

**B. Scott Whipple** (OSB # 983750)  
Email: [swhipple@whippeduyck.com](mailto:swhipple@whippeduyck.com)  
**Whipple & Duyck, PC**  
1500 SW First Avenue, Suite 1170  
Portland, OR 97201  
Telephone: 503-222-6004  
Facsimile: 503-222-6029

**William Douglas Sprague** (admitted *pro hac vice*)  
Email: [dsprague@cov.com](mailto:dsprague@cov.com)  
**Tammy Albarrán** (admitted *pro hac vice*)  
Email: [talbarran@cov.com](mailto:talbarran@cov.com)  
**Ashley M. Simonsen** (admitted *pro hac vice*)  
Email: [asimonsen@cov.com](mailto:asimonsen@cov.com)  
**Covington & Burling LLP**  
One Front Street  
San Francisco, CA 94111-5356  
Telephone: 415-591-6000  
Facsimile: 415-591-6091

Attorneys for Defendant N. Scott Gillis

[Additional Counsel of Record Listed on Following Page]

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**SECURITIES AND EXCHANGE  
COMMISSION,**

Plaintiff,

v.

**AEQUITAS MANAGEMENT, LLC;  
AEQUITAS HOLDINGS, LLC; AEQUITAS  
COMMERCIAL FINANCE, INC.;  
AEQUITAS CAPITAL MANAGEMENT,  
INC.; AEQUITAS INVESTMENT  
MANAGEMENT, LCC; ROBERT J.  
JESENIK; BRIAN A. OLIVER; and N.  
SCOTT GILLIS,**

Defendants.

Case No. 3:16-cv-00438-PK

JOINT STIPULATION TO MODIFY CASE  
SCHEDULE; [PROPOSED] ORDER



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**ADDITIONAL COUNSEL OF RECORD**

**Eleanor Dolev**, OSB# 153324  
Email: edolev@mahlerlawgroup.com  
**Mahler Law Group PLLC**  
14029 NW Harbor Lane  
Portland, OR 97229  
Telephone: 971-373-0778

**Peter H. White** (admitted *pro hac vice*)  
Email: peter.white@srz.com  
**Jeffrey F. Robertson** (admitted *pro hac vice*)  
Email: jeffrey.robertson@srz.com  
**Schulte Roth & Zabel LLP**  
1152 15th Street NW, Suite 850  
Washington, DC 20005  
Telephone: 202-729-7470

**Attorneys for Defendant Robert J. Jesenik**

**Michael B. Merchant** (OSB # 882680)  
Email: mbm@bhlaw.com  
**Black Helterline LLP**  
805 SW Broadway, Suite 1900  
Portland, OR 97205  
Telephone: 503-224-5560

**Jahan P. Raissi** (admitted *pro hac vice*)  
Email: jraissi@sflaw.com  
**Larisa A. Meisenheimer** (admitted *pro hac vice*)  
Email: lmeisenheimer@sflaw.com  
**Shartsis Friese LLP**  
One Maritime Plaza, 18th Floor  
San Francisco, CA 94111-3598  
Telephone: 415-421-6500

**Attorneys for Defendant Brian A. Oliver**

**Sheila E. O'Callaghan**  
Email: ocallaghans@sec.gov  
**Bernard B. Smyth**  
Email: smythb@sec.gov  
**Andrew J. Hefty**  
Email: heftya@sec.gov  
**Securities and Exchange Commission**  
44 Montgomery Street, Suite 2800  
San Francisco, CA 94104  
Telephone: 415-705-2500

Defendants Robert J. Jesenik, Brian A. Oliver, and N. Scott Gillis (the “Individuals”) and Plaintiff Securities and Exchange Commission (“SEC”), by and through their respective undersigned counsel, hereby respectfully submit the following Joint Stipulation to Modify Case Schedule. A [Proposed] Order Modifying Case Schedule is attached hereto as Exhibit 1.

**STIPULATION**

WHEREAS, on June 21, 2016, the parties submitted a Joint Rule 26 Statement (Dkt. No. 198, *as corrected* Dkt. No. 236) setting forth a proposed scheduling order pursuant to Rule 16 of the Federal Rules of Civil Procedure;

WHEREAS, on August 10, 2016, the Court entered a scheduling order (the “Scheduling Order”) (Dkt. No. 239), largely adopting the deadlines proposed by the parties for, *inter alia*, the close of fact discovery (September 21, 2017), the close of expert discovery (January 19, 2018), the last day to file dispositive motions (February 13, 2018), and the pretrial order (March 15, 2018);

WHEREAS, following the Receiver’s waiver in October 2016 of all attorney-client privileges held by Aequitas<sup>1</sup> over documents sought by the SEC, the Individuals reviewed documents provided to them by the Receiver for potentially privileged documents, prior to Aequitas’ production of such documents to the SEC;

WHEREAS, this privilege review gave rise to Individual privilege disputes between the Individuals and the SEC, and between the Individuals and Sidley Austin LLP and Tonkon Torp LLP;

