

MINUTE ENTRY
BERRIGAN, J.
FEBRUARY 24, 2011

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

FREDERICK R. HEEBE, ET AL

CIVIL ACTION

VERSUS

NUMBER: 10-3452

UNITED STATES OF AMERICA

SECTION: "C"

EVIDENTIARY HEARING

APPEARANCES: William P. Gibbens and Kyle D. Schonekas, Counsel for Frederick R. Heebe, A. J. Ward, Shadowlake Management, L.L.C., Fred Heebe Investments, Live Oak Homes Corporation
Robert N. Habans, Jr., Counsel for A. J. Ward
Michael S. Walsh, Counsel for Willow, Inc. and , Heebe & Heebe, P.L.C.
Edward J. Castaing, Jr., Counsel for River Birch, Inc.
Gregory M. Kennedy, Salvador Robert Perricone, Peter Mansfield, William Quinlan, Jr., Brian Klebba, James Mann and Michael McMahon, Counsel for the United States of America

COURT REPORTER: Jodi Simcox
COURTROOM DEPUTY: Kimberly County

Motion for Rule 41(g) evidentiary hearing in reconsideration of order to return seized documents (31)

Motion by Frederick R. Heebe, A. J. Ward, Shadowlake Management, L.L.C., Willow, Inc., Fred Heebe Investments, Live Oak Homes Corporation, Heebe & Heebe, P.L.C., and River Birch, Inc. to enforce judgment (36)

Case called; all present and ready.
Statement by counsel for plaintiffs.
Statement by counsel for Govt.

[CONTINUED ON PAGE 2]

JS-10: 04:55

C.A. 10-3452 "C"
Heebe, et al vs. USA
Evidentiary Hearing 02/24/11
Page 2 of 2

Plaintiffs' motion for sequestration of witnesses - SO ORDERED.

Upon agreement of counsel, the sequestration order excludes counsel in this matter that may be called as witnesses.

Pltf [Atty. Gibbons] witness: Malcolm J. Bezet, FBI, sworn, testified.

Pltf [Atty. Gibbons] offers exhibits 1 through 28 and 32, no obj, admitted.

Govt offers exhibits 1 through 36, no obj, admitted.

Pltf [Atty. Schonekas] witness: Peter Smith, FBI, sworn, testified.

LUNCH: 12:25 p.m. to 1:30 p.m.

Pltf [Atty. Habans] witness: Kyle Schonekas, sworn, testified.

Pltfs rest.

Govt request that agents subpoenaed by the plaintiffs for this hearing be released from the subps.; no obj - SO ORDERED.

Govt witnesses: Michael Zummer, FBI, sworn, testified.

Scott Downie, FBI, sworn, testified.

Govt offers exhibits 37, 38, and 39, no obj, admitted.

Govt witness: James Mann, AUSA, sworn, testified.

Govt rests.

Govt to provide to plaintiffs with copies of everything taken during search by March 3, 2011.

Pltf [Atty. Gibbons] offers exhibit 33, no obj, admitted.

Closing statement waived by plaintiffs.

Closing statement by Govt.

Court requested that Govt. provide the Court with a copy of the search warrant affidavit - pltfs obj and request that the Court not read the affidavit or sealed exhibit C - pltfs to file brief regarding this issue by February 28, 2011.

Post hearing briefs to be filed by March 21, 2011.

TAKEN UNDER SUBMISSION.

Court adjourned.

Exhibit List

1	Search Warrant
2	Letter from Peter Butler
3	Phone book listing for River Birch
4	River Birch website
5	River Birch secretary of state report
6	Heebe & Heebe secretary of state report
7	Live Oak Homes, Peter J. Butler, and Shadowlake secretary of state reports
8	Google search of 2000 Belle Chasse Highway
9	Example of Willow document seized in the search
10	External building plan
11	Photo of directory
12	Times Picayune photo of directory
13	Photo of Willow plaque
14	Photo of boxes labeled "scanned leases"
15	Photo of file cabinets labeled Calypso Bay
16	Photo of binders labeled Calypso Bay, Shadowlake Villas, River View Villas, Parc Fontaine apartments, Parc Fontaine condominiums, Parc Fontaine condo association
17	Photo of file cabinets labeled Parc Fontaine Condominium association
18	Photo of file cabinets labeled Parc Fontaine
19	Photo of binders labeled Parc Fontaine Condominium association, Shadowlake Management Company, Live Oak Homes, and Permanent, Inc.
20	Business cards of Jackie Bruchi
21	Newspaper article re: Shadowlake
22	Plaques from apartment association of Louisiana
23	Lincoln National Realty Company picture
24	Folders labeled lease schedules
25	Servers labeled Live Oak Homes and Willow
26	Binders labeled Carol Sue apartments
27	Willow Silver Sales Plaque
28	Willow files
29	Picture showing agents in Room 7 at 7:45 a.m. and 1:30 p.m.
30	Photos of Attorney-Client privileged boxes
31	Photos of labels placed on computers by Manzella
32	Third floor plan