

**RECEIVER'S *EX PARTE* MOTION FOR ENTRY OF AN ORDER EXTENDING
DEADLINE TO FILE NOTICES PURSUANT TO 28 U.S.C. § 754**

Deborah D. Williamson, in her capacity as the Court-appointed Receiver (the “Receiver”) for the Receivership Parties (as defined in the Receivership Order) and the receivership estates (collectively, the “Estates”) in the above-captioned case (the “Case”), hereby files this Ex Parte *Motion for Entry of an Order Extending Deadline to File Notices Pursuant to 28 U.S.C. § 754* (the “Motion”), pursuant to this Court’s *Order Appointing Receiver* [ECF No. 17] (the “Receivership Order”),¹ requesting entry of an order, substantially in the form of the proposed order (the “Proposed Order”) attached hereto as **Exhibit A**, extending the deadline to file required notices under 28 U.S.C. § 754 for forty-five (45) days through and including January 27, 2022. In support of the Motion, the Receiver respectfully represents as follows:

I. Background

1. On December 1, 2021 (the “SEC Application Date”), Plaintiff, the Securities and Exchange Commission (the “SEC”), filed its application for the appointment of a receiver for the Receivership Parties (the “SEC Application”).

2. On December 3, 2021, after this Court’s review of the SEC Application and upon this Court’s conclusion that the Court has subject matter jurisdiction over this Case and personal jurisdiction over the Receivership Parties, this Court determined that entry of an order appointing a receiver over the Receivership Parties was both necessary and appropriate to marshal, conserve, hold, and operate all of the Receivership Parties’ assets pending further order of this Court.

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Receivership Order.

Accordingly, the Court entered the Receivership Order on December 3, 2021, appointing Deborah D. Williamson as the Receiver over the Estates in this Case.

3. Pursuant to the Receivership Order, the Receiver is charged with marshaling and preserving all of the assets of the Receivership Parties.

4. Since the Receiver's appointment by the Court on December 3, 2021, the Receiver and her team have seized certain assets of the Receivership Parties. As of the date of this Motion, the Receiver's investigation, location, seizure, and analysis of the assets belonging to the Receivership Parties is active and on-going.

5. The Receivership Parties are in the business of investing in, purchasing, and producing certain oil and gas assets. Certain Receivership Parties also own real estate, aircraft, and other property. To date, the Receiver has identified assets or potential assets across the State of Texas, Wyoming, California, Colorado, Indiana, and Washington. As such, the Receiver has mailed to the respective clerk's office for filing the required notices and copies of the Receivership Order pursuant to 28 U.S.C. § 754, along with payment of the filing fees for miscellaneous actions, in the following districts:

- a. United States District Court for the Central District of California;
- b. United States District Court for the Eastern District of California;
- c. United States District Court for the Northern District of California;
- d. United States District Court for the District of Colorado;
- e. United States District Court for the Southern District of Indiana;
- f. United States District Court for the Southern District of Texas;
- g. United States District Court for the Eastern District of Texas;
- h. United States District Court for the Western District of Texas;

- i. United States District Court for the District of Wyoming; and
- j. United States District Court for the Western District of Washington.

See 28 U.S.C. § 754 (requiring a receiver to, “within ten days after the entry of [her] order of appointment, file copies of the complaint and such order of appointment in the district court for each district in which property is located”). The current deadline to file notices pursuant to 28 U.S.C. § 754 is December 13, 2021 (the “Section 754 Deadline”).

6. The Receiver is still investigating the assets of the Receivership Parties (and thus the Estates). As such, the Receiver requests additional time to file the required notices under 28 U.S.C. § 754 in jurisdictions which the Receiver discovers other assets of the Receivership Parties and/or the Estates.

II. Relief Requested

7. By this Motion, the Receiver seeks entry of the Proposed Order extending the Section 754 Deadline pursuant to this Court’s equitable powers under FED. R. CIV. P. 6(b)(1)(A) for forty-five (45) days to **January 27, 2022**.

8. Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure provides that “[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time— (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires.” FED. R. CIV. P. 6(b)(1)(A).

9. Courts have previously provided a receiver with additional time under 28 U.S.C. § 754 to file notices of the receiver’s appointment when there was unknown receivership assets. *See, e.g., SEC v. Sethi Petroleum, LLC & Sameer P. Sethi*, Case No. 4:15-cv-338 (E.D. Tex. May 22, 2015) (ECF No. 21).

10. Since the Receiver is still investigating the Estates' assets that may be in other districts, good cause exists to extend the Section 754 Deadline through and including January 27, 2022, without prejudice to seek a further extension.

