams held on 6/18/2013. Jury Trial to reconvene on June 19, 2013 at 8:45 a.m. (Court Reporter Elaine Cropper.) Hearing held 8:45 AM to 5:15 PM.(CLB) (Entered: 06/19/2013)
06/19/2013	<u>1307</u>	STIPULATION for Substitution of Counsel for Defendant by Duane Hamblin Slade. (Attachments: # <u>1</u> Text of Proposed Order For Substitution of Counsel)(Kimerer, Michael) Modified to add motion part on 7/2/2013 (JMO). (Entered: 06/19/2013)
06/19/2013	<u>1308</u>	*MOTION for Declaration of Mistrial by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit)(Jones, Dennis) *Modified to correct Motion event on 6/20/2013* (REW). (Entered: 06/19/2013)

06/19/2013	<u>1310</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 3) as to Guy Andrew Williams, Brent F Williams held on 6/19/2013. Jury trial to reconvene on 6/20/2013 at 8:45 a.m. (Court Reporter Elaine Cropper.) Hearing held 8:42 AM to 4:40 PM.(CLB) (Entered: 06/20/2013)
06/20/2013	<u>1309</u>	ORDER denying <u>1308</u> Motion for Mistrial as to Guy Andrew Williams (2). Signed by Judge Jack Zouhary on 6/20/13.(CLB) (Entered: 06/20/2013)
06/20/2013	<u>1313</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 4) as to Guy Andrew Williams, Brent F Williams held on 6/20/2013. Jury Trial to reconvene on 6/21/2013 at 8:30 a.m. (Court Reporter Elaine Cropper.) Hearing held 8:47 AM to 4:26 PM.(CLB) (Entered: 06/21/2013)
06/21/2013	1311	TEXT ONLY Minute Order: Set/Reset Motion Hearings as to Duane Hamblin Slade: Motion Hearing re: <u>1307</u> Stipulation to Substitute Counsel is set for 7/2/2013 at 11:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 06/21/2013)
06/21/2013	<u>1312</u>	TRANSCRIPT REQUEST by USA as to Guy Andrew Williams, Brent F Williams for proceedings held on June 18, 2013 before Judge Jack Zouhary. (Sexton, Peter) (Entered: 06/21/2013)
06/21/2013	1314	IT IS ORDERED the motion hearing as to Duane Hamblin Slade presently set for 7/2/2013 at 11:00 AM, is RESET. THIS IS A TIME CHANGE ONLY! Motion Hearing reset for 7/2/2013 at 09:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. Ordered by Chief Judge Roslyn O Silver.(CLB)(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) (Entered: 06/21/2013)
06/21/2013	<u>1316</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 5) as to Guy Andrew Williams, Brent F Williams held on 6/21/2013. Jury Trial to reconvene on 6/24/2013 at 8:30 a.m. (Court Reporter Elaine Cropper(am)/Candy Potter (pm).) Hearing held 8:31 AM to 5:02 PM.(CLB) (Entered: 06/24/2013)
06/24/2013	<u>1315</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial – Day Two PM Session – Cross–examination of Timothy Abraham Proceedings as to Guy Andrew Williams, Brent F Williams held on 6/18/2013, before Judge Jack Zahoury. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/15/2013. Redacted Transcript Deadline set for 7/25/2013. Release of Transcript Restriction set for 9/23/2013. (VAR) (Entered: 06/24/2013)
06/24/2013	<u>1318</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 6) as to Guy Andrew Williams, Brent F Williams held on 6/24/2013. Jury Trial to reconvene on June 25, 2013 at 8:45 a.m. (Court Reporter Candy Potter (am)/Elaine Cropper (pm).) Hearing held 8:30 AM to 5:08 PM.(CLB) (Entered: 06/25/2013)
06/25/2013	<u>1319</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 7) as to Guy Andrew Williams, Brent F Williams held on 6/25/2013. Jury Trial to reconvene on June 26, 2013 at 9:00 a.m. (Court Reporter Candy Potter.) Hearing held 8:45 AM to 4:13 PM.(CLB) (Entered: 06/26/2013)
06/25/2013	<u>1320</u>	AMENDED Minute Entry for proceedings held before Judge Jack Zouhary: Amending Doc. <u>1319</u> Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 7) as to Guy Andrew Williams, Brent F Williams held on 6/25/2013. Jury Trial to reconvene on June 26, 2013 at 9:00 a.m.  Reason for Amendment: to correct clerical error. (Court Reporter Candy Potter.) Hearing held 8:45 AM to 4:13 PM.(CLB) (Entered: 06/26/2013)
06/26/2013	<u>1323</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 8) as to Guy Andrew Williams, Brent F Williams held on 6/26/2013. Defendant Guy Williams moves for a mistrial. The motion is denied. The Government moves to dismiss Count 2 of the Indictment. IT IS ORDERED dismissing Count 2 of the Indictment as to both Defendants. Jury Trial to reconvene on June 27, 2013 at 8:30

		a.m. (Court Reporter Elaine Cropper.) Hearing held 9:00 AM to 3:37 PM.(CLB) (Entered: 06/27/2013)
06/27/2013	<u>1321</u>	*NOTICE of Appearance of Attorney Laura Kam as to third party Nicholas Gouletis (Kam, Laura) *Modified to correct "as to" party on 6/28/2013 (KMG). (Entered: 06/27/2013)
06/27/2013	<u>1322</u>	MOTION to Quash <i>Subpoena</i> by Nicholas Gouletis as to Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order Granting Motion to Quash Subpoena)(Kam, Laura) (Entered: 06/27/2013)
06/27/2013	<u>1324</u>	Minute Entry for proceedings held before Judge Jack Zouhary: Jury Trial (Day 9) as to Guy Andrew Williams, Brent F Williams held on 6/27/2013. Defendants renew their Rule 29 motions. The motions are denied. Court is in recess and will reconvene on July 28, 2013 at 8:00 a.m. (Court Reporter Candy Potter.) Hearing held 8:45 AM to 1:45 PM.(CLB) (Entered: 06/27/2013)
06/28/2013	<u>1325</u>	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Jury Trial Completed on 6/28/2013 as to Guy Andrew Williams and Brent F Williams. The parties agree that Count 3 was dismissed during the first trial. Count 3 is dismissed as of 1/29/2013. Defendants found guilty as to Counts 1 and 4-40. Sentencings set for 9/30/2013 at 09:00 AM before Judge Jack Zouhary. LATER: IT IS ORDERED finding as moot <u>1322</u> Motion to Quash. (Court Reporter Candy Potter.) Hearing held 8:05 AM to 5:25 PM.(CLB) (Entered: 07/01/2013)
06/28/2013	<u>1326</u>	SEALED JURY (General) VERDICT as to Guy Andrew Williams, Brent F Williams. (MAP) (Entered: 07/02/2013)
06/28/2013	<u>1327</u>	WITNESS LIST by USA as to Guy Andrew Williams, and Brent F Williams (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1328</u>	WITNESS LIST by Guy Andrew Williams, Brent F Williams (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1329</u>	EXHIBIT LIST by Guy Andrew Williams, Brent F Williams (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1330</u>	EXHIBIT LIST by Guy Andrew Williams, Brent F Williams (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1331</u>	EXHIBIT LIST by Guy Andrew Williams, Brent F Williams (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1332</u>	EXHIBIT LIST by USA as to Guy Andrew Williams, Brent F Williams (Attachments: # <u>1</u> Governments Exhibit List continued, # <u>2</u> Exhibit List cont.)(KMG) (Entered: 07/02/2013)
06/28/2013	<u>1333</u>	Jury Instructions as to Guy Andrew Williams, Brent F Williams (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1335</u>	ORDER - CERTIFICATION OF TRIAL EXHIBITS FOR JURY DELIBERATIONS as to Guy Andrew Williams, Brent F Williams. on 6/28/2013. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Exhibits continued)(KMG) (Entered: 07/02/2013)
06/28/2013	<u>1336</u>	JURY VERDICT (Redacted) as to Guy Andrew Williams, Brent F Williams. (KMG) (Entered: 07/02/2013)
06/28/2013	<u>1341</u>	AMENDED MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Amending Doc. <u>1325</u> MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Jury Trial Completed on 6/28/2013 as to Guy Andrew Williams and Brent F Williams. The parties agree that Count 3 was dismissed during the first trial. Count 3 is dismissed as of 1/29/2013. Defendants found guilty as to Counts 1 and 4-40. Sentencings set for 9/30/2013 at 09:00 AM before Judge Jack Zouhary. LATER: IT IS ORDERED finding as moot <u>1322</u> Motion to Quash.  Reason for Amendment: to correct court reporter. (Court Reporter Elaine Cropper(am)/Candy Potter (pm).) Hearing held 8:05 AM to 5:25 PM.(CLB) (Entered: 07/02/2013)

07/02/2013	1334	TEXT ONLY MINUTE ENTRY for proceedings held before Chief Judge Roslyn O Silver: Motion Hearing as to Duane Hamblin Slade held on 7/2/2013 RE: <u>1307</u> MOTION to Substitute Attorney. IT IS ORDERED taking under advisement <u>1307</u> Motion to Substitute Attorney pending more information on where the funds for the attorney came from.  <b>Appearances:</b> AUSA Kevin Rapp and Dominic Lanza for the Government, CJA Attorney Dennis Wilenchik (telephonically) for defendant, retained attorney Michael Kimerer for defendant. Defendant is present and in custody. Motion Hearing reset for 7/26/2013 at 01:30 PM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. (Court Reporter Elaine Cropper.) Hearing held 8:58 AM to 9:12 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/02/2013)
07/02/2013	1337	TEXT ONLY MINUTE ORDER: Set/Reset Hearings as to Russell Laurence Sewell. Sentencing set for 9/30/2013 at 09:00 AM before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/02/2013)
07/02/2013	1338	TEXT ONLY MINUTE ORDER: Set/Reset Hearings as to Duane Hamblin Slade. The Sentencing set for 10/15/2013 is RESET to 9/30/2013 at 09:00 AM before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/02/2013)
07/02/2013	<u>1339</u>	MINUTE ORDER RE EXHIBITS: as to Guy Andrew Williams, Brent F Williams, that the exhibits marked and/or admitted in the above entitled case at the time of the Jury Trial are returned to respective counsel on 7/1/13. Counsel are directed to retain custody of the exhibits until the case is completely terminated, including all appeals. (KMG) (Entered: 07/02/2013)
07/10/2013	1346	MINUTE ORDER: Set/Reset Motion Hearings as to Duane Hamblin Slade re: <u>1307</u> MOTION to Substitute Attorney. The Motion Hearing set for 7/26/2013 is RESET to 7/17/2013 at 10:00 AM in Courtroom 604, 401 West Washington Street, Phoenix, AZ 85003 before Chief Judge Roslyn O Silver. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/10/2013)
07/10/2013	<u>1347</u>	MOTION for Extension of Time to File <i>Motion for New Trial</i> by Brent F Williams. (Simpson, Alan) (Entered: 07/10/2013)
07/10/2013	<u>1348</u>	MOTION Interrogatories to Jury by Brent F Williams. (Simpson, Alan) (Entered: 07/10/2013)
07/11/2013	<u>1349</u>	MOTION to Appoint Counsel <i>Motion to Approve Limited Appearance and to Extend Time Under Rule 45(b)(1)(A), F.R.Crim.P. to File Substantive New Trial Motion Pursuant to Rule 33, F.R.Crim.P.</i> by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit Exhibits A-B, # <u>2</u> Text of Proposed Order Order)(Dichter, Stephen) (Entered: 07/11/2013)
07/11/2013	<u>1350</u>	RESPONSE in Opposition by USA as to Brent F Williams re <u>1347</u> MOTION for Extension of Time to File <i>Motion for New Trial</i> (Lanza, Dominic) (Entered: 07/11/2013)
07/11/2013	<u>1351</u>	RESPONSE in Opposition by USA as to Brent F Williams re <u>1348</u> MOTION Interrogatories to Jury (Lanza, Dominic) (Entered: 07/11/2013)
07/11/2013	<u>1352</u>	First MOTION for New Trial by Guy Andrew Williams. (Jones, Dennis) (Entered: 07/11/2013)
07/12/2013	<u>1353</u>	MOTION to Withdraw as Attorney as to Dennis C. Jones by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit Declaration, # <u>2</u> Exhibit Resume, # <u>3</u> Exhibit Medical Record, # <u>4</u> Exhibit Medical Record, # <u>5</u> Exhibit Medical Record, # <u>6</u> Exhibit Medical Record)(Jones, Dennis) (Entered: 07/12/2013)
07/12/2013	<u>1354</u>	MEMORANDUM by USA as to Duane Hamblin Slade <u>1307</u> MOTION to Substitute Attorney filed by Duane Hamblin Slade (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Lanza, Dominic) (Entered: 07/12/2013)

		07/12/2013)
07/15/2013	1355	TEXT ONLY MINUTE ORDER: Set/Reset Hearings as to Guy Andrew Williams, Brent F Williams. A Video Status Conference set for 7/19/2013 at 01:00 PM (MST) in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/15/2013)
07/15/2013	1356	AMENDED by (Doc. 1357 ) – TEXT ONLY ORDER granting <u>1307</u> Motion to Substitute Attorney as to Duane Hamblin Slade (1). Retained Attorney Michael D. Kimerer is substituted in place of CJA Attorneys Dennis Ira Wilenchik and Anne DeGroot–Kaufman Osborn. IT IS FURTHER ORDERED vacating the Motion Hearing set for 7/19/2013 at 10:00 AM. Ordered by Chief Judge Roslyn O. Silver on 7/15/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) Modified on 7/15/2013 (CLB). (Entered: 07/15/2013)
07/15/2013	1357	TEXT ONLY AMENDED ORDER (to reflect the correct date the hearing was set) granting <u>1307</u> Motion to Substitute Attorney as to Duane Hamblin Slade (1). Retained Attorney Michael D. Kimerer is substituted in place of CJA Attorneys Dennis Ira Wilenchik and Anne DeGroot–Kaufman Osborn. IT IS FURTHER ORDERED vacating the Motion Hearing set for 7/17/2013 at 10:00 AM. Ordered by Chief Judge Roslyn O. Silver on 7/15/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/15/2013)
07/18/2013	<u>1358</u>	REPLY TO RESPONSE to Motion by Brent F Williams re <u>1348</u> MOTION Interrogatories to Jury (Simpson, Alan) (Entered: 07/18/2013)
07/19/2013	1360	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Motion Hearing as to Guy Andrew Williams and Brent F Williams held on 7/19/2013. IT IS ORDERED denying Defendant Brent Williams' 1347 Motion for Extension of Time and denying the 1348 Joint Motion to Submit Interrogatories to the Jury. IT IS FURTHER ORDERED denying as moot Defendant Guy Williams' <u>1349</u> Motion to Approve Limited Appearance and to Extend Time Under Rule 45(b)(1)(A), F.R.Crim.P. to File Substantive New Trial Motion Pursuant to Rule 33, F.R. Crim.P. and denying as moot the <u>1353</u> Motion to Withdraw. IT IS FURTHER ORDERED denying Guy Williams' <u>1352</u> Motion for New Trial. Defendant Guy Williams makes an oral motion to substitute retained attorney Stephen Dichter in place of CJA attorney Dennis Jones, for the limited purpose of representing Defendant at sentencing. The motion to substitute counsel is granted.  <b>Appearances:</b> AUSA Dominic Lanza for the Government, CJA Attorney Alan Simpson and Sean Forrester for Defendant Brent Williams. CJA Attorney Dennis Jones for Defendant Guy Williams. Also present, Retained Attorney Stephen Dichter. Defendants are present and released. (Court Reporter Candy Potter.) Hearing held 1:10 PM to 2:02 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/19/2013)
07/22/2013	1362	TEXT ONLY MINUTE ORDER: Set/Reset Hearings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Russell Laurence Sewell. A Telephonic Status Conference is set for 7/23/2013 at 08:30 AM (MST) before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/22/2013)
07/23/2013	1363	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Telephonic Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Russell Laurence Sewell held on 7/23/2013. Sentencing schedule is discussed. Minute Orders to follow.  <b>Appearances:</b> AUSA Peter Sexton for the Government, retained attorney Michael Kimerer for defendant Duane Slade, retained attorney Stephen Dichter for defendant Guy Williams, CJA Attorney Alan Simpson for defendant Brent Williams, CJA Attorney David Eisenberg for defendant Russell Sewell. Defendant Duane Slade is not present and in custody. Defendants Guy Williams, Brent Williams, and Russell Sewell are not present and released. Hearing held 8:30 AM to 8:45 AM. Hearing not recorded. This is a TEXT ENTRY ONLY. There is no

		PDF document associated with this entry. (CLB) (Entered: 07/23/2013)
07/23/2013	1364	TEXT ONLY MINUTE ORDER as to Duane Hamblin Slade. The Sentencing set for 9/30/2013 at 09:00 AM is RESET to 9/30/2013 at 08:30 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/23/2013)
07/23/2013	1365	TEXT ONLY MINUTE ORDER as to Guy Andrew Williams. The Sentencing set for 9/30/2013 at 09:00 AM is RESET to 9/30/2013 at 09:45 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/23/2013)
07/23/2013	1366	TEXT ONLY MINUTE ORDER as to Brent F Williams. The Sentencing set for 9/30/2013 at 09:00 AM is RESET to 9/30/2013 at 11:00 AM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/23/2013)
07/23/2013	1367	TEXT ONLY MINUTE ORDER as to Russell Laurence Sewell. The Sentencing set for 9/30/2013 at 09:00 AM is RESET to 9/30/2013 at 12:00 PM in Courtroom 505, 401 West Washington Street, Phoenix, AZ 85003 before Judge Jack Zouhary. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 07/23/2013)
07/23/2013	<u>1368</u>	TRANSCRIPT REQUEST by Russell Laurence Sewell for proceedings held on 06/21/2013 before Judge J. Zouhary. (Attachments: # <u>1</u> Exhibit)(Eisenberg, David) (Entered: 07/23/2013)
08/02/2013	<u>1372</u>	ORDER RE POST-TRIAL MOTIONS as to Guy Andrew Williams, Brent F Williams. This Order supplements recent bench rulings on July 19, 2013 addressing post-trial motions. Signed by Judge Jack Zouhary on 8/2/2013. (See Order for details.)(LFIG) (Entered: 08/02/2013)
08/05/2013	<u>1373</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial Day 5 AM Proceedings as to Guy Andrew Williams, Brent F Williams held on 6/21/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/26/2013. Redacted Transcript Deadline set for 9/5/2013. Release of Transcript Restriction set for 11/4/2013. (VPB) (Entered: 08/05/2013)
08/07/2013	<u>1376</u>	NOTICE OF FILING OF OFFICIAL EXCERPTED TRANSCRIPT of Jury Trial Day 5 - PM Proceedings as to Guy Andrew Williams, Brent F Williams held on 6/21/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 8/28/2013. Redacted Transcript Deadline set for 9/9/2013. Release of Transcript Restriction set for 11/5/2013. (VPB) (Entered: 08/07/2013)
08/15/2013	<u>1382</u>	TRANSCRIPT REQUEST by Brent F Williams for proceedings held on 1/30/12, 6/17/13-6/27/13 before Judge Zouhary. (Attachments: # <u>1</u> CJA24)(Simpson, Alan) (Entered: 08/15/2013)
08/16/2013	<u>1383</u>	TRANSCRIPT REQUEST <i>Amended</i> by Brent F Williams for proceedings held on 1/30/2012, 6/17/2013-6/28/2013 before Judge Jack Zouhary. (Attachments: # <u>1</u> CJA24)(Simpson, Alan) (Entered: 08/16/2013)
08/16/2013	<u>1384</u>	MOTION for Reconsideration re <u>1372</u> Order by Guy Andrew Williams. (Dichter, Stephen) (Entered: 08/16/2013)
08/28/2013	<u>1388</u>	RESPONSE to Motion by USA as to Guy Andrew Williams re <u>1384</u> MOTION for Reconsideration re <u>1372</u> Order (Lanza, Dominic) (Entered: 08/28/2013)

09/03/2013	<u>1390</u>	MOTION For Leave to Submit Character Letters in Excess of that Permitted by General Order 12-24 by Brent F Williams. (Attachments: # <u>1</u> Text of Proposed Order)(Simpson, Alan) (Entered: 09/03/2013)
09/05/2013	1393	ORDER granting in part and denying in part 1390 Motion for Leave to Submit Character Letters in Excess of that Permitted by General Order 12-24 as to Brent F Williams (3). Defendants Brent and Guy Williams are permitted to submit twenty (20) character letters each. Ordered by Judge Jack Zouhary on 9/5/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/05/2013)
09/09/2013	<u>1394</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing Proceedings as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler held on 1/30/2012, before Magistrate Judge Burns. Court Reporter Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/30/2013. Redacted Transcript Deadline set for 10/10/2013. Release of Transcript Restriction set for 12/9/2013. (VPB) (Entered: 09/09/2013)
09/12/2013	<u>1395</u>	MOTION for Leave to Submit Additional Character Letters by Russell Laurence Sewell. (Attachments: # <u>1</u> Text of Proposed Order)(Eisenberg, David) (Entered: 09/12/2013)
09/12/2013	1396	ORDER granting <u>1395</u> Motion for Leave to Submit Additional Character Letters as to Russell Laurence Sewell (5). Defendant Sewell is allowed to submit an additional six character letters on his behalf, for a total of sixteen such letters. Ordered by Judge Jack Zouhary on 9/12/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/12/2013)
09/12/2013	<u>1397</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Guy Andrew Williams . (Dichter, Stephen) (Entered: 09/12/2013)
09/16/2013	<u>1402</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Brent F Williams . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Simpson, Alan) (Entered: 09/16/2013)
09/17/2013	<u>1403</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 1 AM Session as to Guy Andrew Williams, Brent F Williams held on 6/17/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) (Entered: 09/17/2013)
09/17/2013	<u>1404</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 2 PM Session as to Guy Andrew Williams, Brent F Williams held on 6/18/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) (Entered: 09/17/2013)
09/17/2013	<u>1405</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 3 AM Session as to Guy Andrew Williams, Brent F Williams held on 6/19/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) (Entered: 09/17/2013)
09/17/2013	<u>1406</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 4 PM Session as to Guy Andrew Williams, Brent F Williams held on 6/20/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the

		court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) (Entered: 09/17/2013)
09/17/2013	<u>1407</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 5 PM Session as to Guy Andrew Williams, Brent F Williams held on 6/21/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) (Entered: 09/17/2013)
09/17/2013	<u>1408</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 6 AM Session as to Guy Andrew Williams, Brent F Williams held on 6/24/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) (Entered: 09/17/2013)
09/17/2013	<u>1409</u>	*NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 7 as to Guy Andrew Williams, Brent F Williams held on 6/25/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) *Modified to attach corrected PDF (APJ). (Entered: 09/17/2013)
09/17/2013	<u>1410</u>	*NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 9 as to Guy Andrew Williams, Brent F Williams held on 6/27/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) *Modified to attach corrected PDF (APJ). (Entered: 09/17/2013)
09/17/2013	<u>1411</u>	*NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 10 PM Session as to Guy Andrew Williams, Brent F Williams held on 6/28/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/8/2013. Redacted Transcript Deadline set for 10/18/2013. Release of Transcript Restriction set for 12/16/2013. (VPB) *Modified to attach corrected PDF (APJ). (Entered: 09/17/2013)
09/18/2013	<u>1412</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 1 PM Session as to Guy Andrew Williams, Brent F Williams held on 6/17/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1413</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 2 – AM Session as to Guy Andrew Williams, Brent F Williams held on 6/18/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript



		Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1414</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 3 – PM Session as to Guy Andrew Williams, Brent F Williams held on 6/19/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1415</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 4 – AM Session as to Guy Andrew Williams, Brent F Williams held on 6/20/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1416</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 5 – AM Session as to Guy Andrew Williams, Brent F Williams held on 6/21/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1417</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 6 – PM Session as to Guy Andrew Williams, Brent F Williams held on 6/24/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1418</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 8 as to Guy Andrew Williams, Brent F Williams held on 6/26/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/18/2013	<u>1419</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Day 10 – AM Session as to Guy Andrew Williams, Brent F Williams held on 6/28/2013, before Judge Zouhary. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/9/2013. Redacted Transcript Deadline set for 10/21/2013. Release of Transcript Restriction set for 12/17/2013. (VPB) (Entered: 09/18/2013)
09/19/2013	<u>1421</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Russell Laurence Sewell . (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Eisenberg, David) (Entered: 09/19/2013)
09/19/2013	<u>1422</u>	*MOTION for Departure <i>Downward Variance</i> and SENTENCING MEMORANDUM/Recommendation by USA as to Russell Laurence Sewell. (Sexton, Peter) *Modified to Add Motoin for Departure on 9/20/2013 (KMG). (Entered: 09/19/2013)

09/19/2013	<u>1423</u>	RESPONSE re: <u>1397</u> Objection to Presentence Investigation Report, 1402 Objection to Presentence Investigation Report by USA as to Guy Andrew Williams, Brent F Williams. (Attachments: # <u>1</u> Exhibit)(Lanza, Dominic) (Entered: 09/19/2013)
09/20/2013	<u>1424</u>	RESPONSE re: <u>1421</u> Objection to Presentence Investigation Report by USA as to Russell Laurence Sewell. (Lanza, Dominic) (Entered: 09/20/2013)
09/20/2013	<u>1425</u>	OBJECTION TO PRESENTENCE INVESTIGATION REPORT by Duane Hamblin Slade . (Kimerer, Michael) (Entered: 09/20/2013)
09/23/2013	<u>1426</u>	SENTENCING MEMORANDUM by USA as to Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rapp, Kevin) (Entered: 09/23/2013)
09/23/2013	<u>1427</u>	SENTENCING MEMORANDUM by USA as to Guy Andrew Williams, Brent F Williams. (Attachments: # <u>1</u> Exhibit)(Lanza, Dominic) (Entered: 09/23/2013)
09/23/2013	<u>1428</u>	SENTENCING MEMORANDUM by Guy Andrew Williams. (Attachments: # <u>1</u> Exhibit A)(Dichter, Stephen) (Entered: 09/23/2013)
09/23/2013	<u>1429</u>	SENTENCING MEMORANDUM by Brent F Williams. (Simpson, Alan) (Entered: 09/23/2013)
09/23/2013	<u>1430</u>	SENTENCING MEMORANDUM by Duane Hamblin Slade. (Attachments: # <u>1</u> Exhibit Exhibits A-C)(Kimerer, Michael) (Entered: 09/23/2013)
09/24/2013	<u>1433</u>	ORDER denying <u>1384</u> Motion for Reconsideration as to Guy Andrew Williams (2). Signed by Senior Judge Roslyn O Silver on 9/24/13.(CLB) (Entered: 09/24/2013)
09/24/2013	<u>1434</u>	RESPONSE re: <u>1425</u> Objection to Presentence Investigation Report by USA as to Duane Hamblin Slade. (Lanza, Dominic) (Entered: 09/24/2013)
09/24/2013	<u>1435</u>	SENTENCING MEMORANDUM by Russell Laurence Sewell. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Eisenberg, David) (Entered: 09/24/2013)
09/26/2013	<u>1438</u>	ORDER re: Objections to Presentence Report as to Guy Andrew Williams, Brent F Williams (See Order for details). Signed by Judge Jack Zouhary on 9/26/13.(CLB) (Entered: 09/26/2013)
09/26/2013	<u>1439</u>	ORDER re: Objections to Presentence Report as to Duane Hamblin Slade (See Order for details). Signed by Judge Jack Zouhary on 9/26/13.(CLB) (Entered: 09/26/2013)
09/26/2013	<u>1440</u>	ORDER re: Objections to Presentence Report as to Russell Laurence Sewell. Signed by Judge Jack Zouhary on 9/26/13.(CLB) (Entered: 09/26/2013)
09/26/2013	<u>1441</u>	ORDER re: Sentencing Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Russell Laurence Sewell (See Order for details). Signed by Judge Jack Zouhary on 9/26/13.(CLB) (Entered: 09/26/2013)
09/30/2013	1444	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Sentencing as to Duane Hamblin Slade held on 9/30/2013. Sentence imposed. Judgment to issue.  <b>Appearances:</b> AUSA Kevin Rapp, Dominic Lanza, and Peter Sexton for the Government, retained attorney Michael Kimerer for defendant. Defendant is present and in custody. (Court Reporter Candy Potter.) Hearing held 8:33 AM to 11:06 AM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/30/2013)
09/30/2013	1445	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Sentencing as to Guy Andrew Williams held on 9/30/2013. Sentence imposed. Judgment to issue.  <b>Appearances:</b> AUSA Kevin Rapp, Dominic Lanza, and Peter Sexton for the Government, retained attorneys Stephen Dichter and Jeff Hutchins for defendant. Defendant is present and released. (Court Reporter Candy Potter.) Hearing held 8:33 AM to 12:18 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/30/2013)

09/30/2013	1446	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Sentencing as to Brent F Williams held on 9/30/2013. Sentence imposed. Judgment to issue.  <b>Appearances:</b> AUSA Kevin Rapp, Dominic Lanza, Peter Sexton for the Government, CJA Attorney Alan Simpson and Sean Forrester for defendant. Defendant is present and released. (Court Reporter Candy Potter.) Hearing held 8:33 AM to 1:11 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/30/2013)
09/30/2013	1447	MINUTE ENTRY for proceedings held before Judge Jack Zouhary: Sentencing as to Russell Laurence Sewell held on 9/30/2013. IT IS ORDERED granting <u>1422</u> Motion for Departure. Sentence imposed. Judgment to issue.  <b>Appearances:</b> AUSA Kevin Rapp, Dominic Lanza, Peter Sexton for the Government, CJA Attorney David Eisenberg for defendant. Defendant is present and released. (Court Reporter Candy Potter.) Hearing held 1:11 PM to 2:00 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 09/30/2013)
09/30/2013	<u>1448</u>	PLEA AGREEMENT as to Duane Hamblin Slade (CLB) (Entered: 09/30/2013)
09/30/2013	<u>1449</u>	PLEA AGREEMENT as to Russell Laurence Sewell (CLB) (Entered: 09/30/2013)
09/30/2013	<u>1450</u>	JUDGMENT OF PROBATION ISSUED as to Russell Laurence Sewell (5), Count(s) 1s, the defendant is hereby placed on probation for a term of THREE (3) YEARS on the Information; Count(s) 1, Dismissed by Government Motion at Sentencing. Signed by Judge Jack Zouhary on 9/30/2013.(KMG) (Entered: 09/30/2013)
09/30/2013	<u>1451</u>	*AMENDED By Doc. <u>1552</u> *JUDGMENT AND COMMITMENT ISSUED as to Guy Andrew Williams (2), Count(s) 1,4-5,6-18 and 19-40 of the Indictment, the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED FIFTY (150) MONTHS, with credit for time served. This term consists of ONE HUNDRED FIFTY (150) MONTHS on Counts 1,4-5, and 6-18 and ONE HUNDRED TWENTY (120) MONTHS on Counts 19-40, all counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, all counts to run concurrently; Special Assessment: \$3,800.00; Fine: Waived; Restitution: To be determined. Defendant is ordered to self-surrender to the Bureau of Prisons or United States Marshal by 12:00 p.m. on 12/30/2013. Signed by Judge Jack Zouhary on 9/30/2013.(KMG) *Modified on 1/9/2014 (MAP)*. (Entered: 09/30/2013)
09/30/2013	<u>1452</u>	WAIVER OF CERTAIN APPEAL RIGHTS by Duane Hamblin Slade filed 9/30/2013. (CLB) (Entered: 10/01/2013)
09/30/2013	<u>1453</u>	WAIVER OF CERTAIN APPEAL RIGHTS by Russell Laurence Sewell filed 9/30/2013. (CLB) (Entered: 10/01/2013)
09/30/2013	<u>1457</u>	ORDER re: Conditions of Supervised Release as to Duane Hamblin Slade. Signed by Judge Jack Zouhary on 9/30/13.(CLB) (Entered: 10/02/2013)
09/30/2013	<u>1458</u>	ORDER re: Conditions of Supervised Release as to Guy Andrew Williams. Signed by Judge Jack Zouhary on 9/30/13.(CLB) (Entered: 10/02/2013)
09/30/2013	<u>1459</u>	ORDER re: Conditions of Super vised Release as to Brent F Williams. Signed by Judge Jack Zouhary on 9/30/13.(CLB) (Entered: 10/02/2013)
09/30/2013	<u>1460</u>	ORDER re: Conditions of Probation as to Russell Laurence Sewell. Signed by Judge Jack Zouhary on 9/30/13.(CLB) (Entered: 10/02/2013)
10/01/2013	<u>1454</u>	*Amended By Doc. <u>1553</u> *JUDGMENT AND COMMITMENT ISSUED as to Brent F Williams (3), Count(s) 1, 4-5, 6-18, 19-40 of the Indictment the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) MONTHS on Counts 1,4-5,6-18 and 19-40, with credit for time served, to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, to run concurrently. Special Assessment: \$3,800.00. Fine:

		Waived. Restitution: To be determined. Defendant is ordered to self-surrender to the Bureau of Prisons or United States Marshal by 12:00 p.m. on 12/30/2013. Signed by Judge Jack Zouhary on 9/30/2013.(KMG) *Modified on 1/9/2014 (MAP)*. (Entered: 10/01/2013)
10/01/2013	<u>1455</u>	*AMENDED By Doc. <u>1551</u> *JUDGMENT AND COMMITMENT ISSUED as to Duane Hamblin Slade (1), Count(s) 1, the defendant is hereby committed to the custody of the Bureau of Prisons for a term of ONE HUNDRED EIGHTY (180) MONTHS on Count 1, with credit for time served, to run concurrently to the sentence imposed in CR-13-0460-01-PHX-ROS. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of THREE (3) YEARS on Count 1, to run concurrently to the supervised-release in CR-13-0460-01-PHX-ROS. Count(s) 19-40, 2-5, 6-18, Dismissed by Government Motion at Sentencing. Signed by Judge Jack Zouhary on 9/30/2013.(KMG) *Modified on 1/9/2014 (MAP)*. (Entered: 10/01/2013)
10/01/2013	<u>1456</u>	ORDER as to Duane Hamblin Slade, et al, This Court took testimony from Conservator Sells regarding his Report detailing the losses from the fraud in which Defendants either pled or were found guilty. Following his testimony, this Court requested that he provide an updated Report by December 16, 2013. Some counsel expressed an interest in having Sells provide additional information. Any counsel wishing additional information shall file a request with this Court by October 14, 2013. The request should explain why the additional information sought is relevant to a determination of restitution. Any party opposing the request, may file a brief by October 25, 2013. If this Court believes a hearing is necessary, a telephone hearing will be held on Friday, December 20, 2013 at 10:00 a.m. Signed by Judge Jack Zouhary on 10/1/2013.(KMG) (Entered: 10/01/2013)
10/10/2013	<u>1461</u>	NOTICE OF APPEAL to 9th Circuit Court of Appeals as to Guy Andrew Williams re: <u>1451</u> Judgment and Commitment/of Probation Issued,,,. (Dichter, Stephen) (Entered: 10/10/2013)
10/10/2013	<u>1462</u>	USCA Appeal Fees received re: <u>1461</u> Notice of Appeal as to Guy Andrew Williams. Filing fee \$ 455, receipt number 0970-9706509. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (KMG) (Entered: 10/10/2013)
10/10/2013	<u>1463</u>	MOTION for Modification of Sentence <i>Order - Expedited Review Requested</i> by Duane Hamblin Slade. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Kimerer, Michael) (Entered: 10/10/2013)
10/11/2013	<u>1464</u>	ORDER granting <u>1463</u> Motion for Modification of Sentence as to Duane Hamblin Slade (1). IT IS FURTHER ORDERED modifying the Sentencing Order of September 30, 2013, to indicate a recommendation of this Court that Mr. Slade be placed at the Bastrop Correctional Facility to serve out his sentence. Ordered by Judge Jack Zouhary on 10/11/2013.( CLB) (Entered: 10/11/2013)
10/11/2013	<u>1465</u>	NOTICE OF APPEAL to 9th Circuit Court of Appeals as to Brent F Williams re: <u>1454</u> Judgment and Commitment/of Probation Issued,,. (Simpson, Alan) (Entered: 10/11/2013)
10/11/2013	<u>1466</u>	USCA Case Number as to Guy Andrew Williams re: <u>1461</u> Notice of Appeal. Case number 13-10523, Ninth Circuit. (Copies sent by the Ninth Circuit) (KMG) (Entered: 10/11/2013)
10/11/2013	<u>1467</u>	MOTION Request for Additional Information from Conservator Sell by Brent F Williams. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Simpson, Alan) (Entered: 10/11/2013)
10/14/2013	<u>1468</u>	MEMORANDUM by Guy Andrew Williams <i>Request for Additional Information From Conservator Sells for Purposes of Calculating Restitution</i> . (Attachments: # <u>1</u> Exhibit A)(Dichter, Stephen) (Entered: 10/14/2013)
10/15/2013	<u>1469</u>	USCA Case Number as to Brent F Williams re: <u>1465</u> Notice of Appeal. Case number 13-10529, Ninth Circuit. (copies sent by the Ninth Circuit) (REW) (Entered: 10/15/2013)

10/16/2013	<u>1470</u>	RESPONSE re: <u>1468</u> Memorandum, 1467 MOTION Request for Additional Information from Conservator Sell by USA as to Guy Andrew Williams, Brent F Williams. (Attachments: # <u>1</u> Exhibit)(Lanza, Dominic) (Entered: 10/16/2013)
10/18/2013	<u>1471</u>	REPLY re: <u>1470</u> Response by Guy Andrew Williams. (Dichter, Stephen) (Entered: 10/18/2013)
10/30/2013	<u>1475</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 1/3/2013 – 1/22/2013 before Judge Jack Zouhary. (Attachments: # <u>1</u> Exhibit Attachment)(Dichter, Stephen) (Entered: 10/30/2013)
10/30/2013	<u>1476</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 1/30/2012 before Judge Michelle Burns. (Dichter, Stephen) (Entered: 10/30/2013)
10/30/2013	<u>1477</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 09/17/2012 before Judge Michelle Burns. (Dichter, Stephen) (Entered: 10/30/2013)
10/30/2013	<u>1478</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 12/27/2012 before Judge Jack Zouhary. (Dichter, Stephen) (Entered: 10/30/2013)
10/30/2013	<u>1479</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 07/19/2013 before Judge Jack Zouhary. (Dichter, Stephen) (Entered: 10/30/2013)
10/30/2013	<u>1480</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 06/17/2013–06/27/2013 before Judge Jack Zouhary. (Dichter, Stephen) (Entered: 10/30/2013)
10/30/2013	1481	NOTICE TO FILER OF DEFICIENCY as to Guy Andrew Williams. Pursuant to the Federal Rules of Civil Procedure, and the General Orders, Local Rules, and CM/ECF Administrative Policies and Procedures Manual of this Court, the following deficiency(ies) has been found with the electronically filed document 1480 filed by Stephen Dichter: 1) Specific dates must be listed. ACTION REQUIRED BY THE FILER The deficiency must be corrected within one (1) business day of this notice. Counsel must re-file entire document (AO435 Transcript Order form) Counsel shall re-file as Transcript Request "AMENDED". (VPB) (Entered: 10/30/2013)
10/31/2013	<u>1482</u>	TRANSCRIPT REQUEST <i>AMENDED</i> by Guy Andrew Williams for proceedings held on 06/17/13, 06/18/13, 06/19/13, 06/20/13, 06/21/13, 06/24/13, 06/25/13, 06/26/13, 06/27/13 before Judge Jack Zouhary. (Attachments: # <u>1</u> Exhibit Attachment)(Dichter, Stephen) (Entered: 10/31/2013)
10/31/2013	<u>1483</u>	TRANSCRIPT REQUEST by Guy Andrew Williams for proceedings held on 06/28/2013 before Judge Jack Zouhary. (Dichter, Stephen) (Entered: 10/31/2013)
11/01/2013	<u>1485</u>	ORDER of USCA as to Brent F Williams, the motion of Alan M Simpson to withdraw as counsel of record and to appoint new counsel is granted; Counsel will be appointed by separate order; the appointing authority for the District of Arizona will locate appointed counsel and send notification of the attorney's information to the Clerk of this court within 14 days of locating counsel; new counsel shall designate the transcripts by 12/2/13; the transcripts are due 1/2/14; remaining briefing schedule reset, re: 13–10529 <u>1465</u> Notice of Appeal. (copies sent by the Ninth Circuit) (REW) (Entered: 11/01/2013)
11/12/2013	<u>1490</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing as to Guy Andrew Williams, Brent F Williams for dates of 7–19–2013 before Judge Zouhary re: <u>1461</u> Notice of Appeal, 1465 Notice of Appeal. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/3/2013. Redacted Transcript Deadline set for 12/13/2013. Release of Transcript Restriction set for 2/10/2014. (MAS, ) (Entered: 11/12/2013)
11/14/2013	<u>1491</u>	CJA 20 as to Brent F Williams: Appointment of Attorney Daniel R Drake for Brent F Williams. Signed by Senior Judge Roslyn O Silver on 11/13/13, nunc pro tunc to 11/8/13. (LAD) (Entered: 11/15/2013)

11/15/2013	<u>1492</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler for dates of 1/30/2012 before Judge Burns re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/6/2013. Redacted Transcript Deadline set for 12/16/2013. Release of Transcript Restriction set for 2/13/2014. (VPB) (Entered: 11/15/2013)
11/18/2013	<u>1493</u>	ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell the briefs shall be no longer than five (5) pages and are due no later than Friday, November 22, 2013 by 2:00 p.m. EST (12:00 p.m. MST) (See Order for details). Signed by Judge Jack Zouhary on 11/18/13.(CLB) (Entered: 11/18/2013)
11/20/2013	<u>1494</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motions in Limine as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams for dates of 9/17/2012 before Judge Burns re: 1461 Notice of Appeal, 1465 Notice of Appeal. Transcriber Marilyn Sanchez. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/11/2013. Redacted Transcript Deadline set for 12/23/2013. Release of Transcript Restriction set for 2/18/2014. (VPB) (Entered: 11/20/2013)
11/21/2013	<u>1495</u>	MEMORANDUM by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams re: <u>1493</u> Order, <i>Brief on Lomow</i> . (Lanza, Dominic) (Entered: 11/21/2013)
11/22/2013	<u>1503</u>	SUPPLEMENT by Guy Andrew Williams <u>1493</u> Order,. (Dichter, Stephen) (Entered: 11/22/2013)
11/22/2013	<u>1504</u>	ORDER granting 1467 Defendants' Motion for Additional Information. FURTHER ORDERED Conservator Sell shall file the following information as soon as practicable with this Court: Estimated asset valuations (and any underlying support) as of 4/5/2005; Costs expended in foreclosing on collateral; Conservator's fees and costs for investigating and managing Mathon's assets; and Conservators fees and costs associated with litigation (excluding any foreclosure costs identified). Signed by Judge Jack Zouhary on 11/22/2013.(VPB) (Entered: 11/22/2013)
11/25/2013	<u>1505</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Telephonic Conference as to Duane Hamblin Slade, Guy Andrew Williams for dates of 12/27/2012 before Judge Zouhary re: 1461 Notice of Appeal. Court Reporter Angela D. Nixon. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/16/2013. Redacted Transcript Deadline set for 12/26/2013. Release of Transcript Restriction set for 2/24/2014. (MAS) (Entered: 11/25/2013)
11/27/2013	<u>1510</u>	NOTICE re PASSPORT as to Duane Hamblin Slade. Passports 439486342 and 074899456 returned to U.S. Department of State via FedEx Tracking No. 875357359784. (Thomas, Julie) (Entered: 11/27/2013)
11/27/2013	<u>1511</u>	TRANSCRIPT REQUEST by Brent F Williams for proceedings held on 1/29/2013, 2/4/2013, 2/5/2013, 5/10/2013, 5/14/2013, 5/16/2013, 5/17/2013, 5/20/2013, 5/24/2013, 6/3/2013, 6/6/2013, 6/12/2013, 6/17/2013, 6/18/2013, 6/19/2013, 6/20/2013, 6/21/2013, 6/24/2013, 6/25/2013, 6/26/2013, 6/27/2013, 6/28/2013, 7/19/2013, 7/23/2013, 9/30/2013, 9/30/2013(Slade sentencing), 9/30/2013(Guy Williams sentencing) before Judge Silver. (Attachments: # <u>1</u> CJA-24)(Drake, Daniel) (Entered: 11/27/2013)
11/27/2013	<u>1512</u>	TRANSCRIPT REQUEST <i>Supplemental Transcript Request: 1/19/10, 2/5/10, 2/10/10, 5/10/10, 5/24/10, 9/15/10, 2/8/11, 2/16/11, 2/16/11, 2/28/11, 3/7/11, 3/17/11, 7/25/11, 9/12/11, 1/30/12, 2/22/12, 7/13/12, 9/17/12, 12/3/12, 12/11/12, 12/27/12, 1/2/13, 1/3/13, 1/4/13, 1/7/13, 1/8/13, 1/9/13, 1/10/13, 1/11/13, 1/14/13,</i>

		1/15/13, 1/16/13, 1/17/13, 1/22/13, 1/23/13, 1/24/13, 1/25/13, 1/28/13 as to Brent F Williams re: <u>1465</u> Notice of Appeal. (Attachments: # <u>1</u> CJA-24)(Drake, Daniel) Modified on 1/29/2014 to correct event type. (KAR). (Entered: 11/27/2013)
12/06/2013	<u>1523</u>	TRANSCRIPT REQUEST by Michael M. Donahey for proceedings held on 9/30/2013 before Judge Zouhary. (MAS) (Entered: 12/06/2013)
12/06/2013	<u>1525</u>	ORDER as to Duane Hamblin Slade re: Dennis Wilenchik – The referral to the State Bar discharges the OSC and the Court will take no further action on this issue (See Order for details). Signed by Senior Judge Roslyn O Silver on 12/6/13.(CLB) (Entered: 12/06/2013)
12/09/2013	<u>1526</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Sentencing as to Guy Andrew Williams for dates of 9–30–2013 before Judge Zouhary re: <u>1461</u> Notice of Appeal. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/30/2013. Redacted Transcript Deadline set for 1/9/2014. Release of Transcript Restriction set for 3/10/2014. (MAS) (Entered: 12/09/2013)
12/12/2013	<u>1527</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Sentencing) as to Duane Hamblin Slade held on 9/30/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2014. Redacted Transcript Deadline set for 1/13/2014. Release of Transcript Restriction set for 3/12/2014. (MAS) (Entered: 12/12/2013)
12/12/2013	<u>1528</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Status Conference) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 2/5/2010, before Judge Carroll. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2014. Redacted Transcript Deadline set for 1/13/2014. Release of Transcript Restriction set for 3/12/2014. (MAS) (Entered: 12/12/2013)
12/12/2013	<u>1529</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Motion Hearing) as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell held on 1/19/2010, before Judge Carroll. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2014. Redacted Transcript Deadline set for 1/13/2014. Release of Transcript Restriction set for 3/12/2014. (MAS) (Entered: 12/12/2013)
12/12/2013	<u>1530</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Sentencing) as to Brent F Williams held on 9/30/2013, before Judge Zouhary. Court Reporter Candy Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2014. Redacted Transcript Deadline set for 1/13/2014. Release of Transcript Restriction set for 3/12/2014. (MAS) (Entered: 12/12/2013)
12/18/2013	<u>1531</u>	RESPONSE to Court Order by Receiver James C Sell. (KMG) (Entered: 12/18/2013)
12/19/2013	<u>1532</u>	Joint MOTION to Continue <i>Date of Self-Surrender Due to Lack of BOP Designation</i> by Guy Andrew Williams. (Dichter, Stephen) (Entered: 12/19/2013)
12/20/2013	1533	ORDER – Pursuant to a telephonic conference held on 12/20/2013, IT IS ORDERED denying as moot the <u>1532</u> Joint Motion to Continue Self Surrender Date. Ordered by Judge Jack Zouhary on 12/20/2013. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 12/20/2013)

