

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
No. 08-CR-364 (RHK/AJB)

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DECLARATION OF  
C. TOM FISHER**

THOMAS JOSEPH PETTERS,

Defendant.

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C. Tom Fisher, under penalty of perjury, declares as follows:

1. I am a licensed employee of Tom Fisher Enterprises, Inc., which holds a Private Detective license in the State of Minnesota.

2. From January 1970 to April 1994 I was employed as a Special Agent with the Internal Revenue Service Criminal Investigation Division. I retired from my position with the IRS in April 1994.

3. Beginning in about 1996 I was employed by various law firms in the Twin Cities. I was licensed as a self-employed Private Detective about 1998, and I have been licensed since that time.

4. I have spent 34 years conducting investigations involving financial records and documents. In those 34 years I have been involved in over 250 investigations where financial records—personal, corporate and/or banking—were the primary source of documentation.

5. With regard to the charges being brought against Thomas Petters by the U.S. Government, I have never conducted an investigation that included anywhere near the volume of documents, recordings, and photographs that so far have been presented by the Government. I can easily say that the sheer volume of data presented to me in this case is overwhelming. To further complicate this matter, the Government, so far, has not presented us with copies of all of the documents they have gathered as they are still in the process of imaging some of those documents.

6. The documents presented by the Government have not always been in a form that can be easily reviewed. Thousands of documents have been presented in varying forms including images in .pdf format, images in .tif format and even images in less familiar formats. In many cases the .pdf documents and the .tif documents are contained in files of a few pages each. This type of presentation results in thousands of files that have to be opened and closed individually, an extremely time-consuming process. In order to view these files in a manner so as to minimize the time of examination, the files need to be combined into larger files so that the pages can be viewed continuously. This combining of files is also very time consuming although less so than looking at small individual files.

7. The Government has provided over 100 data discs of information. Some discs are encrypted and require both a password to open and then transfer of the data to some other media for viewing. While we have been provided with the passwords in most cases, the requirement to transfer the data to another media type delays the process of examination of the data.

8. Further, the descriptions provided by the Government of the contents of the files contained on the discs are extremely limited, making it necessary for me to attempt a cursory examination of all files provided in order to create an index that will allow me to first identify which files may be of value to us and second to create a record that will allow us to even find files that have been or will be identified as important to the Government's case or to the defense of Thomas Petters.

9. The documents, recordings and photographs provided or promised to us by the Government can be listed in the following categories:

a. **Search and Seizure.** Documents and electronic media seized by Search Warrant or consent search including but not limited to documents from the search of Petters Group Worldwide (PGW) and Petters Company Inc. (PCI), file and exchange servers found at the offices of PGW/PCI, other electronic media seized there including images of several employees' workstations, PDAs, BlackBerrys, Discs and Thumb Drives (mini digital drives) as well as photos of the search. The Government also searched at least five other locations including the residences and/or offices of Larry Reynolds, Michael Catain, Thomas Petters, and Robert White. From those sites the Government seized documents containing thousands of pages as well as electronic media, and took photographs at these locations.

b. **Subpoena.** The Government has subpoenaed records from in excess of 70 third parties in this case. Some of those parties have submitted thousands of documents to the Government. Since the Government has been providing us with

a “rolling” production of these documents we do not know if there will be more presented or if we have all documents the Government intends to produce.

c. **Recordings.** The Government has recordings of conversations including recordings of conversations made by Deanna Coleman, a convicted co-conspirator and Government informant in this case. The recordings are, in many cases, extremely hard to understand and consist of many hours of conversations, as well as calls made by Thomas Petters from the Sherburne County Jail.

10. The following table details the amount of data presented to us this far by the Government excepting the hours of recordings and hundreds of photos provided.

<b>Type</b>	<b>Number of pages, megabytes, files, or boxes</b>	<b>Comments</b>
<b>Documents obtained via Search Warrant</b>		
Bates stamped pages provided by the Government	318,363	Pages
Boxes of records seized from PGW/PCI offices and not yet bates stamped by the Government	35	Not less than this number. This translates into roughly 59,000 pages.
Boxes of records seized from Catain, Reynolds, Vennes & White	40	Not less than this number. This translates into roughly 67,000 pages
Files being recovered from the file server imaged by Government at PGW/PCI offices	356,000	This is an approximate number of files provided by a recovery firm based on criteria we set for files relevant to the defense or prosecution case. This number of files probably

		consists of between 750,000 pages to a number well in excess of 1,000,000 pages. The data consists of 467,000 mega bytes or about 100 DVD discs.
<b>Documents obtained from Grand Jury Subpoenas</b>		
Bates stamped pages provided by the Government	611,944	pages

11. I feel confident that the number of pages contained in documents obtained by the Government and made available to the defense will exceed 1.5 million. In some cases the documents are bates stamped allowing us to determine the total number of pages submitted to the defense for review. In other cases we have only been allowed to examine the documents in their original form and have been told they will be scanned and bates stamped later. In those cases we can only say how many boxes we have seen. Finally the process of reconstructing various electronic data seized by the Government and subsequently provided to the defense is still underway. In those cases we can only provide, at the moment, the approximate number of files and megabytes of data involved.

12. Based on my experience as an investigator, combining, indexing and examining all of these documents to locate information relevant to the defense and/or the prosecution's case will take several months. Merely combining and indexing the documents so that we can determine relevance and location of key documents will take more than two months. Examination of key documents will take some months beyond that time. Based on my brief examination of a sample of these documents, it is my belief

that at least 50%, and probably more, of the documents are relevant to either the defense case or the charges and overt acts alleged by the Government.

13. Based on my experience, after examination of the documents has been completed, schedules and charts will need to be prepared to explain the relevant selected documents. This preparation will also require a month or two of work.

I, C. Tom Fisher, declare under penalty of perjury that the foregoing is true and correct. Executed on: February 21, 2009.

**s/ C. Tom Fisher**  
C. Tom Fisher