WHEREFORE, the Receiver respectfully requests that this Court grant this Motion and enter the Proposed Order (a) extending the deadline to file required notices under 28 U.S.C. § 754 by forty-five (45) days through and including January 27, 2022, without prejudice to the Receiver seeking a further extension, and (b) granting the Receiver such other and further relief that this Court deems just and proper.

Dated: December 8, 2021

Respectfully submitted,

By: /s/ Deborah D. Williamson

Deborah D. Williamson

(Receiver)

State Bar No. 21617500

dwilliamson@dykema.com

DYKEMA GOSSETT PLLC

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

Telephone: (210) 554-5500

Facsimile: (210) 226-8395

Jeffrey R. Fine

(Lead Counsel)

State Bar No. 07008410

jfine@dykema.com

Alison R. Ashmore

State Bar No. 24059400

aashmore@dykema.com

DYKEMA GOSSETT PLLC

1717 Main Street, Suite 4200

Dallas, Texas 75201

Telephone: (214) 462-6400

Facsimile: (214) 462-6401

and

Danielle N. Rushing

State Bar No. 24086961

drushing@dykema.com

DYKEMA GOSSETT PLLC

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

Telephone: (210) 554-5500

Facsimile: (210) 226-8395

and

Rose L. Romero
State Bar No. 17224700
Rose.Romero@RomeroKozub.com
LAW OFFICES OF ROMERO | KOZUB
235 N.E. Loop 820, Suite 310
Hurst, Texas 76053
Telephone: (682) 267-1351

COUNSEL TO RECEIVER

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2021, the foregoing motion and corresponding exhibit were served via this Court's CM/ECF system.

/s/ Danielle N. Rushing
Danielle N. Rushing

EXHIBIT A

ORDER GRANTING RECEIVER'S *EX PARTE* MOTION FOR ENTRY OF AN ORDER EXTENDING DEADLINE TO FILE NOTICES PURSUANT TO 28 U.S.C. § 754

Upon consideration of the *Receiver's Ex Parte Motion for Entry of an Order Extending Deadline to File Notices Pursuant to 28 U.S.C. § 754* (the "Motion"),² filed by Deborah D. Williamson, Court-appointed Receiver in the Case, pursuant to the Court's *Order Appointing Receiver*, entered on December 3, 2021, in this Case, any responses or objections to the Motion, and any replies in support of the Motion, this Court finds that: (i) the relief requested in the Motion is in the best interests of the Estates, potential claimants, and all other parties; (ii) notice of the Motion was good and sufficient under the particular circumstances and that no other or further notice need be given; and (iii) based upon the record herein and after due deliberation thereon, good and sufficient cause exists for granting the relief requested therein; accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Motion is **APPROVED**.
2. All objections not withdrawn or resolved by this Order are overruled in all respects.
3. The Receiver's deadline to file notices of her appointment under 28 U.S.C. § 754 is extended up to, and including, January 27, 2022.
4. The relief granted herein is without prejudice to the Receiver's right to seek a further extension of her deadline to file notices of her appointment under 28 U.S.C. § 754.

² Capitalized terms used herein but not otherwise defined shall have the meaning ascribed in the Application.

SO ORDERED.

[_____], 2021.

REED O'CONNOR
UNITED STATES DISTRICT JUDGE

Prepared and submitted by:

Deborah D. Williamson

(Receiver)

State Bar No. 21617500

dwilliamson@dykema.com

DYKEMA GOSSETT PLLC

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

Telephone: (210) 554-5500

Facsimile: (210) 226-8395

Jeffrey R. Fine

(Lead Counsel)

State Bar No. 07008410

jfine@dykema.com

Alison R. Ashmore

State Bar No. 24059400

aashmore@dykema.com

DYKEMA GOSSETT PLLC

1717 Main Street, Suite 4200

Dallas, Texas 75201

Telephone: (214) 462-6400

Facsimile: (214) 462-6401

and

Danielle N. Rushing

State Bar No. 24086961

drushing@dykema.com

DYKEMA GOSSETT PLLC

112 East Pecan Street, Suite 1800

San Antonio, Texas 78205

Telephone: (210) 554-5500

Facsimile: (210) 226-8395

and

Rose L. Romero

State Bar No. 17224700

Rose.Romero@RomeroKozub.com

LAW OFFICES OF ROMERO | KOZUB

235 N.E. Loop 820, Suite 310

Hurst, Texas 76053

Telephone: (682) 267-1351

COUNSEL TO RECEIVER