		12/20/2013)
12/26/2013	<u>1534</u>	MEMORANDUM by USA as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Russell Laurence Sewell <i>SUPPLEMENTAL PLEADING REGARDING RESTITUTION</i> . (Sexton, Peter) (Entered: 12/26/2013)
12/26/2013	<u>1535</u>	MEMORANDUM by Guy Andrew Williams <i>Re Final Restitution Memorandum to Assist Court in Determining Restitution</i> . (Dichter, Stephen) (Entered: 12/26/2013)
12/27/2013	<u>1536</u>	*MEMORANDUM <i>Restitution</i> and Notice of JOINDER to co-defendant Guy Andrew Williams' 1535 Memorandum by Duane Hamblin Slade. (Kimerer, Michael) *Modified to remove incorrectly chosen filers and add text on 12/30/2013 (KMG). (Entered: 12/27/2013)
12/27/2013	<u>1537</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for dates of 5/10/2010 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1538</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing as to Guy Andrew Williams, Brent F Williams for dates of 5/24/2010 before Judge Silver re: <u>1461</u> Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1539</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing as to Brent F Williams for dates of 9/15/2010 before Judge Silver re: <u>1465</u> Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1540</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for dates of 2/8/2011 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1541</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for dates of 3/17/2011 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1542</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler for dates of 7/25/2011 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before



		the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1543</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for dates of 9/12/2011 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1544</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for dates of 2/22/2012 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1545</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Hearing as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams for dates of 12/4/2012 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/27/2013	<u>1546</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Voir Dire/Jury Selection as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams for dates of 12/11/2012 before Judge Silver re: 1461 Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2014. Redacted Transcript Deadline set for 1/27/2014. Release of Transcript Restriction set for 3/27/2014. (VPB) (Entered: 12/30/2013)
12/30/2013	<u>1547</u>	RESTITUTION ORDER as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell. This Court orders restitution as follows: As to Defendant Duane Slade: Restitution in the amount of \$32,965,166.43, joint and several with his co-defendants. As to Defendant Guy Williams: Restitution in the amount of \$32,965,166.43, joint and several with his co-defendants. As to Defendant Brent Williams: Restitution in the amount of \$15,658,454.05, joint and several with his co-defendants. As to Defendant Russell Sewell: Restitution is not ordered for Defendant Sewell. Signed by Judge Jack Zouhary on 12/30/2013. (See Order for details.)(LFIG) (Entered: 12/30/2013)
12/30/2013	<u>1548</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial, Jury Voir Dire as to Guy Andrew Williams, Brent F Williams for dates of 6/6/2013 before Judge Silver re: <u>1461</u> Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/21/2014. Redacted Transcript Deadline set for 1/30/2014. Release of Transcript Restriction set for 3/31/2014. (VPB) (Entered: 12/30/2013)

12/30/2013	<u>1549</u>	NOTICE OF FILING OF OFFICIAL REDACTED TRANSCRIPT of In-Court Hearing as to Guy Andrew Williams, Brent F Williams for dates of 6/12/2013 before Judge Zouhary re: <u>1461</u> Notice of Appeal, 1465 Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/21/2014. Redacted Transcript Deadline set for 1/30/2014. Release of Transcript Restriction set for 3/31/2014. (VPB) (Entered: 12/30/2013)
01/09/2014	<u>1551</u>	AMENDED JUDGMENT (to reflect restitution amount as ordered by the Court on 12/30/13) as to Duane Hamblin Slade (1), Count(s) 1, the defendant is hereby committed to the custody of the BOP for a term of ONE HUNDRED EIGHTY (180) MONTHS on Count 1, with credit for time served, to run concurrently to the sentence imposed in CR-13-0460-01-PHX-ROS. Upon release, placed on supervised release for a term of THREE (3) YEARS on Count 1, to run concurrently to the supervised-release in CR-13-0460-01-PHX-ROS. FURTHER ORDERED that all remaining counts are dismissed on motion of the United States. SPECIAL ASSESSMENT: \$100.00. RESTITUTION: \$32,965,166.43. Signed by Judge Jack Zouhary on 1/9/14.(MAP) (Attachment: # <u>1</u> Exhibit) (MAP). (Entered: 01/09/2014)
01/09/2014	<u>1552</u>	AMENDED JUDGMENT (Amended to reflect the restitution amount as ordered by the Court on 12/30/13) as to Guy Andrew Williams (2), Count(s) 1, the defendant is hereby committed to the custody of the BOP for a term of ONE HUNDRED FIFTY (150) MONTHS, with credit for time served. This term consists of ONE HUNDRED FIFTY (150) MONTHS on Counts 1,4-5, and 6-18 and ONE HUNDRED TWENTY (120) MONTHS on Counts 19-40, all counts to run concurrently. Upon release, placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, all counts to run concurrently. SPECIAL ASSESSMENT: \$3,800.00. RESTITUTION: \$32,965,166.43. Defendant is Ordered to Self-Surrender to the BOP or United States Marshal by 12:00 p.m. on 12/30/2013. Signed by Judge Jack Zouhary on 1/9/14.(MAP) (Attachment: # <u>1</u> Exhibit) (MAP). (Entered: 01/09/2014)
01/09/2014	<u>1553</u>	AMENDED JUDGMENT (Amended to reflect the restitution amount as ordered by the Court on 12/30/13) as to Brent F Williams (3), Count(s) 1, the defendant is hereby committed to the custody of the Bureau of Prisons for a term of NINETY (90) MONTHS on Counts 1,4-5,6-18 and 19-40, with credit for time served, to run concurrently. Upon release, placed on supervised release for a term of THREE (3) YEARS on Counts 1,4-5,6-18 and 19-40, to run concurrently. SPECIAL ASSESSMENT: \$3,800.00. RESTITUTION: \$15,658,454.05. The defendant shall self-surrender for service of sentence at the institution designated by the BOP or United States Marshal by 12:00 p.m. on 12/30/2013. Signed by Judge Jack Zouhary on 1/9/14.(MAP) (Attachment: # <u>1</u> Exhibit) (MAP). (Entered: 01/09/2014)
01/15/2014	<u>1563</u>	ORDER as to Duane Hamblin Slade re <u>1525</u> Order - IT IS ORDERED the Clerk of Court shall file the video of the May 16, 2013 hearings under seal. This order shall not be sealed. IT IS FURTHER ORDERED the Clerk of Court shall send a copy of this Order with a copy of the video of the May 16, 2013 hearings to the State Bar of Arizona, Attention ACAP, 4201 N. 24th Street, Suite 200, Phoenix, Arizona 85016-6288. IT IS FURTHER ORDERED the State Bar shall not distribute the video in any manner absent prior order of the Court. Signed by Senior Judge Roslyn O Silver on 1/15/14.(CLB) (Entered: 01/15/2014)
01/17/2014	<u>1568</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT - Status Conference as to Duane Hamblin Slade, Guy Andrew Williams, Brent F Williams, Douglas Edward Towler, Russell Laurence Sewell for dates of 2/16/2011 before Magistrate Judge Burns re: 1461 Notice of Appeal, 1465 Notice of Appeal. Transcriber Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/7/2014. Redacted Transcript Deadline set for 2/18/2014. Release of Transcript Restriction set for 4/17/2014. (VPB) (Entered: 01/21/2014)

01/17/2014	<u>1569</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT – Initial Appearance/Arrest as to Duane Hamblin Slade, Brent F Williams for dates of 5/10/2013 before Magistrate Judge Burns re: 1465 Notice of Appeal. Transcriber Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/7/2014. Redacted Transcript Deadline set for 2/18/2014. Release of Transcript Restriction set for 4/17/2014. (VPB) (Entered: 01/21/2014)
01/17/2014	<u>1571</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT – Pretrial Release Revocation Hearing as to Duane Hamblin Slade, Brent F Williams for dates of 5/24/2013 before Judge Anderson re: 1465 Notice of Appeal. Transcriber Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/7/2014. Redacted Transcript Deadline set for 2/18/2014. Release of Transcript Restriction set for 4/17/2014. (VPB) (Entered: 01/21/2014)
01/21/2014	<u>1570</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT – Pretrial Release Revocation Hearing as to Duane Hamblin Slade, Brent F Williams for dates of 5/20/2013 before Magistrate Judge Anderson re: 1465 Notice of Appeal. Transcriber Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/11/2014. Redacted Transcript Deadline set for 2/21/2014. Release of Transcript Restriction set for 4/21/2014. (VPB) (Entered: 01/21/2014)
01/21/2014	<u>1572</u>	NOTICE OF APPEAL to 9th Circuit Court of Appeals as to Duane Hamblin Slade re: <u>1551</u> Amended Judgment. (Kimerer, Michael) (Entered: 01/21/2014)
01/21/2014	<u>1573</u>	MOTION to Withdraw as Attorney <i>and Appoint Public Defender</i> as to attorney Michael D. Kimerer by Duane Hamblin Slade. (Attachments: # <u>1</u> Text of Proposed Order)(Kimerer, Michael) (Entered: 01/21/2014)
01/23/2014	1576	ORDER as to Duane Hamblin Slade (1) – The Court has received defense counsel's <u>1573</u> Motion to Withdraw as counsel of record. This case is currently on appeal and therefore this Court is divested of jurisdiction. Further, the appellate court has ruled (Doc. 3-1) on the substitution of counsel. Accordingly, IT IS ORDERED the motion <u>1573</u> is denied as moot. Ordered by Judge Jack Zouhary on 1/23/2014. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (CLB) (Entered: 01/23/2014)
01/23/2014	<u>1577</u>	USCA Case Number as to Duane Hamblin Slade re: <u>1572</u> Notice of Appeal. Case number 14-10027, Ninth Circuit. (Copies sent by Ninth Circuit) (ALS) (Entered: 01/23/2014)
01/24/2014	<u>1578</u>	ORDER of USCA as to Duane Hamblin Slade: The court sua sponte consolidates appeal Nos. 14-10026 and 14-10027. Within 21 days after the date of this order, appellant shall pay to the district court the \$505.00 filing and docketing fees for each of these appeals and file in this court proof of such payment or file in this court a motion to proceed in forma pauperis; Failure to pay the fees or file a motion to proceed in forma pauperis may result in the dismissal of these consolidated appeals for failure to prosecute. See 9th Cir. R. 42-1. re: 14-10027 <u>1572</u> Notice of Appeal. (Copies sent by Ninth Circuit) (ALS) (Entered: 01/24/2014)
02/05/2014	<u>1587</u>	NOTICE re: PASSPORT as to Brent F Williams. Passport returned to U.S. Department of State via FedEx Tracking No. 875357359762 on 2/5/14.(JAT) (Entered: 02/05/2014)
02/05/2014	<u>1588</u>	NOTICE re: PASSPORT as to Guy Andrew Williams. Passport returned to U.S. Department of State via FedEx Tracking No. 875357359762 on 2/5/14.(JAT) (Entered: 02/05/2014)
02/12/2014	<u>1591</u>	USCA Appeal Fees received re: <u>1572</u> Notice of Appeal as to Duane Hamblin Slade. Filing fee \$505.00, receipt number PHX142983. (KMG) (Entered: 02/12/2014)

03/04/2014	<u>1595</u>	*DESIGNATION OF RECORD ON APPEAL as to Duane Hamblin Slade re: <u>1572</u> Notice of Appeal. (Kimerer, Michael) *Incorrect Event Selected; Attorney notified to refile on 3/5/2014 (KMG). (Entered: 03/04/2014)
03/05/2014	<u>1596</u>	NOTICE OF DEFICIENCY as to Duane Hamblin Slade re: <u>1595</u> Designation of Record on Appeal filed by Duane Hamblin Slade. Description of deficiency: Incorrect document type selected. See Notice for further details. (KMG) (Entered: 03/05/2014)
03/05/2014	<u>1597</u>	TRANSCRIPT REQUEST by Duane Hamblin Slade for proceedings held on 9/30/2013; 6/5/2013; 1/9/2014, Judge Jack Zouhary hearing judge(s). (Kimerer, Michael) (Entered: 03/05/2014)
03/26/2014	<u>1601</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Plea Hearing as to Duane Hamblin Slade for dates of 6/5/2013 before Judge Silver re: <u>1572</u> Notice of Appeal. Court Reporter Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber by filing a Transcript Order Form on the docket before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/16/2014. Redacted Transcript Deadline set for 4/28/2014. Release of Transcript Restriction set for 6/24/2014. (VPB) (Entered: 04/15/2014)
05/09/2014	<u>1605</u>	ORDER of USCA as to Duane Hamblin Slade, Appellant's submission of a completed Form 4 is construed as a motion to proceed in forma pauperis; so construed, the motion is granted; the motion of retained counsel, Michael Kimerer, to be appointed as counsel of record in this appeal is granted; if appellant seeks transcripts of proceedings requiring special authorization, that authorization should be obtained from the District Court; upon filing of the transcripts, the court reporter shall submit the Form CJA 24 to this court for payment, re: 14-10027 <u>1572</u> Notice of Appeal. (copies sent by the Ninth Circuit) (REW) (Entered: 05/09/2014)
09/30/2014	<u>1606</u>	MANDATE of USCA as to Duane Hamblin Slade, pursuant to the stipulation of the parties, these consolidated appeals are dismissed, re: 14-10027 <u>1572</u> Notice of Appeal. (Attachments: # <u>1</u> NDA) (copies sent by the Ninth Circuit)(REW) (Entered: 10/02/2014)
05/08/2015	<u>1607</u>	ORDER TERMINATING PROBATION PRIOR TO ORIGINAL EXPIRATION DATE as to Defendant (5) Russell Laurence Sewell. Signed by Senior Judge Roslyn O Silver on 5/8/2015.(KMG) (Entered: 05/08/2015)

# **EXHIBIT 3**

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**United States of America**

**v.**

**Guy Andrew Williams**

**AMENDED(to reflect the restitution amount as  
ordered by the Court on December 30, 2013)**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed on or After November 1, 1987)

**No. CR 09-01492-002-PHX-ROS**

Stephen M. Dichter and Jeff Hutchins (Retained)  
Attorney for Defendant

USM#: 81356-208

**THERE WAS A** verdict of guilty on 6/28/2013 as to Counts 1, 4-5, 6-18 and 19-40 of the Indictment.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 18, U.S.C. §§1349, 1341, and 1343, Conspiracy to Commit Mail Fraud and/or Wire Fraud, a Class C Felony offense, as charged in Count 1 of the Indictment; Title 18, U.S.C. §1341, Mail Fraud, a Class C Felony offense, as charged in Counts 4-5 of the Indictment; Title 18, U.S.C. §1343, Wire Fraud, a Class C Felony offense, as charged in Counts 6-18 of the Indictment; Title 18, U.S.C. §1957(a), Transactional Money Laundering, a Class C Felony offense, as charged in Counts 19-40 of the Indictment.

**IT IS THE JUDGMENT OF THIS COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **ONE HUNDRED FIFTY (150) MONTHS**, with credit for time served. This term consists of **ONE HUNDRED FIFTY (150) MONTHS** on Counts 1, 4-5, and 6-18 and **ONE HUNDRED TWENTY (120) MONTHS** on Counts 19-40, all counts to run concurrently. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** on Counts 1, 4-5, 6-18 and 19-40, all counts to run concurrently. The Court recommends that the defendant be placed in an institution near Mesa, Arizona.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT:** \$3,800.00    **FINE:** Waived    **RESTITUTION:** \$32,965,166.43

The defendant shall pay a special assessment of \$3,800.00, which shall be due immediately.

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

The defendant shall pay restitution to the following victim(s) in the following amount(s):

\$32,965,166.43 to victims identified in sealed Exhibit A attached to this judgment, to be jointly and severally with co-defendants in this case until full restitution amount is paid.

The defendant shall pay a total of \$ 32,968,966.43 in criminal monetary penalties, due immediately. Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows: Balance is due in equal monthly installments of \$ 500.00 over a period of 34 months to commence 60 days after the release from imprisonment to a term of supervised release.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$3,800.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count 1, 4-5, 6-18 and 19-40 of the Indictment.

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant is placed on supervised release for a term of **THREE (3) YEARS** on Counts 1, 4-5, 6-18 and 19-40, all counts to run concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that, pursuant to General Order 12-13, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions, of particular importance, you shall not commit another federal, state or local crime during the term of supervision and the defendant shall abstain from the use of illicit substances:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any paraphernalia related to such substances, without a prescription by a licensed medical practitioner. The use or possession of medicinal marijuana, even with a physician's written certification, is not permitted. Possession of controlled substances will result in mandatory revocation of your term of supervision.
- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a

- weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
  - 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
  - 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
  - 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
  - 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
  - 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
  - 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. Defendant is prohibited from making major purchases, incurring new financial obligations, or entering into any financial contracts without prior approval of the probation office.
2. Defendant shall provide all financial documentation requested by the probation office.
3. Defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
4. Defendant shall cooperate with the Internal Revenue Service and pay all tax liabilities. Defendant shall file timely, accurate and lawful income tax returns and provide proof to the probation office.
5. Defendant is prohibited from being employed in, or operating, a business where he is responsible for handling or investing others' money without the express written permission of the probation office.
6. Defendant is prohibited from contacting any of the victim investors in this case. The probation office will verify compliance.

**THE DEFENDANT IS ADVISED OF DEFENDANT'S RIGHT TO APPEAL BY FILING A NOTICE OF APPEAL IN WRITING WITHIN 14 DAYS OF ENTRY OF JUDGMENT.**

The Court may change the conditions of probation or supervised release or extend the term of



CR 09-01492-002-PHX-ROS  
USA vs. Guy Andrew Williams

supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

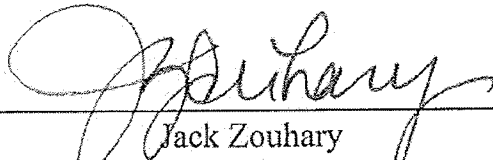
The Court orders commitment to the custody of the Bureau of Prisons and recommends that the defendant be placed in an institution near Mesa, Arizona

The defendant shall self-surrender for service of sentence at the institution designated by the Bureau of Prisons or United States Marshal by 12:00 p.m. on 12/30/2013.

Date of Imposition of Sentence: **Monday, September 30, 2013**

Judgment Amended on: **Thursday, January 9, 2013**

DATED this 9<sup>th</sup> day of January, 2014.



\_\_\_\_\_  
Jack Zouhary  
United States District Judge

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

# **EXHIBIT 4**

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

**United States of America**

**v.**

**Duane Hamblin Slade**

**AMENDED (to reflect restitution amount as  
ordered by the Court on December 30, 2013)**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed on or After November 1, 1987)

**No. CR 09-01492-001-PHX-ROS**

Michael Kimerer (Retained)  
Attorney for Defendant

USM#: 36995-280

**THE DEFENDANT ENTERED A PLEA OF** guilty on 6/5/2013 to Count 1 of the Indictment.

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 18, U.S.C. §1349, Conspiracy to Commit Mail and Wire Fraud, a Class C Felony offense, as charged in Count 1 of the Indictment.

**IT IS THE JUDGMENT OF THIS COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **ONE HUNDRED EIGHTY (180) MONTHS** on Count 1, with credit for time served, to run concurrently to the sentence imposed in CR-13-0460-01-PHX-ROS. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **THREE (3) YEARS** on Count 1, to run concurrently to the supervised release in CR-13-0460-01-PHX-ROS. The Court recommends to the Bureau of Prisons the defendant be placed in a facility in Austin, Texas.

**IT IS ORDERED** that all remaining counts are dismissed on motion of the United States.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT: \$100.00 FINE: WAIVED RESTITUTION: \$32,965,166.43**

The defendant shall pay a special assessment of \$100.00, which shall be due immediately.

The Court finds the defendant does not have the ability to pay a fine and orders the fine waived.

The defendant shall pay restitution to the following victim(s) in the following amount(s):

\$32,965,166.43 to victims identified in sealed Exhibit A attached to this judgment, to be jointly and severally with co-defendants in this case until full restitution amount is paid.

CR 09-01492-001-PHX-ROS  
USA vs. Duane Hamblin Slade

Page 2 of 4

The defendant shall pay a total of \$ 32,965,266.43 in criminal monetary penalties, due immediately. Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows: Balance is due in equal monthly installments of \$ 1,000.00 over a period of 34 months to commence 60 days after the release from imprisonment to a term of supervised release.

As noted, Mr. Slade is being ordered to pay \$32,965,166.43 in restitution to the victims in this case. In addition, Mr. Slade also has been ordered to pay \$2,520,000 in restitution to a separate victim in Case No. 13-460. Because these cases were resolved jointly, the two sets of victims should stand on equal footing with respect to the allocation of restitution payments made by Mr. Slade. Accordingly, 92.898% of all restitution payments made by Mr. Slade should be allocated to the victims in Case No. 09-1492 and the remaining 7.102% should be allocated to the victim in Case No. 13-460. This approach will continue until Mr. Slade's restitution obligation in either case is resolved in full. If and when such a partial satisfaction occurs, 100% of all remaining restitution payments made by Mr. Slade will be allocated to the victim(s) in the case in which the restitution obligation remains unresolved.

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, Suite 130, 401 West Washington Street, SPC 1, Phoenix, Arizona 85003-2118. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$100.00 shall be paid pursuant to Title 18, United States Code, Section 3013 for Count 1 of the Indictment.

Any unpaid balance shall become a condition of supervision and shall be paid within 90 days prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant is placed on supervised release for a term of **THREE (3) YEARS** on Count 1, to run concurrently to the supervised release in CR-13-0460-01-PHX-ROS.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

It is the order of the Court that, pursuant to General Order 12-13, which incorporates the requirements of USSG §§5B1.3 and 5D1.2, you shall comply with the following conditions, of particular importance, you shall not commit another federal, state or local crime during the term of supervision and the defendant shall abstain from the use of illicit substances:

- 1) You shall not commit another federal, state, or local crime during the term of supervision.
- 2) You shall not leave the judicial district or other specified geographic area without the permission of the Court or probation officer.
- 3) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 4) You shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 5) You shall support your dependents and meet other family responsibilities.
- 6) You shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 7) You shall notify the probation officer at least ten days prior to any change of residence or employment.
- 8) You shall refrain from excessive use of alcohol and are subject to being prohibited from the use of alcohol if ordered by the Court in a special condition of supervision.
- 9) You shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. § 801) or any

paraphernalia related to such substances, without a prescription by a licensed medical practitioner. The use or possession of medicinal marijuana, even with a physician's written certification, is not permitted. Possession of controlled substances will result in mandatory revocation of your term of supervision.

