

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 8:16-cv-233

v.

STABL, INC., LANT, INC., LEON
JOHNSON; and ANN JOHNSON,

Defendants.

**NOTICE OF 30(B)(6) DEPOSITION
OF THE UNITED STATES OF
AMERICA**

TO: Plaintiff United States of America, through its attorneys.

PLEASE TAKE NOTICE that on **March 16, 2018** at 9:00 a.m., counsel for Defendants Stabl, Inc. ("Stabl"), Lant, Inc. ("Lant"), Leon Johnson, and Ann Johnson (collectively, "Defendants") will take the deposition testimony of the United States of America ("USA"), pursuant to Federal Rule of Civil Procedure 30(b)(6) at the law offices of Baird Holm LLP, 1700 Farnam Street, Suite 1500, Omaha, NE 68102. The deposition will be taken by stenographic means and may also be recorded by video. The taking of said deposition may be adjourned from time to time until completed. Pursuant to Federal Rule of Civil Procedure 30(b)(6), the USA shall designate one or more officers, directors, managing agents or other persons to testify on its behalf regarding the following matters:

1. The factual basis for each of USA's causes of action and allegations set forth in the complaint, specifically the issues regarding "piercing the corporate veil" of Nebraska By-Products; and specific acts of fraud allegedly committed by Lant,

Inc., Leon Johnson, Ann Johnson, and Lant, Inc., as alleged in the USA's Complaint.

2. When, how, and under what circumstances the USA and/or any of the attorneys representing the USA learned of any actions by each of the Defendants which spurred the filing of the initial complaint in this matter, including, but not limited to, knowledge regarding (a) the purchase by Darling International, Inc. of assets owned by Stabl and Lant, Inc. and others, (b) the dissolution of Nebraska By-Products, Stabl, Inc., and Lant, Inc., (c) the transfer of any funds to any or all of the Defendants relating to the sale of such assets, and (d) issues regarding the statute of limitations for any or all of the causes of action set forth in the Complaint or Amended Complaint in this matter.

3. When, how, and under what circumstances the Environmental Protection Agency ("EPA") and/or any of the attorneys representing it or the USA learned of any actions by each of the Defendants which spurred the filing of the initial complaint in this matter, including, but not limited to, knowledge regarding (a) the purchase by Darling International, Inc. of assets owned by Stabl and Lant, Inc. and others, (b) the transfer of any funds to any or all of the Defendants relating to the sale of such assets, (c) issues regarding the statute of limitations for any or all of the causes of action set forth in the Complaint or Amended Complaint in this matter, and (d) the dissolution of Nebraska By-Products, Stabl, Inc., and Lant, Inc.

4. Communications between the USA (including its attorneys in the

United States Attorney's office) and the EPA, and/or with anyone else (specifically including representatives, employees, or agents of the State of Nebraska, the Nebraska Department of Environmental Quality and/or their attorneys or the attorneys for the Nebraska Attorney General's office), regarding (A) the running or expiration of statute of limitations for any causes of action involved in this case; and (B) execution on and collection of the January 2014 judgment(s) obtained by the United States and/or the State of Nebraska against Stabl, Inc.

5. The decision (A) to file the Complaint in this matter and when to file that complaint; and (B) when to undertake any efforts to collect on the judgment in the underlying lawsuit entered in January 2014.

6. The identities of all individuals employed by the United States who were involved in decisions to file the Complaint in this matter, including when to file such lawsuit.

7. Communications, meetings, documents, and decisions with regard to filing of the Complaint in this matter, including timing thereof and any concern(s) regarding problems with the running or expiration of any statutes of limitations.

8. Efforts undertaken to collect on the judgment obtained in the underlying lawsuit (entered in January 2014).

9. Any documents (electronic or otherwise), video, audio files, photographs, and other media relating to this lawsuit.

10. Policies, written, oral or procedural, regarding adherence to applicable

statutes of limitations when enforcing judgments in favor of the United States of America.

Dated this 12th day of February, 2018.

STABL, INC., LANT, INC., LEON JOHNSON;
and ANN JOHNSON, Defendants.

By: /s/Krista M. Eckhoff
William G. Dittrick (NE# 11024)
John P. Heil (NE# 11783)
Krista M. Eckhoff (NE# 25346)
of: BAIRD HOLM LLP
1700 Farnam Street
Suite 1500
Omaha, Nebraska 68102
(402) 344-0500
wdittrick@bairdholm.com
jheil@bairdholm.com
keckhoff@bairdholm.com

Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2018, I sent the foregoing to counsel via electronic mail, as follows:

Lynnett M. Wagner
Laurie Kelly
Doug Semisch
1620 Dodge Street, Suite 1400
Omaha, NE 68102-1506
lynnett.m.wagner@usdoj.gov
laurie.kelly@usdoj.gov
doug.semisch@usdoj.gov
Attorneys for Plaintiff United States of America

/s/Krista M. Eckhoff