WHEREAS, through extended meet-and-confer efforts, the SEC and the Individuals were

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<sup>1</sup> As used herein, “Aequitas” refers collectively to Defendants Aequitas Management, LLC, Aequitas Holdings, LLC, Aequitas Commercial Finance, LLC, Aequitas Capital Management, Inc., and Aequitas Investment Management, LLC.

able significantly to narrow the scope of the privilege disputes, which were presented to the Court in a motion for protective order filed by the Individuals on April 26, 2017 (Dkt. No. 428);

WHEREAS, the Court (Papak, M.J.) denied the Individuals' motion for protective order on July 7, 2017 (Dkt. No. 470);

WHEREAS, the Individuals have objected to the Court's order denying their motion for protective order (Dkt. No. 479);

WHEREAS, these disputes regarding privilege and the related motions practice have had the effect of delaying the parties' ability to complete discovery within the timeframe initially contemplated;

WHEREAS, the documents subject to the motion for protective order have not been produced to the SEC and the SEC believes the documents are relevant to and may be used in certain depositions, particularly the depositions of the Individuals;

WHEREAS, the SEC has obtained from Aequitas and third parties approximately 1.3 million documents in this matter that the SEC has, in turn, produced to the Individuals;

WHEREAS, the SEC has received an additional approximately 500,000 documents from Aequitas and various third parties and anticipates producing those documents to the Individuals during the week of July 24, 2017;

WHEREAS, the SEC anticipates the receipt of additional documents in response to its Second Request for Production to Aequitas, served on June 13, 2017, that the SEC intends to produce to the Individuals;

WHEREAS, there is no trial date currently set in this matter;

WHEREAS, for these reasons, the Individuals and the SEC agree that a six-month extension of the fact and expert discovery deadlines, and corresponding extensions of the

remaining deadlines in the Court's Scheduling Order, is necessary to enable the parties to complete discovery in this matter;

THEREFORE, the Individuals and the SEC hereby stipulate to modification of the case schedule, and request that the Court enter the [Proposed] Order attached hereto as Exhibit 1 modifying the case schedule, as follows:

<b>Deadline</b>	<b>Current Deadline</b>	<b>Proposed New Deadline</b>
Fact Discovery Cut-Off	9/21/2017	3/30/2018
Joint ADR Report deadline	9/21/2017	3/30/2018
Expert witness disclosures	10/24/2017	5/4/2018
Rebuttal expert witness disclosures	12/15/2017	6/29/2018
Expert Discovery Cut-Off	1/19/2018	8/3/2018
Dispositive motions deadline	2/13/2018	8/31/2018
Pretrial Order deadline [later of following date or 30 days after Court's final ruling on dispositive motions]	3/15/2018	9/28/2018

**IT IS SO STIPULATED.**

DATED: July 24, 2017

COVINGTON & BURLING LLP

By: /s/ W. Douglas Sprague  
W. DOUGLAS SPRAGUE (*Pro Hac Vice*)

Attorneys for Defendant N. Scott Gillis

DATED: July 24, 2017

SCHULTE ROTH & ZABEL LLP

By: /s/ Peter H. White  
PETER H. WHITE (*Pro Hac Vice*)

Attorneys for Defendant Robert J. Jesenik

DATED: July 24, 2017

SHARTSIS FRIESE LLP

By: /s/ Jahan P. Raissi  
JAHAN P. RAISSI (*Pro Hac Vice*)

Attorneys for Defendant Brian A. Oliver

DATED: July 24, 2017

SECURITIES AND EXCHANGE COMMISSION

By: /s/ Bernard B. Smyth  
BERNARD B. SMYTH

Attorneys for Plaintiff Securities and Exchange  
Commission

**LR 11-1(D)(2) CERTIFICATION**

I hereby attest that all other signatories listed, on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing.

/s/ W. Douglas Sprague  
W. DOUGLAS SPRAGUE (*Pro Hac Vice*)

**B. Scott Whipple** (OSB # 983750)  
Email: [swhipple@whippeduyck.com](mailto:swhipple@whippeduyck.com)  
**Whipple & Duyck, PC**  
1500 SW First Avenue, Suite 1170  
Portland, OR 97201  
Telephone: 503-222-6004  
Facsimile: 503-222-6029

**William Douglas Sprague** (admitted *pro hac vice*)

Email: [dsprague@cov.com](mailto:dsprague@cov.com)

**Tammy Albarrán** (admitted *pro hac vice*)

Email: [talbarran@cov.com](mailto:talbarran@cov.com)

**Ashley M. Simonsen** (admitted *pro hac vice*)

Email: [asimonsen@cov.com](mailto:asimonsen@cov.com)

**Covington & Burling LLP**

One Front Street  
San Francisco, CA 94111-5356  
Telephone: 415-591-6000  
Facsimile: 415-591-6091

Attorneys for Defendant N. Scott Gillis

[Additional Counsel of Record Listed on Following Page]

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**SECURITIES AND EXCHANGE  
COMMISSION,**

Plaintiff,

v.