- 10) You shall not frequent places where controlled substances are illegally sold, used, distributed or administered, or other places specified by the Court.
- 11) You shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
- 12) You shall permit a probation officer to visit at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
- 13) You shall immediately notify the probation officer (within forty-eight (48) hours if during a weekend or on a holiday) of being arrested or questioned by a law enforcement officer.
- 14) You shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
- 15) As directed by the probation officer, you shall notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and shall permit the probation officer to make such notification and to confirm your compliance with such notification requirement.
- 16) If you have ever been convicted of a felony, you shall refrain from possessing a firearm, ammunition, destructive device, or other dangerous weapon. If you have ever been convicted of a misdemeanor involving domestic violence, you shall refrain from possession of any firearm or ammunition. Possession of a firearm will result in mandatory revocation of your term of supervision. This prohibition does not apply to misdemeanor cases that did not entail domestic violence, unless a special condition is imposed by the Court.
- 17) Unless suspended by the Court, you shall submit to one substance abuse test within the first 15 days of supervision and thereafter at least two, but no more than two periodic substance abuse tests per year of supervision, pursuant to 18 U.S.C. §§ 3563(a)(5) and 3583(d);
- 18) If supervision follows a term of imprisonment, you shall report in person to the Probation Office in the district to which you are released within seventy-two (72) hours of release.
- 19) You shall pay any monetary penalties as ordered by the Court. You will notify the probation officer of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.
- 20) If you have ever been convicted of any qualifying federal or military offense (including any federal felony) listed under 42 U.S.C. § 14135a(d)(1) or 10 U.S.C. § 1565(d), you shall cooperate in the collection of DNA as directed by the probation officer pursuant to 42 U.S.C. § 14135a(a)(2).

The following special conditions are in addition to the conditions of supervised release or supersede any related standard condition:

1. Defendant is prohibited from making major purchases, incurring new financial obligations, or entering into any financial contracts without prior approval of the probation office.
2. Defendant shall provide all financial documentation requested by the probation office.
3. Defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.
4. Defendant shall cooperate with the Internal Revenue Service and pay all tax liabilities. Defendant shall file timely, accurate and lawful income tax returns and provide proof to the probation office.
5. Defendant is prohibited from being employed in, or operating, a business where he is responsible for handling or investing others' money without the express written permission of the probation office.

CR 09-01492-001-PHX-ROS  
USA vs. Duane Hamblin Slade

Page 4 of 4

6. Defendant is prohibited from contacting any of the victim investors in this case. The probation office will verify compliance.

**THE COURT FINDS** that you have been sentenced in accordance with the terms of the plea agreement and that you have waived your right to appeal and to collaterally attack this matter. The waiver has been knowingly and voluntarily made with a factual basis and with an understanding of the consequences of the waiver.

The Court may change the conditions of probation or supervised release or extend the term of supervision, if less than the authorized maximum, at any time during the period of probation or supervised release. The Court may issue a warrant and revoke the original or any subsequent sentence for a violation occurring during the period of probation or supervised release.

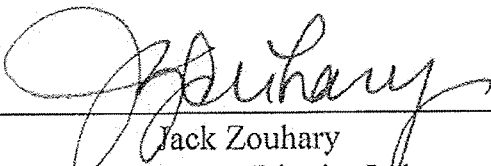
The Court orders commitment to the custody of the Bureau of Prisons and recommends the defendant be placed in a facility in Austin, Texas.

The defendant is remanded to the custody of the United States Marshal.

Date of Imposition of Sentence: **Monday, September 30, 2013**

Judgment Amended on: **Thursday, January 9, 2013**

DATED this 9<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
Jack Zouhary  
United States District Judge

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

# **EXHIBIT 5**

THIS PRIVATE PLACEMENT MEMORANDUM SHALL NOT CONSTITUTE AN OFFER TO SELL OR THE SOLICITATION OF AN OFFER TO BUY NOR SHALL THERE BE ANY SALE OF THE SECURITIES DESCRIBED HEREIN IN ANY STATE IN WHICH SUCH OFFER, SOLICITATION OR SALE WOULD BE UNLAWFUL PRIOR TO REGISTRATION OR QUALIFICATION UNDER THE SECURITIES LAWS OF ANY SUCH STATE. THE INFORMATION CONTAINED IN THIS MEMORANDUM IS NOT COMPLETE AND MAY BE CHANGED. THE FUND'S OPERATING AGREEMENT AND SUBSCRIPTION AGREEMENT TO BE ATTACHED HERETO AS EXHIBITS A AND B RESPECTIVELY, WILL BE PROVIDED TO ANY INTERESTED PROSPECTIVE INVESTOR UPON REQUEST AND IN ANY EVENT PRIOR TO SUCH INTERESTED INVESTOR'S SUBSCRIPTION FOR FUND MEMBERSHIP INTERESTS.

MATHON FUND, LLC

PRIVATE PLACEMENT MEMORANDUM ("PPM")

Fund Sponsor

MATHON MANAGEMENT COMPANY, LLC  
6816 East Brown Road, Mesa, Arizona 85207

November 25, 2003

Mathon Fund, LLC (the "Fund" or the "Company"), is a newly formed Fund formed under the laws of the State of Delaware. Its primary business objective is to earn an above-average return for Investors by making loans to and investments in companies which the Manager of the Fund identifies as offering potential for significant interest and fee income.

Mathon Management Company, LLC (the "Manager") is a Delaware limited liability company formed in February 2002. The Manager will have exclusive discretionary authority with respect to all loan and investment decisions and the admission of Investors. The Fund's management and advisors have experience in sourcing special opportunities, including but not limited to evaluating, structuring, closing, and realizing value from short-term bridge financing, identifying, preparing and implementing incisive strategic plans for the restructuring of companies and debt to allow for the repayment of the short-term bridge financing.

This Private Placement Memorandum ("PPM") relates to the proposed sale by the Fund of a maximum of 10,000 Investment Units at a purchase price of \$50,000.00 per Investment Unit. This Offering is open only to Accredited Investors, as defined under Rule 501 of Regulation D of the Securities Act of 1933, as amended (the "Act"). The minimum subscription is for 10 Investment Units. An Accredited Investor may subscribe for any amount in excess of 10 Investment Units in increments of 1 unit. This Offering is being made subject to the right of the Fund to terminate or to modify the offer, in whole or in part, and the Fund reserves the right to accept or reject all or any part of a subscription. In the case this Offering is oversubscribed, the Fund reserves the right to allocate Investment Units among subscribers and/or to reject subscriptions as it deems appropriate.

All funds received from subscribers until at least 20 Units are subscribed (the "*Minimum Offering*") will be deposited in a special account with Compass Bank, Bank, Phoenix, AZ, or any other bank which the Manager designates. Unless the Minimum Offering is sold and paid for by January 31, 2004, which period may be extended by the Manager for up to an additional 90 days, no Investment Units will be sold and all subscribers' funds will be refunded, without interest. If the Minimum Offering is sold, the remaining investment units will be offered on a best efforts basis until all of the Interests are sold or until the earlier of the date that there are 100 Members or December 31, 2005, whichever shall sooner occur. In this PPM investment units are described as securities.

THIS MEMORANDUM HAS BEEN PREPARED SOLELY FOR THE BENEFIT OF AUTHORIZED PERSONS INTERESTED IN THE OFFERING. IT CONTAINS CONFIDENTIAL INFORMATION AND TRADE SECRETS OF THE COMPANY AND MAY NOT BE DISCLOSED TO ANYONE, OTHER THAN AUTHORIZED PERSONS SUCH AS ACCOUNTANTS, FINANCIAL PLANNERS, OR ATTORNEYS RETAINED FOR THE PURPOSE OF RENDERING PROFESSIONAL ADVICE RELATED TO THE PURCHASE OF SECURITIES OFFERED HEREIN OR THE INTERNAL REVENUE SERVICE, UPON AUDIT. IT MAY NOT BE REPRODUCED, DIVULGED FOR USE FOR ANY OTHER PURPOSE UNLESS WRITTEN PERMISSION IS OBTAINED FROM THE COMPANY IN WRITING. DISCLOSURE OF THE INFORMATION CONTAINED HEREIN MAY RESULT IN LIABILITY FOR SUCH UNAUTHORIZED DISCLOSURE.

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## RISK FACTORS

THESE SECURITIES HAVE NOT BEEN REGISTERED WITH OR REVIEWED BY THE SECURITIES AND EXCHANGE COMMISSION (THE "COMMISSION") OR ANY STATE SECURITIES COMMISSION NOR HAS THE COMMISSION OR ANY STATE SECURITIES COMMISSION PASSED UPON THE ACCURACY OR ADEQUACY OF THIS MEMORANDUM. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL OFFENSE. THIS OFFERING IS MADE IN RELIANCE ON EXEMPTION FROM REGISTRATION WITH THE COMMISSION PROVIDED BY SECTION 4(2) OF THE SECURITIES EXCHANGE ACT OF 1933, AS AMENDED (THE "SECURITIES ACT"), AND RULE 506 OF REGULATION D PROMULGATED THEREUNDER BY THE SECURITIES AND EXCHANGE COMMISSION.

THESE SECURITIES ARE "RESTRICTED SECURITIES" AND MAY NOT BE RESOLD OR OTHERWISE DISPOSED OF UNLESS A REGISTRATION STATEMENT COVERING DISPOSITION OF SUCH INVESTMENT UNITS IS THEN IN EFFECT, OR AN EXEMPTION FROM SUCH REGISTRATION IS AVAILABLE (SEE "RESTRICTIONS ON RESALE OF INVESTMENT UNITS").

THESE SECURITIES ARE SPECULATIVE AND INVOLVE A HIGH DEGREE OF RISK. ONLY PERSONS WHO CAN AFFORD TO LOSE A PORTION OR ALL OF THEIR INVESTMENT AND HAVE NO NEED FOR A CURRENT RETURN ON THEIR INVESTMENT SHOULD CONSIDER THE PURCHASE (SEE " RISK FACTORS").

THIS PRIVATE PLACEMENT MEMORANDUM, WHILE DETAILED, IS NOT EXHAUSTIVE. IT SHOULD NOT BE CONSTRUED AS CONTAINING ALL THE DETAIL AND TERMS OF THE OFFERING, AS THERE ARE SEVERAL DOCUMENTS THAT CONTROL THE INVESTORS'S RIGHTS IN THIS OFFERING. THESE OFFERING DOCUMENTS INCLUDE THE FUND LIMITED LIABILITY COMPANY OPERATING AGREEMENT, THE SUMMARY OF PRINCIPAL TERMS, THE SUBSCRIPTION AGREEMENT AND THE MANAGEMENT AGREEMENT. PUTATIVE INVESTORS SHOULD THOROUGHLY REVIEW ALL OF THE OFFERING DOCUMENTS BEFORE INVESTING AND SHOULD CONSULT INDEPENDENT COUNSEL, ACCOUNTANT, INVESTMENT ADVISEMENT PROFESSIONALS, OR OTHER PROFESSIONALS WITH ANY INQUIRIES, NOTWITHSTANDING THE AVAILABILITY OF THE PRINCIPALS OF THE MANAGER TO ADDRESS INQUIRIES ABOUT THE FUND.

**LIMITED OPERATING HISTORY; EXPERIENCE OF PRINCIPALS.** The Fund was formed in September 2003, and has no operating history upon which potential investors may evaluate its future performance. Past performance of the Mathon Fund I, LLC is not necessarily indicative of future results.

**BUSINESS DEPENDENT UPON KEY INDIVIDUALS.** All business decisions are made by the Manager. Holders of Investment Units shall have no authority to make decisions or to exercise business discretion on behalf of the Fund. The success of the Fund is expected to be significantly dependent upon the expertise of the Manager.

**RELIANCE UPON THE MANAGER AND THE MANAGEMENT OF PORTFOLIO COMPANIES.** The continuing services of the Principals and the Manager will be required for the management of the Fund and the Portfolio Companies. If either the Manager withdraws or the Principals withdraw or either otherwise becomes unavailable or incapable of serving in their respective positions, a capable successor would have to be found. All decisions with respect to the management of the Fund will be made exclusively by the Manager. The Investors will be required to be passive investors in the Fund and will have no right or power to take part in the management of the Fund (other than having certain limited voting rights, as set forth in the Fund Agreement), the Manager or any of the Portfolio Companies. The success or failure of such investments shall depend to a significant extent upon the senior management of the Portfolio Companies in which the Fund invests. To the extent that the senior management of a Portfolio Company performs poorly, or if a key manager terminates employment, the Fund's investment in such company could be adversely affected.

**CONCENTRATION OF LOAN POSITIONS AND INVESTMENTS.** The Fund may at certain times hold a few, relatively large (in relation to its capital) positions in loans to individual investors or securities, with the result that a loss in any position could have a material adverse impact on the Fund's capital. The Fund's

ability to achieve diversification in its Portfolio Company investments is contingent upon a number of factors, including: the sale of sufficient Investment Units to provide adequate capital, targeted geographic and industry foci of the Fund, the stage of investment, the quality and volume of the deal flow referred by the Fund's network, and the total size of the Fund (aggregated commitments).

**NATURE OF INVESTMENT.** Investment in the Fund requires a long-term commitment, with no certainty of return. There may be little or no near-term cash flow available to the Investors. Most of the Fund's investments will be highly illiquid, and there can be no assurance that the Fund will be able to realize return on investment in a timely manner. Dispositions of such investments may require a lengthy time period or may result in distributions in-kind to the Partners. Generally, the Fund will not be able to sell its Portfolio Company securities publicly without the expense and time required to register them under the Securities Act. The Fund may under certain circumstances be able to sell its Portfolio Company securities under Rule 144 or other rules under the Securities Act that permit only limited sales under specified conditions. Since the Fund may only make a limited number of investments and since the Fund's investments generally will involve a high degree of risk, poor performance by a few investments could severely affect the total returns to Investors.

**RISKS OF BUSINESS OWNERSHIP.** Loans to, investments in and the ownership of businesses involve a number of risks that are beyond the control or influence of the Manager, many of which cannot be predicted. These risks include, but are not limited to, changes in general economic and business conditions, competition, government policies or regulations that may adversely affect the marketability and/or profitability of any of the Fund's Portfolio Companies, and errors by the Manager in the evaluation of any given Portfolio Company. Neither the Manager nor the Fund have control or influence over many of these risks.

**DIFFICULTY OF LOCATING SUITABLE INVESTMENTS.** The Fund has not identified any prospective borrowers at this time. Until the Initial Closing, due to the need to proceed expeditiously to close transactions with the prospective borrowers, any prospective borrowers coming to the attention of the Manager may be referred to other funds or individuals with whom the Manager has a relationship in order to accommodate the needs of the prospect. The Fund may be unable to find a sufficient number of borrowers or attractive loan or investment opportunities to meet its objectives. The past experience or performance of Mathon Fund I, LLC, the Principals or anyone else associated with the Manager or of Mathon Fund I, LLC cannot be relied on as an indicator of the Fund's future performance or success. An investor in the Fund must rely on the ability of the Manager and its Principals to identify, structure and implement investments consistent with the Fund's objectives and policies. Investors will not have the opportunity to evaluate the business, financial or other information which will be used by the Manager in its analysis, selection and monitoring of Portfolio Company investments for the Fund.

**SMALL COMPANIES.** The Fund will make loans and investments in small and/or unseasoned companies. While smaller companies generally have potential for rapid growth, they often involve higher risks. They may lack the management experience, financial resources, product diversification, and competitive strength of larger companies and may be more affected by the loss of key individuals, key customers, key vendors or suppliers than would be the case for larger companies. There may be limited liquidity or market for the collateral provided by such entities and much of their value may be in good will or other intangible assets.

**ILLIQUID NATURE OF INVESTMENT UNITS.** Investment Units may be acquired for investment purposes only and not with a view to their resale or other distribution. Investment Units will not be registered under the Securities Act of 1933, as amended (the "Securities Act"), in reliance on an exemption under Section 4(2) of the Securities Act and Regulation D promulgated thereunder. The Operating Agreement substantially restricts the right to transfer or assign Investment Units or withdrawal from the Fund.

The Manager's consent is a condition precedent to any transfer or assignment, and such consent is within its sole discretion. In addition, withdrawals by a holder of Investment Units may only be made after a 180 day Lock-Up Period, which is applied separately to each Capital Contribution, and then only by giving not less than 30 days prior written notice (60 days' prior written notice if the withdrawal request is more than \$5,000,000) to the Manager, unless such notice is waived by the Manager in its sole discretion. Upon

completion of the Lock-Up Period, an Investor may withdraw up to 50% of their investment, and the remainder of their investment on a pro rata basis in the subsequent five month period.

Withdrawals in the aggregate may not exceed 10% of the Fund's assets in a given month. If, as a result of some change in circumstances, arising from an event not presently contemplated, a holder of an Investment Unit wishes to transfer all or part of his Investment Units, and even if all conditions to such a transfer are met, he may find no transferee for his Interest due to market conditions or the general illiquidity of the Interests. All transfers must be requested in writing 30 days in advance of the proposed transfer date, and may not be executed prior to receipt of the Manager's written approval. The Manager, in its sole and absolute discretion, may deny the request for transfer of the Interest. By its terms, the Operating Agreement places additional significant restrictions and requirements on transfers and should be thoroughly reviewed prior to investing.

The Manager may require any holder of an Interest to withdraw all or a portion of its Capital Contribution at any time for any reason. All such mandatory withdrawals are in the sole discretion of the Manager and may be required of any one or more holders of an Investment Unit at any time.

**LIMITATIONS ON THE OBLIGATIONS OF THE PRINCIPALS OF THE MANAGER.** The Manager and the Principals of the Manager will devote only such time to Fund matters as they, in their sole discretion, deem appropriate. The Manager will have the sole right to conduct the operations of the Fund in such manner as it deems proper. The holders of Investment Units will have no such authority and will be dependent upon the judgment and skill of the Manager.

**FIDUCIARY RESPONSIBILITY OF THE MANAGER.** The Manager has a responsibility to the holder of Investment Units to exercise good faith and fairness in all dealings affecting the Fund.

**INDEMNIFICATION.** Neither the Manager nor any of its Principals, Officers, Directors, Employees or Affiliates shall be liable, responsible or accountable for damages for any act or omission performed or omitted by them in good faith on behalf of the Fund and in a manner reasonably believed by them to be within the scope of the authority granted to them by the Operating Agreement or the Management Agreement between Mathon Management Company, LLC and the Fund, except when such action or failure to act constitutes willful misconduct or gross negligence. The Manager, the members of the Advisory Committee and their members, employees and other representatives, shall be indemnified by the Fund for any loss or expenses suffered or sustained by them as a result of, or in connection with, any act performed by either of them within the scope of the authority conferred upon them by the Operating Agreement or the Management Agreement, including, without limitation, the amount of any judgment or settlement and reasonable attorneys' fees and other costs or expenses incurred in connection with the defense of any actual or threatened action or proceeding; provided, however, that such indemnity shall be payable only if the Manager (a) acted in good faith and in a manner it reasonably believed to be in, or not adverse to, the best interests of the Fund and its Investors, and (b) had no reasonable grounds to believe that its conduct was grossly negligent or unlawful. No indemnification may be made in respect of any claim, issue or matter as to which the Manager shall have been adjudged to be liable for willful misconduct or gross negligence in the performance of its duties to the Fund. The Operating Agreement and the Management Agreement also provide that the Fund will advance to the Manager or its Principals, as the case may be, reasonable attorneys' fees and other costs and expenses incurred in connection with the defense of any action or proceeding arising out of such conduct. In the event such advance is made by the Fund, the Manager or the Principals will agree to reimburse the Fund to the extent that it is determined that it was not entitled to indemnification. Any indemnity shall be paid from, and only to the extent of, Fund Assets, and no holder of Investment Units shall have any personal liability on account thereof except to the extent of any return of capital.

**IN THE OPINION OF THE SECURITIES AND EXCHANGE COMMISSION, INDEMNIFICATION FOR LIABILITIES ARISING UNDER THE SECURITIES ACT OF 1933 IS AGAINST PUBLIC POLICY AND IS THEREFORE UNENFORCEABLE. NO PERSON WILL BE EXCULPATED OR EXONERATED FROM LIABILITY OR INDEMNIFIED AGAINST LOSS FOR VIOLATIONS OF FEDERAL OR STATE SECURITIES LAWS OR FOR ANY OTHER INTENTIONAL OR CRIMINAL WRONGDOING.**

**EXPERIENCE OF THE PRINCIPALS.** Although the Principals are experienced in business and finance, venture capital, investment banking, business operations and related fields, no assurance can be given that such experience will enable the Manager to operate the Fund profitably, attain the goal of above-market returns, and guarantee Investors' principal. There is no assurance that the Fund will be successful in achieving its business or investment objectives as described in this Memorandum, including, without limitation, its targeted internal rate of return.

**COMPETITION.** The business in which the Fund proposes to engage is competitive and there can be no assurance that the Fund's operations will be profitable or that the loans that the Fund intends to make will be fully serviceable. The Fund will be competing with other companies or lenders that may have greater financial resources than the Fund and/or more experience than the Manager.

**CONFLICTS OF INTEREST.** The Manager intends to manage other funds or entities in the future, which funds or entities may compete with the Fund for investors and investment opportunities. Additionally, the Manager, if managing another fund, would likely seek to engage any funds under management in syndicated investment opportunities with the other funds. Such a syndicate would place the Fund and any other funds managed by the Manager in a legally adverse position to each other, notwithstanding any common investment objectives.

The Manager or any of its affiliates may act as investment adviser to other accounts and it and certain of its affiliates may also act as an investment adviser and manager for others, may continue to act on behalf of others in securities and investment banking matters, and may participate in other ventures, as principal or otherwise, some of which may have the same or similar investment objectives as the Fund. The Principals of the Manager may personally invest in the Fund.

The Manager shares significant Principals and employees, including Officers, Directors, and Counsel, with Round Valley Capital LLC ("RVC"). RVC performs corporate finance consulting. RVC assists business clients seeking debt and equity capital in finding those sources, which sources would include any funds the Manager manages. RVC derives fees from the sourcing of debt and equity capital for its clients.

Everett Capital, LLC ("Everett") is a branch office of a licensed broker-dealer. Everett, but not the broker-dealer, is an entity affiliated with the Manager and RVC. Everett employs registered representatives who will sell the Interests in the Fund.

The Manager, RVC and Everett, among other entities, are owned, in whole or in part, by Slade Williams & Associates LLC, which is owned by one or more Officers or Directors of either the Manager, RVC or both.

The Manager and its Principals are and in the future may become, committed to other projects, including the management of other Funds or other entities, and in that connection, may make loans to, acquire or invest in businesses similar to or the same as the Fund or one or more of the Fund's Borrowers, some of which may be in businesses that compete with one or more of the Fund's other Borrowers. Moreover, the Principals may in the future become involved in other projects in addition to the Fund that could be competitive with the Fund or one or more of its Borrowers. In addition, the Operations Contribution and other compensation agreed to be paid by the Fund to the Manager has not been determined through arms-length negotiations.

To the extent that there are conflicts of interest on the part of the Manager between the Fund and any other funds, partnerships, advisory accounts or other ventures with which they are now, or later may become affiliated, the Manager will endeavor to treat all such entities equitably and meet all their obligations to the Fund. Circumstances may arise, however, in which an allocation of opportunities or securities among the Fund, the Manager, or other entities could have adverse effects on the Fund or the other entities with respect to the availability of transactions, the pricing of a transaction, collateral, priority of lien or of payment, or other matters. The Manager may, in its individual capacity, invest in companies or assets in which the Fund has an interest or contemplates making or has made a loan. The Manager will not, however, simultaneously purchase or sell assets or make loans to borrowers on terms more favorable than those received by the Fund.

