

FILED  
U.S. DISTRICT COURT  
2013 FEB 26 2:30  
DISTRICT OF UTAH  
BY: \_\_\_\_\_  
DEPUTY CLERK

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*Attorneys for Plaintiff R. WAYNE KLEIN, the  
Court-Appointed Receiver of U.S. Ventures, LC,  
Winsome Investment Trust, and the assets of Robert  
J. Andres and Robert L. Holloway*

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UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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U.S. COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

- vs -

U.S. VENTURES LC, a Utah limited liability  
company, WINSOME INVESTMENT  
TRUST, an unincorporated Texas entity,  
ROBERT J. ANDRES and ROBERT L.  
HOLLOWAY,

Defendants.

~~PROPOSED~~ SCHEDULING  
ORDER RE EVIDENTIARY  
HEARING ON CLAIM NO. 1117

Case No. 2:11-cv-00099-BSJ

Judge Bruce S. Jenkins

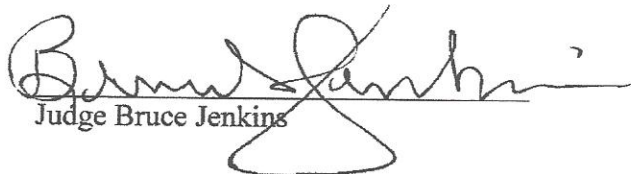
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The Court held a Status Report and Scheduling Conference on February 12, 2013 related to, among other things, Claim No. 1117, which was filed by Roberto Penedo in the above-referenced case. In attendance were David C. Castleberry as counsel for the Receiver, R. Wayne Klein, and Jeffery J. Owens, counsel for Claimant Roberto E. Penedo. The topics upon which discovery will be needed were discussed. A timeline for completion of discovery was set as outlined below. Accordingly, the following matters are scheduled with respect to issues regarding Claim No. 1117. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause:

- 1) All discovery shall be completed by May 13, 2013.
- 2) The Court has scheduled an evidentiary hearing on June 6, 2013 at 9:30 a.m. on the limited issues of (1) whether Winsome Investment Trust had any legal obligation to make payments to Roberto Penedo pursuant to the Refinery Agreement originally entered into by RIO Systems, Inc., Roberto Penedo, and Fundacion Guatemalteco Americana on October 23, 2006, making Winsome liable to Penedo, and (2) whether Penedo's claim against Winsome is an allowable claim against the Receivership Estate.
- 3) The parties are ordered to submit a stipulated order regarding the evidentiary hearing to chambers no later than 12:00 p.m. on May 15, 2013. The stipulated order shall identify a roster of witnesses each party will need to prove his case, and a roster of exhibits each party will use to prove his case.

DATED this 26 day of Feb, 2013.

BY THE COURT:

  
Judge Bruce Jenkins

Approved as to form:

MANNING CURTIS BRADSHAW  
& BEDNAR LLC

/s/ David C. Castleberry  
David C. Castleberry  
Attorneys for Plaintiff

STRONG & HANNI

/s/ Jeffery J. Owens  
Jeffery J. Owens  
Attorneys for Defendant  
*[Signed by Filing Attorney with Permission of Defendant's Attorney]*