

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re

John and Marcia Thomas  
Debtors

Bky. No. 03-34351  
Chapter 7 case

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Lonsdale Feed Mill, Incorporated,  
Plaintiff,

vs.

John and Marcia Thomas,  
Defendants.

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Adv. No. 03-3287

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S EXHIBITS**

The Defendants have the following partial objections to the Plaintiff's listed exhibits. The Defendants have not seen copies of the actual exhibits (except to the extent that documents falling into the broad categories listed by Plaintiff were provided in discovery) and therefore Defendants are only able to make these general objections.

The full text (excluding caption and signature) of the Plaintiff's "Exhibit List," served August 26, 2004 but not filed as of August 31, is as follows:

"Plaintiff intends to offer the following exhibits at trial :

- "1. Lonsdale Feed Mill Transaction Registers for the Thomas account.
- "2. Rural American Bank Insufficient Fund notices for returned checks issued by Defendants and/or Thomas Dairy to Lonsdale Feed Mill.
- "3. Lonsdale Feed Mill invoices issued to Defendants."

Although the Defendants have not seen specific proposed exhibits, they expect that their objections will involve only matters of time. The Plaintiff alleges a course of fraudulent activity

beginning February 5, 2002. Any evidence of behavior, understandings, or account activity earlier than that date is irrelevant and should be excluded.<sup>1</sup>

The Defendants do not anticipate foundational or other objections but reserve the right to raise them as actual exhibits are offered.

Dated: August 31, 2004.

/e/ Kurt M. Anderson  
Kurt M. Anderson # 2148  
Attorney for Defendants  
P.O. Box 2434  
Minneapolis, Minnesota 55402-0434  
(612) 333-3185

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<sup>1</sup> The Plaintiff's Proof of Claim ledger and the Defendants' chronological restatement of it go back to January 1, 2002. The activity from January 1 through February 4, 2002, was minimal and the Plaintiff does not regard these exhibits as objectionable because they fail to precisely match the time frame alleged in the complaint.

DECLARATION OF SERVICE BY MAIL

Kurt Anderson declares under penalty of perjury that on September 1, 2004, he served the following:

Objection to Exhibits  
Trial Memorandum  
This Proof of Service

upon

Stephanie Onorato  
Attorney at Law  
102 5th Ave NW  
PO Box 389  
Lonsdale, MN 55046

By routing copies thereof pursuant to normal office procedure, for deposit in the United States Mail at Minneapolis, Minnesota, directed to each entity at the addresses indicated herein.

**VERIFICATION**

I hereby declare under penalty of perjury that I have read the foregoing Declaration of Service by U.S. Mail and that the facts stated therein are true and correct.

Executed on: September 1, 2004      /e/ Kurt M. Anderson