

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

MJK Clearing, Inc.,

BKY. No. 01-4257 (RJK)

Debtor.

**James P. Stephenson, Trustee, for MJK
Clearing, Inc.,**

Plaintiff,

ADV. No. 03-4053 (RJK)

vs.

**Leon A. Greenblatt, Banco Panamericano, Inc.,
Loop Corp, NOLA L.L.C., Repurchase Corporation,**

Defendants.

**RESPONSE OF DEFENDANTS TO MOTION TO PERMIT
REGISTRATION OF THE SECOND AMENDED JUDGMENT**

Defendants Leon A. Greenblatt, Banco Panamericano, Inc., Loop Corp, and NOLA L.L.C. hereby respond as follows to Plaintiff's motion to register judgment.¹ The Second Amended Judgment awards the following relief: (1) money judgments against defendants Loop, Banco Panamericano, and Greenblatt, and (2) an order directing defendants Banco Panamericano, Loop, NOLA, and Repurchase to cause the transfer of \$3,000,000 in tax credits to the Plaintiff pursuant to a letter agreement dated July 12, 2001.

¹ Plaintiff has sought no relief from defendant Repurchase Corporation.

With regard to the money judgments, those defendants have, indeed, despite continuing efforts during the pendency of the appeal, been unable to post a bond and they do not oppose the pending motion as it pertains to registration of the money judgments.

On the other hand, the documents required to transfer the tax credits were delivered to the Plaintiff on January 8, 2004, with a request that they be executed and returned as soon as possible to consummate the transfer. Curley Affidavit, ¶ 2. For several months Plaintiff gave no indication that that documentation was inadequate in any way to transfer the tax credits, nor (curiously) did plaintiff return the executed documents. Curley Affidavit, ¶ 3. While Plaintiff has more recently indicated a general belief that the documents had been deficient, Plaintiff still has not specified how or why the documents were deficient. Curley Affidavit, ¶ 4. The portion of the Second Amended Judgment related to the tax credits has been fully satisfied. Plaintiff's failure to act over ten months ago to preserve its interest in the tax credits does not constitute "good cause" for registration of that portion of the Second Amended Judgment pertaining to the tax credits. Plaintiff's motion should be denied in that regard.

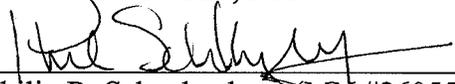
CONCLUSION

For the foregoing reasons, defendants do not oppose registration in the Northern District of Illinois of the money judgment portions of the Second Amended Judgment, but request that the Court deny Plaintiff's motion to register that portion of the second Amended Judgment relating to the tax credits.

October 1, 2004

Respectfully submitted,

BRIGGS AND MORGAN, P.A.

By: 
Philip R. Schenkenberg (MN #260551)
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332 Minnesota Street
Saint Paul, Minnesota 55101
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ATTORNEYS FOR DEFENDANTS

Of Counsel:

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Defendants.

AFFIDAVIT OF C. PHILIP CURLEY

STATE OF ILLINOIS)
)ss
COUNTY OF COOK)

1. I am C. Philip Curley, an attorney representing Defendants in the above matter. I have personal knowledge of the matters set forth herein.

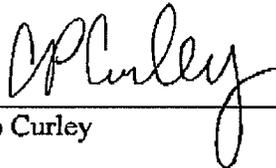
2. On January 8, 2004, I caused to be delivered to Jesseca Grassley, counsel for Plaintiff, the documents necessary to transfer the tax credits as provided in the Second Amended Judgment. I asked Ms. Grassley to have the documents executed and returned to me as soon as possible to consummate the transfer.

3. Plaintiff did not return the executed documents, and for several months gave no

indication that the documentation was inadequate in any way.

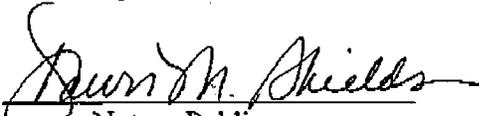
4. More recently, counsel for the Plaintiff has communicated a general belief that the documents were deficient, but has still not specified how or why the documents were deficient.

AFFIANT SAYS NOTHING FURTHER.



C. Philip Curley

Subscribed and sworn to before me
this 1st day of October, 2004.



Notary Public