**CHANGES IN FEDERAL AND STATE TAX LAWS AND REGULATIONS AND INTERPRETATION.** Prospective Members should not rely on the prospect that any tax benefits provided by existing law will continue to be afforded or that changes in the Code or in the interpretation of applicable income tax laws, regulations and interpretations will not be made by administrative or judicial action that could adversely affect the tax consequences of an investment in Interests in the Fund. Any tax benefits of an investment in the Fund could be lost and substantial tax liabilities could be incurred if changes in the tax law occur.

**LACK OF INDEPENDENT COUNSEL.** Legal counsel to and the tax advisers for the Manager in connection with this offering render services to the Manager and the Fund, not the Investors. Except to the extent that a prospective Investor's own legal counsel or other agent or representation may have reviewed this Memorandum and the terms of this offering and the Fund Agreement, the Investors will not have been represented by independent legal counsel.

**STATUTORY REGULATIONS.** The Fund and the Manager will be subject in certain respects to regulation by the Securities and Exchange Commission. However, the Fund is not required to be registered under the Securities Act of 1933 (or any similar state law). The Fund does not currently or in the future propose to be registered as an investment company under the Investment Company Act of 1940, as amended (the "Investment Company Act") in reliance on Section 3(c)(1) thereof. The Fund will not be an investment company for purposes of such Act since the Interests will be beneficially owned exclusively by "accredited investors" within the meaning of the Securities Act and the Fund will not make a public offering of the Interests. Thus, investors in the Fund are not accorded the protection provided by such legislation.

Although the Fund does not intend to take deposits or provide general banking services, the activities of the Fund may subject the Fund to regulation as a bank or private banker in certain states. The Manager does not intend for the Fund to conduct business in any such jurisdiction. However, compliance with the laws, rules and regulations affecting banks and private bankers, generally, may be required with respect to the enforcement of the loans made by the Fund or the fees or other charges which borrowers may owe to the Fund from time to time.

Many states have laws limiting the amount of interest which may be charged or collected from borrowers (including corporate borrowers). These "usury" laws may limit the amount of interest, fees or other charges which may be collected or charged in any transaction. It is the intention of the Fund to abide by all such laws to the extent that they are applicable to its transactions. However, since such laws often reflect strong public policy considerations in a jurisdiction, there can be no assurance that any particular court in any jurisdiction will recognize or enforce any choice of law provision or savings provision in the loan documents or other documents executed between the Fund and any borrower should it become necessary to enforce any of the Funds rights upon a default.

**LITIGATION.** Neither the Fund nor the Manager is party to any litigation with respect to the Fund, Mathon Fund I, LLC, or any other claim arising out of its activities in connection with the placement of loans or securities violations.

**REGULATORY INQUIRIES.** Mathon Management Company and certain Principals of Mathon Management Company are currently being investigated by securities or insurance regulators in Arizona, Utah and Washington. The Securities Division of the Arizona Corporation Commission ("ACC") is currently investigating Mathon Management Company LLC, Mathon Fund I, LLC and perhaps their affiliates and principals for possible violations of the Arizona Securities Act and/or the Investment Management Act of Arizona. The ACC has issued subpoenas and conducted formal interviews. The ACC has sought information as to whether the short-term loans made by Mathon Fund I LLC from approximately 2001 until October 2003 constituted the sale of unregistered securities and/or violated the anti-fraud provisions of the Arizona securities laws. The outcome of the investigation cannot be predicted. Future action taken by the ACC could have an adverse impact on the Fund, its Manager, and/or its Principals.

The Utah Division of Securities ("Division") has discussed possible violations of the Utah Uniform Securities Act with attorneys for Mathon Fund I. No subpoenas have been issued. The Utah investigation centers around information disseminated to a potential investor by a representative of Mathon Fund I that may have

been misleading; whether the representative was properly registered to sell securities in Utah, and; whether the monies loaned to Mathon Fund I by individuals constituted securities, and thus placed Mathon Fund I in the position of having offered and/or sold unregistered or non-exempt securities in Utah. While the Fund believes that a resolution of this investigation is near, the outcome of this investigation and its duration cannot be predicted. Future action taken by the Division could have an adverse impact on the Fund, its Manager, and or/its Principals.

On December 31, 1998, when Duane Slade (a Principal of the Manager) moved from Washington to Arizona, his former employer reported to the Central Registration Depository that he was terminated for failure to provide his NASD renewal fees. A few weeks thereafter, the former employer filed an amended notice referencing alleged potential sales practice and non-sales practice violations. Those alleged violations apparently related to alleged misrepresentations or omissions in connection with the sale of insurance products, and potentially inconsistent or forged signatures on certain documents. Mr. Slade objected to the amended notice. Mr. Slade received a letter of reprimand from the Office of Insurance Commissioner ("OIC") because an agent working with Mr. Slade signed an application without having been appointed by the insurer issuing the policy. That letter advised that the Insurance Commissioner was closing its file on the matter. Mr. Slade had previously received a letter of counsel in 1997 from the OIC. A recent inquiry to the OIC indicated that there is an open file with respect to Mr. Slade, however, the OIC refused to reveal the subject matter of that file.

Neither the Fund nor the Manager can anticipate how long any of the aforementioned investigations will take and what the outcome may be. Any action taken by the securities regulators in Arizona, Utah or Washington may have an adverse impact on the Fund, the Manager, and/or the Principals of the Manager.

**THE FOREGOING LISTS OF INVESTMENT RISK FACTORS DO NOT PURPORT TO BE A COMPLETE EXPLANATION OF THE RISKS INVOLVED IN THIS OFFERING. POTENTIAL INVESTORS MUST READ THE ENTIRE MEMORANDUM AND ALL EXHIBITS BEFORE DETERMINING WHETHER TO INVEST IN THE FUND. ALL POTENTIAL INVESTORS MUST OBTAIN PROFESSIONAL GUIDANCE FROM THEIR TAX AND LEGAL ADVISORS IN EVALUATING ALL OF THE TAX IMPLICATIONS AND RISKS INVOLVED IN INVESTING IN THE FUND.**

ACC026392  
S-3542A

## NOTICES

THE DELIVERY OF THIS MEMORANDUM DOES NOT IMPLY THAT THE INFORMATION CONTAINED HEREIN IS CORRECT AS OF ANY TIME SUBSEQUENT TO THE DATE HEREOF. THE INFORMATION CONTAINED IN THIS MEMORANDUM HAS BEEN OBTAINED FROM THE COMPANY AND IS BELIEVED TO BE RELIABLE, BUT ITS ACCURACY IS NOT GUARANTEED AT THE TIME OF ANY SPECIFIC PURCHASE OF SECURITIES OFFERED HEREIN. IF ANY MATERIAL CHANGE IN THE AFFAIRS OF THE COMPANY OCCURS AT ANY GIVEN TIME PRIOR TO THE CLOSING OF THIS OFFERING, THIS MEMORANDUM MAY BE AMENDED OR SUPPLEMENTED AT THE SOLE DISCRETION OF THE COMPANY.

THIS MEMORANDUM DOES NOT CONSTITUTE AN OFFER TO SELL, OR A SOLICITATION OF AN OFFER TO BUY ANY OF THE SECURITIES OFFERED HEREBY IN ANY STATE OR COUNTRY WHERE THE LAWS OF THAT STATE OR COUNTRY DO NOT AUTHORIZE SUCH AN OFFER OR SOLICITATION. NO PERSON HAS BEEN AUTHORIZED TO GIVE ANY INFORMATION OR TO MAKE ANY REPRESENTATIONS ON BEHALF OF THE COMPANY, OTHER THAN AS AUTHORIZED IN THIS MEMORANDUM, AND IF GIVEN OR MADE, SUCH INFORMATION OR REPRESENTATIONS MUST NOT BE RELIED UPON AS HAVING BEEN AUTHORIZED BY THE COMPANY.

The Securities offered hereby are offered in reliance upon an exemption from registration under the Act, which will contain certain terms and conditions, including but not limited to the following:

- a) The Securities may not be offered through general solicitation, including but limited to, advertisements or communications in newspapers or other media;
- b) This Confidential Private Placement Memorandum and any accompanying documents shall be treated as "Confidential" by the persons to whom it is delivered and any distribution thereof or divulged of any of its contents is unauthorized;
- c) Investors should not construe the contents of this Memorandum or any other communication whether written or oral, from the Company or its Officers, Managers, Directors, Employees or Agents, as legal tax, accounting or other expert advice. Each Prospective Investor is encourage to consult with his/her own legal counsel, accountant and any other professional advisors concerning any investment in the Company; and
- d) This Offering may be made to persons that the Company, after reasonable inquiry, shall have reasonable grounds to believe posses the knowledge and the experience in financial and business matters that would enable such persons to evaluate the merits and risks of this investment.

Prospective Investors are invited to question and receive answer from the Company concerning terms and conditions of this offering and business aspects of the Company or to request any additional information which they consider necessary in making an informed decision. Upon reasonable request, the Company may, at its sole discretion, provide additional information and documents, if available or obtainable without unreasonable effort or expense. However, the Company expressly reserves the right to deny access to any information it deems proprietary in nature and to require Prospective Investors and their representatives, if any, to execute additional confidentially and/or non-disclosure agreements.

**THIS PRIVATE PLACEMENT MEMORANDUM IS CONFIDENTIAL AND IS NOT FOR PUBLIC DISTRIBUTION. YOU MAY NOT REPRODUCE, DISTRIBUTE OR DISCLOSE THE CONTENTS OF THIS MEMORANDUM, IN WHOLE OR IN PART, WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMPANY. BY ACCEPTING DELIVERY OF THIS MEMORANDUM, YOU AGREE TO MAINTAIN THE CONFIDENTIALITY OF THIS MEMORANDUM AND TO RETURN THIS MEMORANDUM AND ALL OTHER DOCUMENTS TO THE COMPANY (A) UPON THE REQUEST OF THE COMPANY OR (B) IF YOU DECIDE NOT TO PURCHASE ANY OF THE INVESTMENT UNITS.**

THIS PRIVATE PLACEMENT MEMORANDUM AND ITS EXHIBITS CONTAIN STATEMENTS RELATING TO FUTURE RESULTS OF THE COMPANY, PROJECTIONS AND BUSINESS TRENDS THAT ARE "FORWARD LOOKING STATEMENTS" AS DEFINED BY APPLICABLE LAW,

INCLUDING THE PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995. ACTUAL RESULTS MAY DIFFER MATERIALLY FROM THOSE PROJECTED. THIS MAY BE THE RESULT OF CERTAIN RISKS AND UNCERTAINTIES, INCLUDING BUT NOT LIMITED TO CHANGES IN ECONOMIC CONDITIONS, AVAILABILITY OF FUNDING SOURCES AND GOVERNMENT REGULATIONS, AS WELL AS OTHER RISKS AND UNCERTAINTIES. SEE "RISK FACTORS."

#### ADDITIONAL IMPORTANT NOTICES

The Investment Units will be subject to restrictions on transferability and resale under federal and state securities laws, and under the Operating Agreement.

An Investor may not transfer or resell the Investment Units except as provided under the applicable federal and state securities laws or pursuant to proper registration or exemption there from. Consequently, you must be able to bear the economic risk of an investment in the Investment Units for an indefinite period of time. If, as a result of some change of circumstances, or for any other reason, you desire to transfer your Investment Units, you may find no market for your Investment Units.

The Company may modify or withdraw the offering at any time. The Company may modify or amend this Memorandum or its Exhibits at any time.

Subscriptions may be rejected in whole or in part. The Company may allot less than the full number of Investment Units subscribed for by a prospective investor.

This Memorandum does not contain legal or investment advice. You should consult your own legal counsel, accountant and/or business advisor.



TABLE OF CONTENTS

EXECUTIVE SUMMARY ..... 1

MANAGEMENT OF THE FUND..... 2

SUMMARY OF PRINCIPAL TERMS ..... 6

LEGAL AND REGULATORY CONSIDERATIONS..... 15

EXHIBITS A and B..... 19

ACC026395  
S-3542A

## EXECUTIVE SUMMARY

Mathon Fund, LLC is a Delaware limited liability company that was established in September 2003, to originate and execute short-term loans. The Fund may also invest, from time-to-time, in private equity investments in longer term loans. Mathon Management Company, LLC ("Mathon Management" or the "Manager") is a financial management firm focused on bridge, and mezzanine lending transactions and equity investments and is the Manager of the Mathon Fund, LLC (the "Fund").

The Fund is offering for sale up to ten thousand (10,000) Investment Units (the "Offering") to as many as 100 Accredited Investors. Each Investment Unit is valued at \$50,000. Upon receipt and acceptance of subscriptions for at least twenty (20) Investment Units, or one million dollars (\$1,000,000) the Fund may, at its sole discretion, hold a first closing of the Offering ("*Initial Closing*"). The Manager is entitled, at its sole discretion, to continue to accept subscriptions after the Initial Closing.

An investment in the Fund involves a high degree of risk. Prospective investors should be advised of and understand the risks associated with an investment in the Interests and should be able to withstand the total loss of their investment. (See "Risk Factors.")

The Fund may engage one or more placement agents, through a broker/dealer, to place Interests with prospective investors who subscribe for Interests. The Fund will pay such placement agents such commissions as the Fund and such placement agents shall negotiate. The Fund expects to pay pre-negotiated and residual commissions to placement agents it engages through a broker/dealer.

## USE OF PROCEEDS

The entire net Proceeds from the sale of Investment Units will be invested for the account of the Fund. The Fund will pay or reimburse the Manager for all organizational and syndication expenses incurred by the Manager pertaining to the sale of Investment Units, not to exceed Five Hundred Thousand Dollars (\$500,000).

## SPECIAL INVESTMENT CONSIDERATIONS

~~THE FUND'S INVESTMENT STRATEGY IS SPECULATIVE AND ENTAILS SUBSTANTIAL RISKS. MARKET RISKS ARE INHERENT IN ALL SECURITIES TO VARYING DEGREES. NO ASSURANCE CAN BE GIVEN THAT THE FUND'S INVESTMENT OBJECTIVE WILL BE REALIZED. (SEE "RISK FACTORS.")~~

THE DESCRIPTIONS CONTAINED HEREIN OF SPECIFIC ACTIVITIES WHICH MAY BE ENGAGED IN BY THE FUND SHOULD NOT BE CONSTRUED AS IN ANY WAY LIMITING THE FUND'S INVESTMENT ACTIVITIES. THE FUND MAY ENGAGE IN LOAN AND INVESTMENT ACTIVITIES NOT DESCRIBED HEREIN WHICH THE MANAGER CONSIDERS APPROPRIATE.

ACC026396  
S-3542A

## MANAGEMENT OF THE FUND

The Fund will be managed by Mathon Management Company (the "Manager") Pursuant to the Operating Agreement of the Fund (the "Operating Agreement"), the Manager is not required to devote its full time to the business of the Fund. The Manager will devote as much time to the business of the Fund as it, in its sole discretion, deems advisable.

### Fund Manager Experience and History

Since 2001, the Fund's Manager and principals have sourced short-term loans and special opportunities transactions. The Manager and its principals have evaluated, structured, and closed multiple short-term loans. The Manager has created financial value through short-term lending transactions on behalf of private lenders and has realized value as consultants, lenders, and investors.

As the manager of Mathon Fund I, LLC, an Arizona limited liability company, the Manager has facilitated multiple loans ranging from \$50,000 to \$14,000,000 in short term loans. It is the intention of the Fund to create a pool of capital with which to make similar loans. The Fund intends to mitigate an individual lender's risk of a loan default or non-performing loan by pooling loans and collateral across the entire portfolio.

It is the goal of Management to identify similar opportunities for the Fund and to assist the Fund to:

- Identify evaluate, structure and close on special opportunities for business and real estate entities.
- Value, document, record, secure and perfect security interests on tangible and intangible collateral and to secure repayment of outstanding obligations to the Fund.
- Prepare and execute repayment strategies for high interest, short-term bridge loans to a wide range of companies and real estate entities without limitation on industry sectors or geographic location, but having principal business operations and assets within the United States;
- Provide the management teams of its target borrowers with advice and strategic financial direction through an ongoing strategic relationship with a corporate management and financial consulting services firm owned and managed by the Principals of the Manager of the Fund.

The Manager's credit analysis and investment approach is to make credit underwriting and investment decisions based substantially on its own research and objective analysis for a given credit risk or security taking into account, among other things, company fundamentals, industry factors, market trends, national and international economic conditions, general sector outlook, company valuation relative to comparable companies, collateral and asset valuations, the company's business plan, trends and other factors.

The Manager's investment approach will be only to invest in situations that meet its criteria; even if the result is that the Fund is less than fully invested. Cash balances which are not committed to the Fund's investment program normally are invested in prime quality short-term debt instruments of public or private issuers, in "money-market" mutual funds having portfolios consisting primarily of such debt instruments, or in an account which earns interest at prevailing short-term rates.

### Lending Strategy and Criteria

The Fund will utilize a non-industry specific transaction strategy with the objective of obtaining substantially greater than prevailing market rates because of the Fund's ability to fund in a short period of time. This will involve substantial risk to the capital of the Fund. Many of the borrowers seeking funding from the Company may be experiencing cash flow problems or be in financial distress.

In making loans, the Fund will seek opportunities where an exit strategy for repayment of the bridge loan is readily foreseeable. The due diligence process, designed to uncover the financial, business and other risk factors and

ACC026397  
S-3542A

exposures that the Fund may encounter in realizing on its loan portfolio may not identify all of the risks. It is for this reason that many of the loans will require collateral, subordination of existing debt, personal guaranties and other credit enhancement as a condition to funding. These may include all or some of the following:

- The term of a loan shall generally be less than nine (9) months;
- The value of the security that is offered as collateral will be generally be two or more times the sum total of the amount to be financed by the Company;
- Personal guarantees and, if necessary, personal collateral from the principals or key investors in the borrower;
- Subordination of pre-existing debt where possible;
- The company and guarantors have significant value or property at risk;
- Interest rates commensurate with the risk to be taken;
- A realistic business plan and verifiable payback strategy.

The Manager will manage the entire lending process from the initial review process, to the due diligence process to the funding and loan monitoring of disbursement and the scheduled repayment by employing the following measures:

- Monitor each borrower company's progress through responsible fund disbursement based on the borrower company's achievement of pre-established, agreed upon milestones;
- Require borrower management accountability for the use of bridge loan funds;
- Help facilitate the strategic plan for timely repayment of bridge loan funds;
- Facilitate the "take out" and permanent financing transactions.

In some circumstances, the Fund may invest in longer-term loans or equity investments. The longer-term loans will have collateral coverage similar to that of the shorter-term loans, but the maturities and lending criteria may be altered to meet the circumstances presented at the time. The equity investments would be most likely be opportunistic and of a longer-term basis than any of the debt instruments which the Fund invests. Collateral and personal guarantees are often not common with equity investments and therefore will likely not be received in conjunction with any equity investments in which the Fund enters. The Fund however, will likely receive terms of investment similar to that of venture investing when making equity investments.

#### **Nationwide Deal Flow Network**

The Manager has created a deal flow network that consistently sources deals in several cities nationwide, including many of the larger financial markets such as San Francisco, New York, Chicago, Dallas, Atlanta, Los Angeles, and Boston. Additionally, the Manager has allocated management and financial resources to strengthen presence in metropolitan areas in the second tier regions including Salt Lake City, Phoenix, Denver, Boise, Las Vegas, Portland, Seattle and Austin.

The Fund will draw on this deal flow network to source, evaluate and participate in lending opportunities that emerge. The Fund's extensive network of local, regional and national contacts, business model, due diligence process, and its speed into action gives the Fund a unique and compelling competitive advantage in pursuing special opportunities. These are the key reasons the Fund can participate in high-yield lending transactions.

#### **Mitigation of Investment Risks**

The Fund will employ the following measures to mitigate the lending risk factors:

- The Fund will provide access to short-term capital to companies that have a strong management and financial team that have already demonstrated a proven ability to generate significant revenues and profits;
- Provide short-term capital to established companies with an existing and verifiable revenue stream. Companies are required to be seasoned in their industry and operate under an established business model but need additional short-term funding to acquire special opportunities and meet legitimate financial needs to sustain growth or deal with special situations.
- Employ a due diligence process before making any bridge loan disbursement.
- Seek to diversify its portfolio so that a single transaction will not exceed fifteen percent (15%) of the sum total of funds committed;
- All lending transactions must have a unanimous "yes" vote from the lending approval committee.

While the Manager typically will try to minimize risk in selecting loan transactions and investments, if the Manager's evaluation of an anticipated outcome of an investment should prove incorrect, the Fund could experience substantial losses as a result of a failure of one or more borrowers to repay advances when anticipated, the decline in the market value of collateral or securities in which the Fund holds an interest or the liquidation or failure of a borrower or its seeking protection under the United States Bankruptcy Code or confirmation of a plan of reorganization pursuant to which the Fund is adversely affected. It should be understood that the risk management techniques which may be utilized by the Manager cannot provide any assurance that the Fund will not be exposed to risks of significant credit and investment losses.

#### **Fund Reserve**

It is the intent of the Manager that the Fund maintains a reserve for bad credit risks. The Fund Manager will set aside, designate, and allocate certain Fund assets as a reserve for the protection of the principal investment of its Members.

#### **Liability**

The liability to the Fund of a holder of an Investment Unit is limited to the amount it has contributed to the capital of the Fund. Investment Units will be non assessable, except as may otherwise be provided under Delaware law. Once the subscription price for the Investment Units subscribed for has been paid for in full, the holder of that Investment Unit will have no further obligation to make additional capital contributions to the Fund.

Under Delaware law, when a Holder of an Investment Unit has rightfully received the return, in whole or in part, of his or her capital contribution, he or she is nevertheless liable for any sum, not in excess of such return with interest, necessary to discharge Fund liabilities to all creditors of the Fund who extended credit or whose claims arose before such return.

## Principals of the Manager

### **Managing Director: Duane H. Slade**

Mr. Slade founded Mathon Fund I, LLC in February 2002 and Round Valley Capital in May 2001 to provide corporate financial and advisory services and management consulting to companies seeking to grow their business. Mr. Slade is experienced in corporate and private financial planning, and capital sourcing. Mr. Slade has completed numerous financial transactions and developed innovative financial products to meet market demands. Mr. Slade graduated from the University of Washington with a BA in Business Administration.

### **Managing Director: Guy A. Williams**

Mr. Williams is a founding member of Mathon Management, Round Valley Capital and the Mathon Fund and serves as a Managing Director for Mathon. In 1999 he founded SW Strategic Wealth Advisors, a firm servicing high net-worth clients throughout the intermountain West and on the West Coast. Mr. Williams has developed or worked with several financial planning companies and has been recognized by several leading insurance companies for production achievements. He graduated from Brigham Young University with a degree in Political Science and a minor in Economics.

### **Chief Financial Officer: Brent Williams**

Mr. Williams joined in 2003, bringing with him over thirty years of experience in controllership and internal audit functions in publicly traded companies. He has been involved in numerous financial analysis studies and strategic planning. He functioned as acting CFO, for most of one year, of a major corporation which does business in the US and Canada. He has a BA degree in business from Brigham Young University and completed an executive management training program (TEP) at the University of Virginia in 1989. He has been active in community affairs, including serving on a not-for-profit hospital as member of its board of directors for nine years and as president for three years. He has coached little league sports, been a member of Rotary International and has been actively involved in leadership positions within his church. He is a CPA and a member of the AICPA.

