

3. Attached hereto as Exhibit B is a true and correct copy of Plaintiff's notice of motion and motion to quash subpoena.

4. Attached hereto as Exhibit C is a true and correct copy of the United States District Court, District of Minnesota order dated 3/28/08.

5. Attached hereto as Exhibit D is a true and correct copy of the United States District Court, District of Minnesota order dated 7/1/08.

6. Attached hereto as Exhibit E is a true and correct copy of excerpts from the transcript on the Motion for Voluntary Dismissal dated 10/30/08.

7. Attached hereto as Exhibit F is a true and correct copy of an e-mail from John Pucci to Bob Pickle dated 12/15/09.

8. The MidCountry Bank documents have been returned to our offices. These records will be maintained in the condition under which we received them until the appellate process has been exhausted.

9. Attached hereto as Exhibit G is a true and correct copy of 3ABN's responsive brief filed in the Federal District Court, District of Massachusetts in response to Pickle and Joy's motion to certify and forward a portion of the record.

This concludes my affidavit.

s/ M. Gregory Simpson

M. Gregory Simpson

Subscribed and sworn to before me
This 18th day of December, 2009.

s/ Jeannette Evans

Notary Public

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