

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES,	)	Case No. 0:08-cv-05348
	)	
Plaintiff,	)	Hon. Ann D. Montgomery
	)	
v.	)	<b>MOTION</b>
	)	
THOMAS J. PETTERS, ET AL.,	)	
	)	
Defendants.	)	

Defendants Ritchie Special Credit Investments, Ltd., Rhone Holdings II. Ltd, Yorkville Investment I, L.L.C., Ritchie Capital Structure Arbitrage Trading, Ltd., and Ritchie Capital Management L.L.C. (hereinafter “Ritchie” or “Petitioners”), hereby move this Court for an order allowing Ritchie to intervene under Fed. R. Civ. P. 24 for the limited purpose of modifying and vacating the asset freeze and receivership orders herein, in part: (i) to modify or vacate the asset freeze and receivership orders to the extent that they restrain assets for which no proper showing under 18 U.S.C § 1345 has been made; and (ii) to declare the earlier asset freeze and receivership orders, to the extent modified or vacated, to be void *ab initio*.

Dated: March 23, 2009.

KELLY & BERENS, P.A.

By: s/Max H. Kieley

Timothy D. Kelly (#54926)

Jennifer S. Wilson (#0281037)

Max H. Kieley (#0389363)

3720 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402

(612) 349-6171

***Attorneys for Ritchie Special Credit  
Investments, Ltd., Rhone Holdings II. Ltd.,  
Yorkville Investment I, L.L.C., Ritchie Capital  
Structure Arbitrage Trading, Ltd and Ritchie  
Capital Management, L.L.C.***

Brenda Grantland, Esq.

pro hac vice admission to be filed

20 Sunnyside Suite A-204

Mill Valley, CA 94941

(415) 380-9108

(415) 381-6105 fax