### **Chief Compliance Officer: Russell Sewell**

In addition to serving as Chief Compliance Officer to Mathon Management Company, Mr. Sewell is also the Managing Partner of Aspen Grove Ventures. Mr. Sewell has over 14 years of experience in private equity, investment banking and private client services. He is the Chairman of the Board of Alatron Software Corporation, holds a board seat with Infopia, and holds observation rights with Independent Witness and Cerberian. Mr. Sewell has also managed the placement of equity for numerous expansion stage companies and has played an important role in developing the fund-raising strategy for four different private equity funds. After graduating from Brigham Young University, Mr. Sewell held senior positions at Strategic Capital Management, Inc. a SEC Registered Investment Advisor. While at Strategic Capital, he was the compliance officer and was responsible for trading and allocating a \$150 million portfolio. Mr. Sewell has a BA in Political Science from Brigham Young and an MBA from the Marriott School of Business Management at Brigham Young.

### **Executive Vice President: Doug Towler**

Mr. Towler joined Round Valley Capital and Mathon Management in 2002 and serves as the Fund's Executive Vice President of Corporate Consulting and Advisory Services. He brings over 15 years of corporate development and management consulting experience with his most recent position, prior to Round Valley Capital, being senior vice president of Business Development for Rare Medium, a publicly traded Internet holding company. In this position, he completed several corporate funding transactions and merger and acquisitions. Mr. Towler graduated from Idaho State University with a BS in Microbiology and a MS in Immunology with honors.

## SUMMARY OF PRINCIPAL TERMS

### **The Fund:**

Mathon Fund, LLC (the "Fund") is a Delaware limited liability

company formed to provide investment opportunities for institutional and other sophisticated investors (each, a "Member") in a professionally managed portfolio of short-term secured loans of commercial borrowers ("Borrowers"). The Manager (defined below) will select Borrowers and structure loans to provide high current returns while seeking to minimize risk. Although the Fund intends to primarily make short-term loans, it reserves the right to also make longer term loans and equity investments in private and public companies when returns consistent with the Fund's investment strategy and objectives are available.

The rights and duties of the Manager and the Members are governed by provisions of the Delaware Limited Liability Company Act ("*LLC Act*"), as amended, and by the Fund's Limited Liability Company Agreement, dated as of November \_\_, 2003 (the "*Fund Agreement*"). Certain features of the Fund Agreement are summarized below, but Members should refer to the Fund Agreement for complete details of its terms and conditions.

**Manager:**

Mathon Management Company, LLC, (the "Manager") a Delaware limited liability company, will be the manager of the Fund. The Manager will manage the Fund and its loan activities and will use its resources to identify Borrowers which may present attractive lending opportunities for the Fund. The officers and directors of the Manager may also devote their time, attention and resources to other existing and new business activities and pursuits. The Manager will be responsible for negotiating the terms of each loan and monitor the progress of each loan.

**Loan Features:**

It is the Manager's intent that the loans will be made to Borrowers who possess time sensitive cash requirements or to Borrowers in financial distress who are able articulate a loan exit strategy. The loans necessarily involve significant risk. Generally, the loans will have the following features:

- *Term.* 60 to 270 days.
- *Interest.* Interest will be pre-earned at an annualized rate ranging between 48% and 120%, and be paid at maturity of the loan.
- *Collateral.* A security interest will be taken on the assets of the Borrower and personal guarantees will be taken from the principals of the Borrower. The Fund intends to take a security interest in collateral that equals or exceeds two times the amount of the loan and pre-earned interest.
- *Costs.* Costs of the loan will be borne by the Borrower, including title and UCC searches, recording and filing fees, appraisals, loan documentation, and any fees due to other parties.
- *Origination and Other Fees.* The Origination Fee charged to Borrowers typically will be 10% of the loan amount and will be withheld from the loan proceeds. The entire amount

of the Origination Fee will be paid to the Manager. A Borrower may be charged additional fees and such fee (net of expenses) shall be paid to and for the benefit of the Manager

The Manager, at its sole and absolute discretion, may alter one or more of the features described above in making a loan, or make longer term loans or equity investments.

**Size of Fund:**

No minimum amount of capital contributions must be received by the Fund prior to the commencement of loan activities. However, the maximum amount of capital contributions that the Fund will accept is \$500 million USD although the Manager retains the discretion to increase or decrease the maximum amount.

**Minimum Investment; Participation Fee:**

The minimum-investment that will be accepted from a Member is \$500,000, although the Manager, acting in its sole and absolute discretion, may waive, lower or increase such minimum. In addition, each Member will pay a \$25,000 annual participation fee (pro rated for any partial year) to the Manager at the time such Member subscribes for an Interest and an additional \$25,000 participation fee on or before each January 15 thereafter, with the first participation fee deducted from a Member's initial contribution. In the event a Member fails to pay the \$25,000 participation fee on or before January 15 of each year, the Manager may withdraw that amount from the Member's Capital Account (defined in the "Capital Account" section, below). The Manager may, in its sole discretion, waive such additional participation fees.

The Manager may, from time to time, increase the participation fee. Current Members will be notified not later than June 30 of the year preceding the year in which the participation fee will increase. If the Manager announces a participation fee increase, the increase will go into effect for new Members on July 1 of the year in which the increase was announced.

**Funding of Member's Investment:**

Each of the Fund's Members shall enter into a subscription agreement with the Fund setting forth the amount of such Member's investment in the Fund. Upon execution of the subscription agreement, a Member will be required to fund the entire amount of the investment unless the Manager in its discretion allows the Member to fund the investment in two or more installments in amounts and at times mutually agreed upon by the Manager and the Member. Failure to make required installments may, in the discretion of the Manager, result in substantial penalties possibly including forfeiture of a Member's entire existing investment.

**Fund Interests:**

Upon making of an investment in the Fund and being admitted as a Member, such Member will receive an interest in the Fund representing such Member's right to share in the profits and losses of the Fund and to receive distributions of Fund assets (an "Interest") Interests in the Fund will be represented by Units. Units will be issued at a price of \$50,000 per Unit. However, the number of Units of each Member may increase or decrease as such Member's Capital Account (defined in the "Capital Account" section, below) increases or decreases. At any given time, each Member will hold a number

ACC026402  
S-3542A



of Units (including fractional Units) equal to such Member's Capital Account (defined in the "Capital Account" section, below) divided by \$50,000.

**Capital Account:**

Each Member will have a capital account ("*Capital Account*") that is intended to reflect such Member's Interest in the Fund. Each Member's Capital Account will be credited with the aggregate capital contributions of such Member and will be increased by the net profits allocated to it by the Manager and decreased by the net losses allocated to it by the Manager. The intended economic arrangement among the Members is that the Members will participate based on their Interest in the Fund in the net profits and losses of the Fund's loan portfolio that accrue and are realized during the period of the Member's investment in the Fund. If the Fund has outstanding loans on the date a Member makes a capital contribution to the Fund that Member will only share with respect to that capital contribution in the net profits and losses on the outstanding loans that accrue and are realized by the Fund after the date of such capital contribution.

For example, if on the date of a Member's capital contribution, the Fund has two outstanding 120-day loans, one maturing in 60 days and one in 90 days, the Member will only share with respect to such Member's capital contribution in the remaining 60 days of interest that will accrue on the first loan if such interest is realized and the remaining 90 days of interest that will accrue on the second loan if such interest is realized. The first 60-days of accrued interest on the first loan and first 30-days of accrued interest on the second loan will be shared among each of the existing Members. However, an existing Member that withdraws from the Fund will not share in pre-earned interest that is realized after the date of such Member's withdrawal. Immediately prior to a withdrawal by a Member or distribution by the Manager from a Member's Capital Account, the Member's Capital Account will be adjusted to reflect that Member's share in the realized net profits and losses of the Fund and the distribution or withdrawal will decrease the Member's Capital Account by the amount of such distribution or withdrawal. The Manager will have the sole discretion to adjust the Members' Capital Accounts to effect the economic arrangement of the Members described above and all such adjustments will be final and binding on all Members.

**Initial Closing:**

The initial closing will take place, at the Manager's discretion, as soon as practicable after the Fund receives and accepts subscription for Units from one or more investors (such closing date being hereinafter referred to as the "*Initial Closing Date*").

**Subsequent Closings:**

Following the Initial Closing Date, the Manager, in its discretion, may hold one or more subsequent closings, at any time during the term of the Fund. However, it is the intention of the Manager to limit the number of Members so as not to require the Fund to register under Investment Company Act of 1940, as amended ("*Investment Company Act*").

**Term:**

The Fund shall terminate not later than on the business day following the 15th (fifteenth) year anniversary of the Initial Closing

Date; however, the Manager may extend such termination for five one-year periods in its sole and absolute discretion.

**Tax Treatment:**

The Fund expects to be treated as a partnership for U.S. federal income tax purposes.

**Distributions:**

The Manager may at any time or from time to time at its sole and absolute discretion make distributions to the Members pro rata in proportion to their respective Interests. The Manager will not be required to make any distributions, including tax distributions, to the Members. However, Members may withdraw all or part of the Capital Accounts as described below, subject to requirements of the Fund Agreement, LLC Act or other laws.

**Distributions Upon Liquidation:**

Upon the termination of the Fund, the assets of the Fund shall be distributed as follows:

*first*, 100% to the payment of all debts and liabilities of the Fund in the order of priority as provided by applicable law (including any loans made by the Members to the Fund);

*second*, 100% of the remaining Fund assets to the establishment of any reserves deemed necessary by the liquidating trustee or trustees for any contingent liabilities or obligations of the Fund; and

*third*, 100% of the remaining Fund assets to the Members in proportion to respective positive Capital Accounts.

**Voting Rights:**

Except as set forth in the Fund Agreement or as required by law, the Members will not have voting rights or rights to participate in the management of the Fund.

**Withdrawal and Transferability:**

Each Member may withdraw up to 50% of such Member's Capital Account ("*Initial Withdrawal Amount*") from the Fund upon 30 days advance written notice (60 days if \$5,000,000 or more is withdrawn) to the Manager after the Initial Withdrawal Amount has been invested with the Fund for period of at least 180 days. Thereafter, the Member may withdraw the remaining amount of such Member's Capital Account on a pro rata basis over the next 5 months ("*Subsequent Withdrawal Amounts*") upon 30 days advance written notice for each requested withdrawal. Each Member may withdraw up to the entire amount of such Member's Capital Account after the amount has been invested for 11 months. If a Member's Capital Account falls below \$100,000 for a period of more than sixty (60) days because of the Member's withdrawal of capital from the Fund, the Member will be charged an additional \$25,000 participation fee. With respect to the withdrawn amounts, the Member will not participate in any net profits or losses of the Fund that are realized after the date the amount is paid. The Initial Withdrawal Amount and Subsequent Withdrawal Amounts will be paid to the withdrawing Member on the business day following the 30-day period after the notice of withdrawal was received by the Manager.

The maximum amount of withdrawals from the Fund in any

given month may not exceed 10% of the aggregate amount of the Capital Accounts of all of the Members. If aggregate withdrawals exceed 10% in any given month, the 10% will be paid out pro rata to the withdrawing Members based on the amount that has been requested to be withdrawn by each Member. Members will be notified as soon as practicable if the requested withdrawals are anticipated to exceed the 10% ceiling, and will be provided a good faith estimate of the amount they are eligible to withdraw based on the aforementioned criteria. Funds not able to be withdrawn when requested due to the withdrawal criteria above, must be requested for the following 30 day period, but will be given priority for withdrawal. However, withdrawal requests submitted due to constraints on fulfilling the initial withdrawal request must be submitted in the 30 day period immediately following the period wherein the initial withdrawal request was made for the priority to be in effect. Members that withdraw their entire Capital Account will cease to be Members of the Fund. Subject to any applicable restrictions on transfer provided by law, the Interests will be transferable with the prior written consent of the Manager, which consent may be granted, conditioned or withheld in the Manager's sole and absolute discretion.

Members may transfer their Units under certain conditions and terms:

1. The Manager must approve the transfer in writing. Such approval may be denied for any reason. A written request to execute the transfer must be received by the Manager not less than thirty (30) days prior to the intended date of transfer. The request must contain:

- the number of Units proposed to be transferred,
- the name and address of the transferee,
- a statement from the transferee affirmatively asserting his, her or its status as an accredited investor as defined in Rule 501(a) of the Securities Act,
- if the transferee is a corporate entity, a Certificate of Good Standing from its state of incorporation, and a resolution or other corporate document evidencing the corporation's authority to enter into the transaction.

Upon conditional approval of the transfer by the Manager, the manager will inform the Member in writing, and request that:

- if the transferee is not a current Member of the Fund, a \$25,000.00 annual participation fee be paid to the Manager by the transferee, or,
- if the transferee is a current Member of the Fund or the Manager, the transferor will remit a fee equal to 10% of the value of the Units or of the sale price of the Units, whichever is greater, on the date of the request to the

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S-3542A

Manager.

Upon receipt of the required fee, the Manager will authorize the transfer of the Units.

2. Notwithstanding the aforementioned transfer request terms, any transfer of Units must be offered first to the Members. The Manager will assist the Member in contacting other Members for purposes of offering a transfer, however, the Manager will not assist either party in negotiations. If no Member accepts the offer for sale of the Units, the Manager or its affiliates have the option of accepting the offer. If both the Members and the Manager reject the offer, a non-Member may accept the offer.

At any time prior to transfer the Member may withdraw the offer, however, no fees paid pursuant to the transfer request will be refunded by the Manager, and the Member assumes the liability to the other party for the forfeiture of the fees in the event the offer is withdrawn.

3. No transfer will be approved that seeks to transfer to a non-Member Units that do not number 10 or greater.

**Mandatory Withdrawal:**

The Manager will have the right to compel the withdrawal of any Member of all amounts in such Member's Capital Account and termination of such Member's Interest at any time, on five day's notice for any reason whatsoever, including, but not limited to, if the Manager in its discretion determines that the continued participation of such Member in the Fund would be detrimental to the Fund such as causing the Fund to be required to register under the Investment Company Act.

**Protective Provisions:**

Consent of the holders of at least 50% of the outstanding Units will be required for any action that amends the Fund Agreement in a manner that adversely affects the rights of the Members.

**Financial Information:**

Members will receive un-audited mid-year financial statements within 60 days of the end of the first half of the fiscal year and audited annual financial statements within 90 days of the end of a fiscal year. The Fund's fiscal year ends December 31. Members will have the right to inspect the records and books of the Fund during normal business hours at the Manager's principal place of business upon providing the Manager thirty (30) days advance written notice.

**Subscription Agreement:**

The Fund will enter into a subscription agreement with each Member that will include usual and customary covenants, representations and warranties and closing conditions. Investment in the Fund will be open only to individuals or entities that satisfy the "accredited investor" standard of Rule 501 of Regulation D promulgated under the Securities Act of 1933, as amended.

**Other Funds:**

The Manager may establish other funds having substantially similar investment policies and investment restrictions and may cause the Fund to invest as an interest holder in such subsequent funds; but, as

ACC026406  
S-3542A

to such investments, the Manager will receive management fees and fund interests as Manager of such other funds only from those funds and the Manager will unconditionally waive (or return to the Fund if received) any return on the Manager's interest attributable to the Fund's investment in a subsequent fund.

**Operating Fees and Expenses:**

The Fund will pay to the Manager on the first business day of each month beginning on the first business day of the fifth full month following the Initial Closing Date a monthly Operations Fund contribution ("*Operations Contribution*") equal to 2.0833% of Fund's average aggregate Capital Accounts during the month that is four months preceding the month that the Management Fee is paid. For example, the Management Fee to be paid to the Manager on the first business day of May would be calculated based on the average aggregate Capital Accounts of the Members during January. The Fund will not be obligated to pay an Operations Contribution to the Manager during the first four full months after the Initial Closing Date.

The Operations Contribution will be used to (a) repay equity holders of the Manager for loans used to establish the Reserve Fund (defined below); (b) pay premiums on the loan default insurance the Manager will purchase that will reimburse the Fund up to a specified amount for unserviceable loans that exceed the holdings of the Reserve Fund, and (c) replenish the Reserve Fund (as defined below). The Manager will be responsible for all normal overhead expenses of the Manager incurred by it in managing the Fund. In addition, the Manager will be responsible for expenses incurred in connection with the due diligence of potential loans and other expenses not reimbursed by the Borrower related to a loan, except to the extent legal, accounting, auditing and other specialized consulting or professional services are required that the Manager would not normally be expected to render with its own professional staff.

The Manager intends to register with the U.S. Securities and Exchange Commission as an Investment Adviser (an "RIA"). Registered Representatives of the RIA ("RIARs") may charge a management fee ("*Management Fee*") equal to 2% per annum of the assets under management of that RIAR for their client calculated on the last day of the second month of the previous fiscal quarter. The payment of the Management Fee will commence not earlier than the later of the RIARs actual registration or the 2<sup>nd</sup> quarter of CY 2004.

**Loan Reserve and Fund Insurance:**

The Manager will fund and hold in a separate account a reserve in cash or assets ("*Fund Reserve Account*") not less than the greater of (i) \$5,000,000 or (ii) 5% of the aggregate Capital Accounts of the Members as determined on the last day of each month or an amount based on having sufficient assets to meet the deductible in line with the fund insurance, at the sole discretion of the Manager during the term of the Fund ("*Reserve Amount*"). If a loan goes into default, the Manager will pay to the Fund an amount equal to the lesser of (i) the principal amount owing on such loan or (ii) the Reserve Amount ("*Reserve Payment*"). If the Manager is able to collect on behalf of the Fund an amount on the default loan, the Fund will be required to pay to the Manager up to an amount equal to (i) all collection costs, including attorney fees, related to such loan, incurred by the

ACC026407  
S-3542A

Manager and (ii) the Reserve Payment. Any additional amount collected by the Manager on behalf of the Fund will be retained by the Fund. Within 90 days after a Reserve Payment is made by the Manager, the Manager will replenish the Reserve Amount with an amount equal to the Reserve Payment out of future Management Fees paid to the Manager by the Fund.

Within 90 days of the Initial Closing Date the Manager shall obtain Fund Insurance with a policy limit of \$20 million. The policy shall have a \$5 million deductible.

Upon dissolution of the Fund, the Manager, at its sole and absolute discretion, may use the assets of the Fund Reserve Account to pay debts or obligations of the Fund, and may retain any residual after satisfaction of all Fund liabilities.

**Manager Duties:**

The Manager shall be responsible for, among other things, making loan decisions on behalf of the Fund in accordance with the loan policies set forth above, negotiating and preparing any documentation necessary to effect such loans, taking any action necessary to protect the Fund's loans, preparing and maintaining accurate financial and accounting records, providing the Members with all appropriate documents and notices for tax purposes and otherwise, ensuring that the Fund complies with its obligations to the Members and generally administering the Fund's affairs.

**Offering and Organization Expenses:**

All organizational fees and expenses of the Fund will be paid by the Fund up to the Initial Closing Date. The Fund will pay any commissions related to the offering of Interests in the Fund.

**Fund Expenses:**

The Fund will be responsible for all other Fund expenses, including, but not limited to, the following: (i) costs and fees relating to the preparation of financial and tax reports and returns; (ii) the costs of prosecuting and defending any legal action for or against the Fund or the Manager and its affiliates as it relates to arises out of their activities related to the Fund; (iii) all costs related to the Fund's indemnification of the Manager and its affiliates; (iv) any taxes, fees or other governmental charges levied against the Fund and all expenses incurred in connection with any tax audit, investigation, settlement or review of the Fund; and (v) expenses of liquidating the Fund.

**Indemnification:**

The Fund will indemnify, to the maximum extent permitted by law, the Manager and its affiliates, including their officers, managers, members and employees against liabilities, claims and related expenses, including attorney fees, incurred by reason of any act performed or omitted in connection with the activities of the Fund in dealing with third parties on behalf of the Fund if such act or failure to act was taken in good faith, and provided that such act or failure to act did not constitute gross negligence, intentional misconduct, a knowing violation of law or an intentional and material breach of the Fund Agreement.

**Risk Factors:**

An investment in the Fund is speculative and is subject to substantial risks, including the risk that an investor may lose some or all of the amounts invested in the Fund. Investors should thoroughly review

the Risk Factors section of the Private Placement Memorandum and are encouraged to seek counsel for any questions they may have.

**Conflicts of Interest:**

Actual and potential conflicts of interest exist in the structure and operations of the Fund.

**LEGAL AND REGULATORY CONSIDERATIONS**

THE INFORMATION CONTAINED IN THIS SECTION SHOULD NOT BE CONSTRUED AS LEGAL, TAX OR REGULATORY ADVICE AND IS NOT INTENDED TO SUFFICE FOR OR TO SUPPLANT INDEPENDENT ADVICE AVAILABLE TO THE POTENTIAL INVESTOR FROM PROFESSIONALS.

**NEITHER THE FUND, NOR THE MANAGER, NOR THE MANAGER'S OFFICERS, DIRECTORS OR EMPLOYEES WILL OPINE ON OR GIVE ADVICE AS TO THE SUITABILITY OF THIS INVESTMENT.**

**ERISA Considerations.** The Manager intends to organize and operate the Fund so that an investment in Interests in the Fund will be a permissible investment for profit sharing, pension or other retirement trusts (collectively, "employee benefit trusts") that are subject to ERISA. In considering an investment in Interests in the Fund, however, a fiduciary of an employee benefit trust should take into account the facts and circumstances of each employee benefit trust. In particular, the fiduciary of an employee benefit trust must consider whether an investment in Interests in the Fund meets the prudence and diversification requirements of ERISA and is consistent with applicable rules and regulations prohibiting certain transactions between the employee benefit trust and parties related to the employee benefit trust, any fiduciary of the employee benefit trust, or the employer that sponsors the employee benefit trust. Each fiduciary should also consider, among other things, the definition of "plan assets" under ERISA and the United States Department of Labor's regulations (the "Regulations") in this regard. The Manager intends to organize and operate the Fund so that the underlying assets of the Fund will not be treated as plan assets under the Regulations by limiting investment in the Fund by employee benefit trusts subject to ERISA to less than 25% of the Fund's Interests.

**Tax Considerations.** The following discussion summarizes certain United States Federal income tax considerations generally applicable to persons considering the acquisition of a Membership Interest in the Fund. The discussion does not deal with all tax considerations that may be relevant to specific investors or classes of investors in light of their particular circumstances, such as certain financial institutions or insurance companies, dealers in securities or persons who otherwise not hold their interests as capital assets, persons holding their investment as part of a conversion transaction, hedging transaction or straddle or whose functional currency is other than the U.S. dollar. In addition, the discussion does not address any considerations applicable to persons that acquire Investment Units in connection with the performance of services. Furthermore, no state, local or foreign tax considerations are addressed. **ALL PERSONS CONSIDERING AN INVESTMENT IN THE FUND ARE URGED TO CONSULT WITH THEIR OWN TAX ADVISORS AS TO THE SPECIFIC UNITED STATES FEDERAL, STATE, LOCAL, AND FOREIGN TAX CONSEQUENCES TO THEM OF SUCH INVESTMENT.**

Except where specifically addressing considerations applicable to tax-exempt or foreign investors, the discussion assumes that each Member is a United States citizen or resident individual, domestic corporation that is not tax-exempt, or foreign person whose Membership Interest is used or held for use in the conduct of a United States trade or business. The discussion is based upon existing law as contained in United States Federal statutes, regulations, administrative rulings, and judicial decisions on the date of this Memorandum. Future changes to the law may, on either a prospective or retroactive basis, give rise to materially different tax considerations. Finally, no opinions of counsel have been obtained and no rulings have been or will be requested from the United States Federal tax authorities as to any matter and there can be no assurance that such authorities will not successfully assert a position contrary to one or more of the legal conclusions discussed herein.