**AEQUITAS MANAGEMENT, LLC;  
AEQUITAS HOLDINGS, LLC; AEQUITAS  
COMMERCIAL FINANCE, INC.;  
AEQUITAS CAPITAL MANAGEMENT,  
INC.; AEQUITAS INVESTMENT  
MANAGEMENT, LCC; ROBERT J.  
JESENIK; BRIAN A. OLIVER; and N.  
SCOTT GILLIS,**

Defendants.

Case No. 3:16-cv-00438-PK

[PROPOSED] ORDER MODIFYING CASE  
SCHEDULE

**ADDITIONAL COUNSEL OF RECORD**

**Eleanor Dolev**, OSB# 153324  
Email: edolev@mahlerlawgroup.com  
**Mahler Law Group PLLC**  
14029 NW Harbor Lane  
Portland, OR 97229  
Telephone: 971-373-0778

**Peter H. White** (admitted *pro hac vice*)  
Email: peter.white@srz.com  
**Jeffrey F. Robertson** (admitted *pro hac vice*)  
Email: jeffrey.robertson@srz.com  
**Schulte Roth & Zabel LLP**  
1152 15th Street NW, Suite 850  
Washington, DC 20005  
Telephone: 202-729-7470

**Attorneys for Defendant Robert J. Jesenik**

**Michael B. Merchant** (OSB # 882680)  
Email: mbm@bhlaw.com  
**Black Helterline LLP**  
805 SW Broadway, Suite 1900  
Portland, OR 97205  
Telephone: 503-224-5560

**Jahan P. Raissi** (admitted *pro hac vice*)  
Email: jraissi@sflaw.com  
**Larisa A. Meisenheimer** (admitted *pro hac vice*)  
Email: lmeisenheimer@sflaw.com  
**Shartsis Friese LLP**  
One Maritime Plaza, 18th Floor  
San Francisco, CA 94111-3598  
Telephone: 415-421-6500

**Attorneys for Defendant Brian A. Oliver**

**Sheila E. O'Callaghan**  
Email: ocallaghans@sec.gov  
**Bernard B. Smyth**  
Email: smythb@sec.gov  
**Andrew J. Hefty**  
Email: hefty@sec.gov  
**Securities and Exchange Commission**  
44 Montgomery Street, Suite 2800  
San Francisco, CA 94104  
Telephone: 415-705-2500



PAPAK, Judge:

This matter is before the Court on the Joint Stipulation to Modify Case Schedule filed by Defendants Robert J. Jesenik, Brian A. Oliver, and N. Scott Gillis (the “Individuals”) and Plaintiff Securities and Exchange Commission (“SEC”) on July 24, 2017. Having fully considered the Stipulation, and for good cause shown,

**THE COURT DOES HEREBY ORDER THAT:**

The deadlines set forth in the Court’s August 10, 2016 scheduling order (Dkt. No. 239) are hereby modified as follows:

<b>Case Deadline</b>	<b>Date</b>
Close of Fact Discovery	March 30, 2018
Joint ADR Report Deadline	March 30, 2018
Expert Witness Disclosures	May 4, 2018
Rebuttal Expert Witness Disclosures	June 29, 2018
Close of Expert Discovery	August 3, 2018
Last Day to File Dispositive Motions	August 31, 2018
Pretrial Order Deadline	September 28, 2018 or 30 days after the Court’s final ruling on dispositive motions, whichever is later

**IT IS SO ORDERED.**

DATED this \_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
THE HONORABLE JUDGE PAUL PAPAK

**SUBMITTED BY:**

DATED: July 24, 2017

COVINGTON & BURLING LLP

By: /s/ W. Douglas Sprague  
W. DOUGLAS SPRAGUE (*Pro Hac Vice*)

Attorneys for Defendant N. Scott Gillis

DATED: July 24, 2017

SCHULTE ROTH & ZABEL LLP

By: /s/ Peter H. White  
PETER H. WHITE (*Pro Hac Vice*)

Attorneys for Defendant Robert J. Jesenik

DATED: July 24, 2017

SHARTSIS FRIESE LLP

By: /s/ Jahan P. Raissi  
JAHAN P. RAISSI (*Pro Hac Vice*)

Attorneys for Defendant Brian A. Oliver

DATED: July 24, 2017

SECURITIES AND EXCHANGE COMMISSION

By: /s/ Bernard B. Smyth  
BERNARD B. SMYTH

Attorneys for Plaintiff Securities and Exchange  
Commission

**LR 11-1(D)(2) CERTIFICATION**

I hereby attest that all other signatories listed, on whose behalf this filing is submitted,  
concur in the filing's content and have authorized this filing.

/s/ W. Douglas Sprague  
W. DOUGLAS SPRAGUE (*Pro Hac Vice*)