**Effect of Fund Status.** As a partnership, the Fund will not be subject to Federal income tax. Instead, each Investor will be required to report on such Member's Federal income tax return its allocated share of the Fund's items of income, gain, loss and deduction substantially as if the items had been recognized directly by such Member. Accordingly, an Investor generally will be required to pay tax on its allocable share of the Fund's net income or gain (which tax obligation may be subject to Federal or state withholding) in the year recognized without regard to whether the Fund makes corresponding cash distribution.

As "Tax Matters Partner," the Manager will have the authority under the Fund's Operating Agreement to make, or decline to make, all applicable tax elections on behalf of the Fund (including an election under Section 754 of the Internal Revenue Code to adjust the tax basis of certain Fund assets in connection with a distribution of property to a Partner or the transfer of an interest in the Fund).

**Trade or Business Status.** The Fund generally intends to take the position for Federal income tax purposes that its operations and activities constitute the active conduct of a trade or business rather than an investment activity. One consequence of this position, if it is sustained, is that non-capitalized expenses (including management fees paid to the Manager) incurred by the Fund in carrying on its activities generally will be treated by



Investors who are individuals as business expenses that may be available to offset such Members' taxable income from the Fund or other sources. No assurance can be given that the IRS will agree with such characterization

**Passive Activity Loss Rules.** For purposes of the "passive activity loss rules" of the Internal Revenue Code, an equity-financed lending activity such as that proposed for the Fund does not give rise to passive activity income. If this rule applies to the Fund, an Investor would not be able to offset losses from other activities that constitute "passive activities" against any income from the Fund (until the Investor's interests in such passive activities are disposed of).

**Transfer of Investment Units of the Fund.** The sale or exchange of an interest in the Fund by an Investor generally would result in the recognition of income or loss equal to the difference between the Investor's tax basis in the interest and the amount of consideration received. The Manager expects that such income or loss will generally be characterized as ordinary income or loss.

**Tax-Exempt Investors.** For purposes of this section, the term "Tax-Exempt Investors" refers to investors as defined in Section 501 of Title 26 of the U.S. Code (the "Internal Revenue Code"), and potential investors should consult their tax professional to see if they fall under exempt as granted by Section 501. It is anticipated that the Fund's income will consist principally, if not exclusively, of interest as well as fee income relating to proposed or completed lending transactions ("Transaction Fees") and gains from the disposition of interest producing assets. In addition, the Fund Manager intends to use its reasonable best efforts to minimize recognition by the Fund of income or gain that qualifies as "unrelated business taxable income" ("UBTI") within the meaning of Sections 511-514 of the Internal Revenue Code; provided, however, that the Manager will not be required to make any effort to avoid recognition by the Fund of UBTI to the extent that such recognition results, in whole or in part, from: (i) the receipt of Transaction Fees by the Fund, (ii) the attribution to the Fund for Federal income tax purposes of income or gain realized by the Manager (or a party related thereto) of income attributable to Transaction Fees, or (iii) any borrowing by the Fund, on a short-term basis, solely to enable the Fund to make an investment pending satisfaction of a capital call.

**Foreign Investors.** For purposes of this section, the term "Foreign Investor" generally refers to a person, not otherwise carrying on a trade or business in the United States, that is a nonresident alien individual, a corporation or Fund organized under the laws of a foreign country, or a trust or estate not subject to United States taxation on its worldwide income. As discussed above under the subheading "Trade or Business Status," the Fund generally intends to take the position for Federal income tax purposes that it is engaged in the conduct of a trade or business. If this position is upheld, Foreign Investors generally will, solely as a result of investment in the Fund, be: (i) considered to be engaged in a United States trade or business, (ii) required to file United States Federal income tax returns, (iii) subject to United States Federal income tax on gain from the sale of assets held by them directly or through their interests in the Fund or on a sale of their interests in the Fund and withholding of Federal income tax on their allocable share of the income of the Fund at a rate of 38.6% for individuals and 35% for corporations. A Foreign Investor that is eligible for a reduced rate of United States taxation pursuant to a tax treaty or whose actual Federal income tax liability is less than the amount withheld may obtain a refund from the Internal Revenue Service with respect to its share of any such excess tax withheld.

In addition, Foreign Investors that are corporations would be subject to a 30 percent tax on their "dividend equivalent amount" for purposes of the United States branch profits tax.

If a Foreign Investor did not file United States Federal income tax returns and the Fund were determined to have been engaged in a United States trade or business, the Foreign Investor might not be entitled to offset against its share of the Fund's income and gains its share of the Fund's losses and deductions (and, therefore, could be taxable on its share of the Fund's gross rather than net income).

**Federal Estate Tax Considerations For Foreign Investors.** The applicability of United States Federal estate tax to an interest in the Fund owned at the time of death by a Foreign Investor who is an individual is uncertain under current law. Accordingly, a Foreign Investor who is an individual may wish to consult with his or her tax advisor in this regard.

## ELIGIBLE INVESTORS

This is a speculative investment in unregistered securities. The Fund will follow an aggressive investment strategy which, if unsuccessful, could involve substantial losses. The investment will have limited liquidity, there will not be any public market for the Interests, and the sale or transfer of the Interests will be severely restricted. An investment in the Fund will entail substantial market risk and may not be appropriate for certain investors.

The Interests are designed to be exempt from registration under the Securities Act pursuant to Regulation D thereunder and the Fund is designed to be exempt from registration under the Investment Company Act pursuant to Section 3(c)(1) thereunder.

Subscriptions which would jeopardize any of these exemptions will be rejected by the Manager. Each prospective investor will be required to satisfy the admission standards described in this Memorandum and to represent that such investor:

- is investing in the Fund for its own account, for investment purposes only, and not with a view to distribution;
- is a sophisticated investor (or has a qualified purchaser representative) capable of evaluating the risks and merits of an investment in the Fund;
- has had access to sufficient information needed to make an investment decision about the Fund;
- can tolerate the illiquidity which is characteristic of the Interests; and
- meets the definitions of an "Accredited Investor" as set forth in Regulation D under the Securities Act.

## SUITABILITY

Satisfaction of the required admission standards and the ability to make the other representations in the Subscription Agreement do not necessarily mean that the Interests are a suitable investment for a prospective investor. Prospective investors should carefully evaluate whether an investment in the Fund is suitable for their particular circumstances and investment needs. In doing so, they should consult with such legal, tax, and financial advisors as they consider appropriate, and should avail themselves of the opportunity to ask questions of the Manager.

Each investor must, either alone or with the assistance of a "purchaser representative," have sufficient knowledge and experience in financial and business matters generally and in securities investment in particular to allow him or her to evaluate the merits and risks of investing in the Fund. In addition, each investor should have sufficient funds, beyond those he or she intends to invest in the Fund, to meet personal needs and contingencies. Investors should expect that they will not have access to the funds invested in the Fund for extended periods and should be capable of absorbing a loss or reduction in the value of their investments.

An Investor should be aware that investment in the Fund places severe liquidity constraints on the Investor's capital. Notwithstanding the withdrawal and transferability provisions contained elsewhere in the PPM and other offering documents, there is no guarantee that the Investor will have timely access to their invested capital *even in the event of an emergency*. It is the Manager's intent that the Fund be managed, including withdrawals and transfers, in strict accordance with the terms of the PPM and other pertinent offering documents and in accordance with the investment objectives of the Fund. Such considerations may adversely affect an individual investor in the Fund.

The Interests may be a suitable investment for certain qualified retirement plans. However, such prospective investors should carefully consider the appropriateness of such an investment. See the discussion under the heading "ERISA Considerations" for additional discussion of legal issues to be considered by qualified retirement plan investors.

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S-3542A

### ADDITIONAL INFORMATION

This Memorandum is intended to present a general outline of the policies and structures of the Fund and the Manager. The sections of this Memorandum that contain summaries of certain provisions of the Fund Agreement are necessarily incomplete and are qualified by reference to the Fund Agreement. Copies of the Fund Agreement and the Subscription Agreement may be obtained from the Manager upon request, and should be carefully reviewed prior to purchasing an Interest. Detailed résumés and professional references of the Fund managers are available in the Supplementary Information Packet which can be obtained upon request from the Manager. The Manager is available to answer questions regarding the terms and conditions of the offering and to provide additional information that may be requested by prospective investors.

The Manager may in its sole discretion elect to not offer or sell these securities in certain states if legal or regulatory constraints could jeopardize the Fund's status or any available exemptions.

### SUBSCRIPTION PROCEDURES

Those persons desiring to invest in the Fund will execute a Subscription Agreement and return it to Mathon Fund, L.L.C., c/o Mathon Management Company. The Subscription Agreement will include a power of attorney authorizing the Manager to execute the Fund's Operating Agreement on each investor's behalf. Investors will not be required to directly execute the Operating Agreement.

The Manager may accept or reject each prospective investor in its sole and absolute discretion. No prospective investor will have any right to invest in the Fund until such investor's properly completed Subscription Agreement is signed by the Manager.

**EXHIBITS A and B**  
MATHON FUND OPERATING AGREEMENT and  
SUBSCRIPTION AGREEMENT

*TO BE PROVIDED UPON REQUEST AND IN ANY EVENT PRIOR TO SUBSCRIPTION*

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# **EXHIBIT 6**

<b>CX-18: Reportable Control Condition and Management Point Development Worksheet</b>		EE Point No. _____								
Company: Mathon Fund II										
Balance Sheet Date: December 31, 2003	Workpaper Reference:									
Completed by: lgh	Date: March 19, 2004									
<p>Type of Point</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%;">Reportable condition</td> <td style="width: 10%; text-align: center;">[ ]</td> <td style="width: 40%;">Agreed-upon condition</td> <td style="width: 10%; text-align: center;">[ ]</td> </tr> <tr> <td>Material weakness</td> <td style="text-align: center;">[ ]</td> <td>Management comment</td> <td style="text-align: center;">[X]</td> </tr> </table> <p style="text-align: center; margin-top: 10px;"><b>Definitions and Requirements</b></p> <p>SAS No. 60 (<a href="#">AU 325</a>), <i>Communication of Internal Control Related Matters Noted in an Audit</i>, requires the auditor to communicate reportable conditions in internal control to the audit committee or to individuals with a level of authority and responsibility equivalent to an audit committee in organizations that do not have one, e.g., the board of directors or owner/manager. Under SAS No. 60, the following definitions apply:</p> <p><b>Reportable Condition.</b> Matters coming to the auditor's attention that, in the auditor's judgment, represent significant deficiencies in the design or operation of internal control that could adversely affect the organization's ability to initiate, record, process, and report financial data consistent with the assertions of management in the financial statements.</p> <p><b>Agreed-upon Condition.</b> A deficiency less serious than a reportable condition that the client (senior management or audit committee or equivalent) and auditor have agreed will be reported.</p> <p><b>Material Weakness.</b> A reportable condition in which the design or operation of the specific internal controls do not reduce to a relatively low level the risk that misstatements caused by error or fraud, in amounts that would be material in relation to the financial statements being audited, may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions.</p> <p><b>Management Comment.</b> Observations and suggestions about operational or administrative efficiencies, business strategies, and other items of perceived benefit to the client that go beyond internal control related matters and, in the auditor's judgment, are not reportable conditions, and that the auditor chooses to communicate for the benefit of management.</p> <p>The auditor is not required to distinguish material weaknesses from reportable conditions, but may do so either voluntarily or at the specific request of the client. See <a href="#">section 1504</a> for a discussion of the communication of internal control related matters and examples of reportable conditions.</p>			Reportable condition	[ ]	Agreed-upon condition	[ ]	Material weakness	[ ]	Management comment	[X]
Reportable condition	[ ]	Agreed-upon condition	[ ]							
Material weakness	[ ]	Management comment	[X]							

**Instructions:** This form should be completed each time a reportable control condition or potential management point (less serious-control deficiency, or operating condition that could be improved) is encountered during the audit. Pertinent facts and details should be documented by briefly completing each section of this worksheet. These comments should be as specific as possible, but the point should not be drafted in final form on this worksheet. The type of point should be indicated so that, at the end of the audit, the points may be grouped for reporting purposes, i.e., required communication of reportable control condition or management letter. Depending on the type of point being documented, some sections of this form may not need to be completed.

**CONDITION:**

In our audit fieldwork exit meeting with CFO Brent Williams and controller Tim Abraham, on March 19th, we warned that the company could become like a ponzi scheme - using new investors' money to pay off old investors....if there were significant investment losses. We told the accounting department that they must be aware and prevent this from ever happening....by speaking out and communicating with fund manager and deal makers and by slowing down or stopping the investment of new investors..until the fund was sound, or until liquidation and collection of investments was sufficient.

**REASON IMPROVEMENT NEEDED:**

**CAUSE OF CONDITION:**

**EFFECT OF CONDITION:**

**RECOMMENDATION:**

**COSTS AND BENEFITS OF RECOMMENDED ACTION:**





# **EXHIBIT 7**

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**From:** Duane Slade  
**Sent:** Wednesday, January 14, 2004 03:25 AM  
**To:** Mike Bodell; Tim Abraham; Mark Badger  
**CC:** Guy Williams; Brent Williams  
**Subject:** RE: Mathon-pipe number 11012

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The money was in on time. It took awhile to clear our accounts and we had to straighten everything else out on our side. I agree that two weeks is a long time, but you will get your money this week. I apologize for any inconvenience that this may have caused you. I have the Liesure loan ready to fund, I also have spoke to them and we can have a meeting any time you are ready. I think it would be best if we met before hand and got on the same page so that we know what and how you would like to participate in this project. Your money will be sent to you on the 15th and we need to have a total of 800k wired back to us on the 16th so that we can fund on the 17th. Does that work for you? The deal is 800k @ 75% (annualized) for 3 months.

Your paperwork for the travel company is being handled by Guy and he said that he will contact you to let you know the status. Lets talk today and discuss further the details. Thanks,

-----Original Message-----


**From:** Mike Bodell  
**Sent:** Tue 1/13/2004 3:06 PM  
**To:** Duane Slade; Tim Abraham (E-mail); Mark Badger (E-mail)  
**Cc:**  
**Subject:** Mathon-pipe number 11012

Still have not received funds that as of the last verbal statement were to have been wired this morning. I have not yet received information as to my inquiry on when funds were received by Mathon. Again, were they on time or are we entitled to a late fee? If they were received on time to be waiting for our receipt 2 weeks later is inappropriate.

Please inform me in writing as to why we have not been paid the \$700,000 that was due on 12/30/04. This matter is becoming very troubling to us.

---

Michael J. Bodell



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MATEML028190  
LTSC\_0936356

# **EXHIBIT 8**

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**From:** Guy Williams  
**Sent:** Friday, December 31, 2004 10:45 AM  
**To:** Justin Hall  
**CC:** Brent Williams  
**Subject:** RE: Incoming Money  
**Attachments:** image001.jpg

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We need to move 250k over to MM and write a check from MM to Bruce McMullin for the 250k. Bruce is here right now to pick up a check.  
Guy

CONFIDENTIAL COMMUNICATION

This e-mail message and any attachments are intended only for the use of the addressee named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you received this e-mail message in error, please immediately notify the sender by replying to this e-mail message or by telephone. Thank you.

-----Original Message-----

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**From:** Justin Hall [mailto:justin@roundvalleycapital.com]  
**Sent:** Friday, December 31, 2004 10:43 AM  
**To:** Guy email forward; Duane email forward  
**Cc:** Brent Williams; Tim Abraham; Luann Martinez; Jane Woodbury  
**Subject:** Incoming Money

\$50,000 came in from Bindrup Legacy Group yesterday, 12/30/2004.

Justin Hall  
Mathon Management Companies  
6816 East Brown Road  
Mesa, Arizona 85207  
480.558.8400  
justinhall@mathonmgt.com

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MATEML009075  
LTSC\_0917241

# **EXHIBIT 9**

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JAN 29 2013	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
PHOENIX DIVISION

United States of America,

Case No. 2:09 CR 1492 - ROS

Plaintiff,

JURY INSTRUCTIONS

(before Closing Arguments)

-vs-

JUDGE JACK ZOUHARY

Duane Hamblin Slade, et al.,

Defendants.

Members of the jury: You have heard the evidence. Now I will instruct you, and next you will hear final arguments of counsel. The Court and the jury have separate functions: you decide the disputed facts, and the Court provides the instructions of law. It is your sworn duty to accept these instructions and to apply the law as it is given to you. You are not permitted to change the law or to apply your own concept of what you think the law should be.

**TABLE OF CONTENTS**

Equality Under the Law ..... 2

Indictment ..... 2

Burden of Proof and Reasonable Doubt ..... 3

Multiple Crimes ..... 4

Number and Availability of Witnesses ..... 4

Evidence ..... 5

Inconsistent Statements by a Witness ..... 6

Depositions ..... 6

Exhibits ..... 6

Matters Not Evidence ..... 7

Charts and Summaries ..... 7

Credibility ..... 8

Opinion Testimony ..... 9

Hypothetical Questions ..... 9

Acting Through Agent or Employee ..... 10

Testimony of Defendants ..... 10

Testimony of a Witness Under a Grant of Immunity or Reduced Criminal Liability ..... 10

The Charges .....	11
CONSPIRACY (Count 1) .....	11
Elements of Conspiracy .....	11
Explanation of Terms .....	12
Individuals Not Charged .....	14
Consequence of Finding a Defendant was in a Conspiracy: Liability for Offenses Committed by Co-Conspirators .....	14
MAIL FRAUD (Counts 2, 4 & 5) .....	15
Elements of Mail Fraud .....	16
Explanation of Terms .....	16
WIRE FRAUD (Counts 6–18) .....	18
Elements of Wire Fraud .....	20
Explanation of Terms .....	20
TRANSACTIONAL MONEY LAUNDERING (Counts 19–40) .....	21
Elements of Transactional Money Laundering .....	23
Explanation of Terms .....	24
Concealment Not Required .....	24
Vicarious Liability (Mail Fraud and Wire Fraud Counts) .....	25
Aiding and Abetting (All Counts) .....	25
Negligence of Investors .....	26
Activities Not Charged .....	26
Punishment .....	26



### **Equality Under the Law**

In deciding the facts of this case, you must not be swayed by bias or prejudice or favor as to either party. Our system of law does not permit jurors to be governed by prejudice or sympathy or public opinion. Both the parties and the public expect that you will carefully and impartially consider all the evidence in the case, follow the law as stated by the Court, and reach a just verdict based on the evidence.

This case should be considered and decided by you as an action between persons of equal standing in the community, and holding the same or similar stations in life. Individuals and the Government stand equal before the law and are to be dealt with as equal in a court of justice.

### **Indictment**

A criminal case begins with the filing of an Indictment. The Indictment informs a Defendant he has been charged with an offense. The fact it was filed may not be considered for any other purpose. A plea of "not guilty" is a denial of the charge and puts in issue all the essential elements of each offense charged.

The Indictment in this case charges crimes of Conspiracy, Mail Fraud, Wire Fraud, and Transactional Money Laundering that were committed beginning around February 2002 and continuing through April 2005. The proof need not establish with certainty the exact dates of the alleged crimes. It is sufficient if the evidence in the case establishes beyond a reasonable doubt the crime in question was committed on dates reasonably near the alleged date.

Your job is limited to deciding whether the Government has proved the crimes charged against these Defendants. Whether anyone else should be prosecuted and convicted for these crimes is not a proper matter for you to consider. The possible guilt of others is no defense to a criminal charge. Do not let the possible guilt of others influence your decision in any way.

### **Burden of Proof and Reasonable Doubt**

Defendants pled "not guilty" to the crimes charged in the Indictment. Therefore, they start the trial with a clean slate, with no evidence at all against them, and the law presumes that they are innocent. This presumption of innocence stays with them unless the Government presents evidence, here in Court, that overcomes the presumption and convinces you beyond a reasonable doubt that they are guilty.

This means a Defendant has no obligation to present any evidence at all, or to prove to you in any way he is innocent. It is up to the Government to prove a Defendant is guilty, and this burden stays on the Government from start to finish. You must find a Defendant not guilty unless the Government convinces you beyond a reasonable doubt that he is guilty.

The Government must prove every element of the crime charged beyond a reasonable doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced a Defendant is guilty. It is not required that the Government prove guilt beyond all possible doubt. A reasonable doubt is a doubt based upon reason and common sense and is not based purely on speculation. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence.

If after a careful and impartial consideration of all the evidence, you are not convinced beyond a reasonable doubt that a Defendant is guilty, it is your duty to find that Defendant not guilty. On the other hand, if after a careful and impartial consideration of all the evidence, you are convinced beyond a reasonable doubt that a Defendant is guilty, it is your duty to find that Defendant guilty.

### **Multiple Crimes**

Defendants have been charged with multiple crimes. The number of charges is not evidence of guilt, and this should not influence your decision in any way. It is your duty to separately consider the evidence that relates to each charge, and to return a separate verdict for each one. For each charge, you must decide whether the Government has presented proof beyond a reasonable doubt that a Defendant is guilty of that particular charge.

Your decision on one charge, whether it is guilty or not guilty, should not influence your decision on the other charges. Your verdict on any count as to any Defendant should not control your verdict on any other count or as to any other Defendant.

### **Number and Availability of Witnesses**

Do not make any decisions based solely on the number of witnesses who testified. What is important is how believable the witnesses were, and how much weight you think their testimony deserves. Concentrate on that, not the numbers.

### **Evidence**

Evidence is all the testimony received from the witnesses, any exhibits admitted during the trial, and any facts stipulated by counsel. You must make your decision based only on the evidence you saw and heard here in Court. Do not let rumors, suspicions, or anything else you may have seen or heard outside this Court influence your decision in any way.

Evidence may be direct or circumstantial, or both.

“Direct evidence” is the testimony given by a witness who has seen or heard the facts to which he or she testifies. It includes exhibits admitted into evidence during the trial.

Evidence may also be used to prove a fact by inference. This is referred to as circumstantial evidence. “Circumstantial evidence” is the proof of facts by direct evidence from which you may infer other reasonable facts or conclusions.

If a witness testified he saw it raining outside, and you believed him, that would be direct evidence it was raining. If someone walked into the courtroom wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude it was raining.

You may not make one inference from another inference, but you may draw more than one inference from the same facts or circumstances.

Direct evidence and circumstantial evidence inherently possess the same probative value, and both must be measured by the same standard of proof -- that is, proof beyond a reasonable doubt.

### **Inconsistent Statements by a Witness**

You have heard evidence that a witness may have made statements before this trial that may be inconsistent with his or her testimony here in Court. If you find the statements are inconsistent, you may consider the earlier statement in deciding the truthfulness and accuracy of that witness' testimony in this trial.

### **Depositions**

Some testimony was presented by way of deposition. This evidence is to be considered by you the same as if the witness testified live in the courtroom.

Also, if prior sworn statements differ from testimony given in the courtroom by the same witness, you may consider the difference to test the credibility of that witness.

### **Exhibits**

A number of exhibits and testimony relating to them have been introduced. You will determine what weight, if any, the exhibits should receive in light of all the evidence, no matter who produced the exhibit. The numbering or lettering of the exhibits that you take to the jury room may not follow consecutively. There are several reasons for this. Some exhibits may not have been offered, some may be duplicates, or the Court may have rejected the exhibit because of a legal or other ruling. Do not guess or draw any inference because you do not have a particular numbered exhibit.

### **Matters Not Evidence**

The evidence does not include the Indictment, opening statements, or closing arguments of counsel. The opening statements and closing arguments of counsel are designed to assist you; they are not evidence.

Statements or answers stricken by the Court or that you were instructed to disregard are not evidence and must be treated as though you never heard them. You must not speculate as to why the Court sustained the objection to any question or what the answer to such question might have been. You must not draw any inference or speculate on the truth of any suggestion included in an unanswered question.

### **Charts and Summaries**

Certain charts and summaries have been admitted into evidence. Charts and summaries are only as good as the underlying supporting material. You should, therefore, give them only such weight as you think the underlying material deserves.

### Credibility

You are the sole judges of the facts, the credibility of the witnesses, and the weight of the evidence. To weigh the evidence, you must consider the credibility of the witnesses. You will apply the tests of truthfulness which you apply in your daily lives. These tests include the appearance of each witness upon the stand; his or her manner of testifying; the reasonableness of the testimony; the opportunity he or she had to see, hear and know the things concerning which he or she testified; his or her accuracy of memory; frankness or lack of it; intelligence; interest and bias, if any; together with all the facts and circumstances surrounding the testimony. Applying these tests, you will assign to the testimony of each witness such weight as you deem proper.

You are free to believe everything a witness said, or only part of it, or none of it at all. Some guides for evaluating the testimony include:

- Was the witness able to clearly see or hear the events?
- How good was the witness' memory?
- Was there anything that may have interfered with the ability of the witness to perceive or remember the events?
- How did the witness act while testifying?
- Did the witness have any relationship to the Government or Defendant, or anything to gain or lose from the case, that might influence the witness' testimony?
- Was the witness' testimony supported or contradicted by other evidence you found believable?

### **Opinion Testimony**

Certain witnesses expressed opinions or impressions during their testimony. You do not have to accept such opinions or impressions. In deciding how much weight to give such testimony, you should consider his or her qualifications and how the witness reached his or her conclusions. Also consider the other factors discussed in these instructions for weighing the credibility of witnesses.

An "expert witness" is one who, through study or experience, or both has acquired skill that makes him or her better qualified than the average person to form an opinion. This does not mean, however, that you are bound by the opinion of any expert. It is for you, as triers of fact, to determine whether the expert testimony is worthy of belief, considering the expert's relative qualifications, credibility, and believability.

### **Hypothetical Questions**

During the course of this trial, lawyers have asked some witnesses "hypothetical questions" where the lawyer describes a certain scenario, assuming certain facts to be true. Whether those facts might or might not apply to this case is for you to decide, and it is for you to determine the effect or value of the witness' answer in light of those assumed facts. If there is no evidence of a single fact on which the question is based, the answer to the hypothetical question is not entitled to receive any weight. The value of an opinion is no stronger than the facts on which it was based.



**Acting Through Agent or Employee**

It is not necessary to prove that a Defendant personally did every act constituting the offense charged. As a general rule, whatever any person is legally capable of doing himself, he can do through another as his agent. So, if the acts or conduct of an employee or other agent are deliberately ordered or directed, or deliberately authorized or consented to by Defendant, then the law holds Defendant responsible for those acts or conduct the same as if personally done by Defendant.

**Testimony of Defendants**

A Defendant in a criminal case has a constitutional right not to testify. You may not draw any inference of any kind from the fact that a Defendant did not testify.

**Testimony of a Witness Under a Grant of Immunity  
or Reduced Criminal Liability**

You have heard the testimony of Russell Sewell who pled guilty to a crime arising out of the same events for which Defendants are on trial. You have also heard that the Government entered into a plea agreement with him that includes certain sentencing considerations. It is permissible for the Government to enter into such agreements. But you should consider the testimony of this witness with more caution than the testimony of other witnesses. In this regard, consider whether his testimony may have been influenced by the plea agreement.

\* \* \*

This concludes the general instructions on certain preliminary matters. I will now give you the instructions of law on the specific issues in this case.

\* \* \*

### **The Charges**

Each Defendant is charged with thirty-nine (39) counts as set forth in the Indictment. Count 1 charges each Defendant with Conspiracy to Commit Mail Fraud and Wire Fraud in violation of federal law. Counts 2, 4, and 5 charge each Defendant with Mail Fraud in violation of federal law. Counts 6 through 18 charge each Defendant with Wire Fraud in violation of federal law. Counts 19 through 40 charge each Defendant with Transactional Money Laundering in violation of federal law. The elements of each crime and the details of each count follow next.

#### **CONSPIRACY (Count 1)**

Section 1349 of Title 18 of the United States Code

Count 1 of the Indictment charges that Defendants conspired with others to commit two different crimes: Mail Fraud and Wire Fraud.

#### **Elements of Conspiracy**

A conspiracy is a kind of criminal partnership. For you to find a Defendant guilty of a conspiracy charge, the Government must prove each and every one of the following elements beyond a reasonable doubt:

1. that two or more persons **conspired, or agreed**, to commit the crimes of Mail Fraud or Wire Fraud; and
2. that Defendant **knowingly and voluntarily joined** the conspiracy.

You must be convinced the Government has proved all of these elements beyond a reasonable doubt in order to find a Defendant guilty of conspiracy. Terms in bold are further defined for you below.

#### **Explanation of Terms**

**Conspired or Agreed** - With regard to the first element -- a criminal agreement -- the Government must prove that two or more persons conspired, or agreed, to cooperate with each other to commit Mail Fraud or Wire Fraud in violation of federal law.

This does not require proof of any formal agreement, written or spoken. Nor does this require proof that everyone agreed on all details. But proof that people simply met together from time to time and talked about common interests, or engaged in similar conduct, is not enough to establish a criminal agreement. These are things that you may consider in deciding whether the Government has proved an agreement. But without more they are not enough.

What the Government must prove is that there was a mutual understanding, either spoken or unspoken, between two or more people, to cooperate with each other to commit a violation of federal law. Furthermore, one who willfully joins an existing conspiracy is as responsible as the originators.

An agreement can be proved indirectly, by facts and circumstances which lead to the conclusion that an agreement existed. But it is up to the Government to convince you that such facts and circumstances existed in this particular case.

One more point about the agreement. Count 1 of the Indictment accuses each Defendant of conspiring to commit two different fraud crimes. The Government must prove a Defendant agreed to commit at least one of these fraud crimes for you to return a guilty verdict on Count 1. The Government does not have to prove a Defendant agreed to commit both crimes as the objects of the conspiracy in Count 1.

**Knowingly and Voluntarily Joined** - If you are convinced there was a criminal agreement, then you must decide whether the Government has proved Defendant knowingly and voluntarily joined the agreement. To convict a Defendant, the Government must prove he knew the conspiracy's main purpose, and that he voluntarily joined it intending to help advance or achieve its goals.

This does not require proof Defendant knew everything about the conspiracy, or everyone else involved, or that he was a member of it for a long period of time. Nor does it require proof that Defendant played a major role in the conspiracy, or that his connection to it was substantial. A slight role or connection may be enough.

But proof Defendant simply knew about a conspiracy, or was present at times, or associated with members of the group, is not enough, even if he approved of what was happening or did not object to it. Similarly, just because Defendant may have done something that happened to help a conspiracy does not necessarily make him a conspirator. These are all things you may consider in deciding whether the Government has proved that Defendant joined a conspiracy. But without more they are not enough.

What the Government must prove is that Defendant knew the conspiracy's main purpose, and that he voluntarily joined it intending to help advance or achieve its goals.

Defendant's knowledge can be proved indirectly by facts and circumstances which lead to a conclusion that he knew the conspiracy's main purpose. But it is up to the Government to convince you that such facts and circumstances existed in this case.

#### **Individuals Not Charged**

Some of the people who may have been involved in these acts are not on trial. This does not matter. There is no requirement that all members of a conspiracy be charged and prosecuted, or tried together in one proceeding. Nor is there any requirement that the names of the other conspirators be known. An Indictment can charge Defendant with a conspiracy involving people whose names are not known, so long as the Government can prove Defendant conspired with one or more of them. Whether they are named or not does not matter.

#### **Consequence of Finding a Defendant Was in a Conspiracy: Liability for Offenses Committed by Co-Conspirators**

Each member of the conspiracy is responsible for the actions of the other conspirators performed during the course and in furtherance of the conspiracy. If one member of a conspiracy commits a crime in furtherance of a conspiracy, the other members have also, under the law, committed that crime.

Therefore, you may find a Defendant guilty of a particular count of Mail Fraud or Wire Fraud (as charged in Counts 2 and 4–18 of the Indictment) if the Government has proved each of these five elements beyond a reasonable doubt:

1. a person named in the applicable count of the Indictment committed the crime of Mail Fraud or Wire Fraud as alleged in that count;
2. the person was a member of the conspiracy charged in Count 1 of the Indictment;
3. the person committed the crime of Mail Fraud or Wire Fraud in furtherance of the conspiracy;
4. Defendant was a member of the same conspiracy at the time the offense charged in the applicable count was committed; and
5. the offense fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

**MAIL FRAUD (Counts 2, 4 & 5)**  
Section 1341 of Title 18 of the United States Code

Each Defendant is charged in Counts 2, 4, and 5 of the Indictment with Mail Fraud as follows:

<u>Count</u>	<u>“On or About” Date Mailed</u>	<u>Item Mailed</u>	<u>Carrier</u>
2	January 10, 2005	Statement of Account Balances, Mathon Fund, cash and accrual basis, mailed to David and Joyce Halling	U.S. Mail
4	February 14, 2005	Private Placement Memorandum #10871, subscription Agreement and Operating Agreement for Mathon Fund, mailed to David Halling	U.S. Express Mail

5	March 16, 2005	Statement of Account Balances, December 2004, for Mathon Management Company, mailed to Steve Wellington	U.S. Mail
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#### Elements of Mail Fraud

For each count, in order for a Defendant to be found guilty of Mail Fraud, the Government must prove the following four elements beyond a reasonable doubt:

1. Defendant **knowingly** participated in a **scheme or plan to defraud**, or a scheme or plan for obtaining money or property by means of **false or fraudulent pretenses, representations, or promises**;
2. the statements made or facts omitted as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property;
3. Defendant acted with the **intent to defraud**; that is, the intent to deceive or cheat; and
4. Defendant **used, or caused to be used, the mails** to carry out or attempt to carry out an essential part of the scheme.

#### Explanation of Terms

**Knowingly** - An act is done knowingly if a Defendant is aware of the act and does not act through ignorance, mistake, or accident. The Government is not required to prove that a Defendant knew that his acts or omissions were unlawful. You may consider evidence of a Defendant's words, acts, or omissions, along with all the other evidence, in deciding whether a Defendant acted knowingly.

**Scheme or Plan to Defraud** - In determining whether a scheme or plan to defraud exists, you may consider not only a Defendant's words and statements, but also the entire circumstances in which they are used.

**False or Fraudulent Pretenses, Representations, or Promises** - A pretense, representation, or promise is "false or fraudulent" if it is known to be untrue or is made with reckless indifference as to its truth or falsity and is made or caused to be made with the intent to deceive.

A "false or fraudulent" pretense, representation, or promise also may be made by statements of half-truths or the concealment of material facts as well as by affirmative statements or acts. That is, if a person represents that a particular fact or set of facts exists but at the same time knowingly and intentionally and with intent to deceive fails to reveal other relevant and material facts concerning those representations which would place a different light on the matters represented, the failure to disclose the other material facts may make the matters represented "false or fraudulent" within the meaning of the statutes.

**Intent to Defraud** - An intent to defraud is an intent to deceive or cheat. Although an honest, good-faith belief in the truth of a statement or opinion may negate intent to defraud, a good-faith belief that an investor will eventually be repaid and will sustain no loss is no defense at all.

**Used/Caused to be Used via Mail** - A mailing is caused when one knows that the mails will be used in the ordinary course of business or when one can reasonably foresee such use. It does not matter whether the material mailed was itself false or deceptive so long as the mail was used as a part of the scheme, nor does it matter whether the scheme or plan was successful or that any money or property was obtained.



**WIRE FRAUD (Counts 6-18)**  
Section 1343 of Title 18 of the United States Code

Defendants are charged in Counts 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the

Indictment with Wire Fraud:

<u>Count</u>	<u>"On or About"</u> <u>Wire Date</u>	<u>Approximate</u> <u>Amount</u> <u>Wired</u>	<u>Investor(s) /</u> <u>City, State of</u> <u>Residence</u>	<u>Sending Financial</u> <u>Institution / City, State</u> <u>(Receiving Financial</u> <u>Institution / Last 4</u> <u>Digits of Account</u> <u>Numbers)</u>
6	December 10, 2004	\$200,000	Phil and Janet ██████████ Henderson, NV	Merrill Lynch Las Vegas, NV (Compass Bank/7526)
7	December 10, 2004	\$100,000	Gerry ██████████ Las Vegas, NV	Wells Fargo Las Vegas, NV (Compass Bank/7526)
8	December 16, 2004	\$100,000	Phil and Janet ██████████ Henderson, NV	Merrill Lynch Las Vegas, NV (Compass Bank/7526)
9	December 21, 2004	\$1,500,000	David ██████████ through entity Secured Loan Fund, LLC Farmington, UT	Wells Fargo Farmington, UT (Compass Bank/7526)
10	December 22, 2004	\$75,000	Steve ██████████ through entity F.T.F., LLC Washington, MO	U.S. Bank St. Clare, MO (Compass Bank/7526)
11	December 23, 2004	\$300,000	Bud ██████████ through entity Bailey Ventures Salt Lake City, UT	U.S. Bank Salt Lake City, UT (Compass Bank/7526)

12	December 23, 2004	\$200,000	Bud [REDACTED] through entity Bailey Ventures Salt Lake City, UT	Morgan Stanley New York, NY (Compass Bank/7526)
13	January 7, 2005	\$400,000	Phil and Janet [REDACTED] Henderson, NV	Merrill Lynch New York, NY (Compass Bank/7526)
14	January 28, 2005	\$50,000	Bob [REDACTED] through entity Twin Loan Investments LP West Lynn, OR	Compass Bank/7518 San Francisco, CA (Wells Fargo/5155)
15	January 31, 2005	\$570,000	Steven and Suzanne [REDACTED] Seattle, WA	Compass Bank/7518 Shoreline, WA (Shoreline Bank/1040)
16	March 11, 2005	\$150,000	Gerry and Jolin [REDACTED] Las Vegas, NV	Merrill Lynch New York, NY (Compass Bank/7518)
17	March 11, 2005	\$250,000	Phil and Janet [REDACTED] Henderson, NV	Merrill Lynch New York, NY (Compass Bank/7526)
18	April 1, 2005	\$100,000	Kurt [REDACTED] through entity King Henry, Inc. Las Vegas, NV	Compass Bank/7518 New York, NY (Bank of America/6986)

### Elements of Wire Fraud

In order for a Defendant to be found guilty of a Wire Fraud charge, the Government must prove each of the following four elements beyond a reasonable doubt:

1. Defendant **knowingly** participated in a **scheme or plan to defraud**, or a scheme or plan for obtaining money or property by means of **false or fraudulent pretenses, representations, or promises**;
2. the statements made or facts omitted as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property;
3. Defendant acted with the **intent to defraud**; that is, the intent to deceive or cheat; and
4. Defendant transmitted, or caused to be transmitted, writings, signs, signals, pictures or sounds by means of **wire communication in interstate commerce** to carry out or attempt to carry out an essential part of the scheme.

### Explanation of Terms

Many of the terms in bold were previously defined in the section discussing Mail Fraud, including **knowingly; scheme or plan to defraud; false or fraudulent pretenses, representations, or promises; and intent to defraud**. Please refer to that section.

**Transmission of Wire Communication** - A wire communication is caused when one knows that the wires will be used in the ordinary course of business or when one can reasonably foresee such use. It does not matter whether the material wired was itself false or deceptive so long as a wire communication was used as a part of the scheme, nor does it matter whether the scheme or plan was successful or that any money or property was obtained.

**TRANSACTIONAL MONEY LAUNDERING (Counts 19-40)**  
Section 1957 of Title 18 of the United States Code

Counts 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40

of the Indictment charge Defendants with money laundering.

<u>Count</u>	<u>Date of Transaction</u> (Financial Inst. / Last 4 Account numbers) [Check No./Wire Out/Deposit of <u>Check/Transfer</u> ]	<u>Amount</u> <u>Payee</u>	<u>Source of Funds</u> <u>Disbursed</u>	<u>Description of</u> <u>Payment</u>
19	December 13, 2004 (Northern Trust / 8401) [Check # 10634]	\$19,299.40 Cody [REDACTED]	Victim Investor Funds	Payment to Investors
20	December 13, 2004 (Northern Trust / 8401) [Check # 10635]	\$19,299.40 George [REDACTED]	Victim Investor Funds	Payment to Investors
21	December 15, 2004 (Northern Trust / 8401) [Check # 10639]	\$38,598.81 Larry [REDACTED]	Victim Investor Funds	Payment to Investors
22	December 16, 2004 (Northern Trust / 8401) [Check # 10636]	\$38,598.81 Scott [REDACTED]	Victim Investor Funds	Payment to Investors
23	December 21, 2004 (Compass Bank / 7518) [Wire Out]	\$20,000 Steve [REDACTED]	Victim Investor Funds	Payment to Investors
24	December 22, 2004 (Compass Bank / 7518) [Wire Out]	\$1,557,063.38 Mathon Management - Northern Trust / 8401	Victim Investor Funds	Business Operations
25	December 22, 2004 (Compass Bank / 7518) [Wire Out]	\$32,423.30 Warren [REDACTED]	Victim Investor Funds	Payments to Salesmen

26	December 23, 2004 (Northern Trust / 8401) [Wire Out]	\$74,980 Marc [REDACTED]	Victim Investor Funds	Payments to Salesmen
27	December 22, 2004 (Northern Trust / 8401) [Check # 10659]	\$15,000 Todd [REDACTED]	Victim Investor Funds	Payments to Salesmen
28	December 22, 2004 (Northern Trust / 8401) [Check # 10664]	\$40,988.67 Larry [REDACTED]	Victim Investor Funds	Payment to Investors
29	December 22, 2004 (Northern Trust / 8401) [Check # 10663]	\$10,247.17 Brent [REDACTED]	Victim Investor Funds	Participation Point Payment
30	December 23, 2004 (Northern Trust / 8401) [Wire Out]	\$330,147.16 Jim [REDACTED]	Victim Investor Funds	Payment to Investors
31	December 23, 2004 (Northern Trust / 8401) [Check # 10661]	\$20,494.33 Cody [REDACTED]	Victim Investor Funds	Payment to Investors
32	December 23, 2004 (Northern Trust / 8401) [Check # 10662]	\$20,494.33 George [REDACTED]	Victim Investor Funds	Payment to Investors
33	January 10, 2005 (Compass Bank / 7518) [Wire Out]	\$250,000 Scott [REDACTED]	Victim Investor Funds	Payment to Investors
34	January 14, 2005 (Compass Bank / 7518) [Wire Out]	\$50,000 Steve and Suzanne [REDACTED]	Victim Investor Funds	Payment to Investors
35	February 1, 2005 (Northern Trust / 8401) [Check # 10680]	\$11,172.23 Brent [REDACTED]	Victim Investor Funds	Participation Point Payment
36	February 1, 2005 (Northern Trust / 8401) [Check # 10687]	\$89,377.86 World Sports Fans, LLC	Victim Investor Funds	Insider Payment

37	March 11, 2005 (Northern Trust / 8401) [Check # 10709]	\$26,755.75 George [REDACTED]	Victim Investor Funds	Payment to Investors
38	March 11, 2005 (Compass Bank / 7518) [Wire Out]	\$150,000 Mathon Management - Northern Trust / 8401	Victim Investor Funds	Insider Payment
39	March 14, 2005 (Northern Trust / 8401) [Check # 10710]	\$26,755.75 Cody [REDACTED]	Victim Investor Funds	Payment to Investors
40	April 4, 2005 (Northern Trust / 8401) [Transfer of Funds]	\$26,755.75 World Sports Fans, LLC - Northern Trust / 8233	Victim Investor Funds	Payment to Investors

#### **Elements of Transactional Money Laundering**

In order for a Defendant to be found guilty of a Transactional Money Laundering charge, the Government must prove each of the following five elements beyond a reasonable doubt:

1. Defendant **knowingly** engaged or attempted to engage in a **monetary transaction**;
2. Defendant knew the transaction involved **criminally derived property**;
3. the property had a **value greater than \$10,000**;
4. the property was, in fact, derived from the acts of Mail Fraud and Wire Fraud alleged in Counts 2 through 18 of the Indictment; and
5. the transaction occurred in the United States.

### **Explanation of Terms**

The term **knowingly** was previously defined in the section discussing Mail Fraud. Please refer to that section.

**Monetary Transaction** means the deposit, withdrawal, transfer, or exchange, in or affecting interstate commerce, of funds or a monetary instrument by, through, or to a **financial institution**.

**Financial Institution** means a federally-insured bank.

**Criminally Derived Property** means any property constituting, or derived from, the proceeds of a criminal offense. The Government must prove that a Defendant knew that the property involved in the monetary transaction constituted, or was derived from, proceeds obtained by some criminal offense. The Government does not have to prove that a Defendant knew the precise nature of that criminal offense, or knew the property involved in the transaction represented the proceeds of Mail Fraud or Wire Fraud.

**Value Greater than \$10,000** - Although the Government must prove that more than \$10,000 of this property was involved in the crime, the Government does not have to prove that all the property at issue was a part of the criminal offense.

### **Concealment Not Required**

Concealment is not an element of the offense of Transactional Money Laundering. It is a violation of the statute even if the financial transaction was conducted openly and with no intent to disguise either the nature of the transaction or the identity of the person involved.

\* \* \*

### **Vicarious Liability (Mail Fraud and Wire Fraud Counts)**

If you decide that a Defendant was a member of a **scheme to defraud** and that he had the **intent to defraud**, he may be responsible for other co-schemers' actions during the course of and in furtherance of the scheme, even if he did not know what they said or did.

For a Defendant to be guilty of an offense committed by a co-schemer in furtherance of the scheme, the offense must be one that the Defendant could reasonably foresee as a necessary and natural consequence of the scheme to defraud.

### **Aiding and Abetting (All Counts)**

A Defendant may be found guilty of the crimes of Conspiracy, Mail Fraud, Wire Fraud, and Transactional Money Laundering, even if the Defendant personally did not commit the act or acts constituting the crime but aided and abetted in its commission. To prove a Defendant guilty of aiding and abetting, the Government must prove beyond a reasonable doubt:

1. the specified crime was committed by someone;
2. Defendant **knowingly** and intentionally aided, counseled, commanded, induced or procured that person to commit each element of the specified crime; and
3. Defendant acted before the crime was completed. It is not enough that a Defendant merely associated with the person committing the crime, or unknowingly or unintentionally did things that were helpful to that person, or was present at the scene of the crime. The evidence must show beyond a reasonable doubt that a Defendant acted with the knowledge and intention of helping that person commit the specified crime.

The Government is not required to prove precisely which Defendant actually committed the crime and which Defendant aided and abetted.



The term **knowingly** was previously defined in the section discussing Mail Fraud. Please refer to that section.

#### **Negligence of Investors**

The possibility that an investor may have been negligent or naive in failing to detect the plan or scheme is no defense to the charge of fraud.

#### **Activities Not Charged**

You are here only to determine whether Defendants are guilty or not guilty of the charges in the Indictment. Defendants are not on trial for any conduct or offense not charged in the Indictment.

#### **Punishment**

If you decide that the Government has proved a Defendant guilty, then it will be my job to decide what the appropriate punishment should be.

Deciding what the punishment should be is my job, not yours. It would violate your oaths as jurors to even consider the possible punishment in deciding your verdict.

Your job is to look at the evidence and decide if the Government has proved a Defendant guilty beyond a reasonable doubt.

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