

**RECEIVER’S SECOND 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 *Second 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 one year to January 27, 2023, given the Case’s asset investigation status by the Receiver. 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 and/or obtained 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. On December 8, 2021, the Receiver filed her *Ex Parte Motion for Entry of an Order Extending Deadline to File Notices Pursuant to 28 U.S.C. § 754* [ECF No. 29], which the Court granted on December 9, 2021, extending the Receiver's initial deadline to file notices pursuant to 28 U.S.C. § 754 to January 27, 2022. *See* ECF No. 30.

6. 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 filed notices in districts where assets, potential assets, and potential claims have been identified and/or investors are located in the States of Texas, Wyoming, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Washington, D.C., Florida, Georgia, Illinois, Idaho, Iowa, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Montana, Minnesota, Missouri, North Carolina, North Dakota, Nebraska, New Jersey, New York, New Hampshire, New Mexico, Nevada, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Utah, Virginia, West Virginia, Wisconsin, and Washington.

7. 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 \$49.00 filing fee for miscellaneous actions for each court, in the following 67 districts:

- a. United States District Court for the Northern District of Alabama;
- b. United States District Court for the Southern District of Alabama;
- c. United States District Court for the Eastern District of Arkansas;
- d. United States District Court for the Western District of Arkansas;
- e. United States District Court for the District of Arizona;
- f. United States District Court for the Central District of California;
- g. United States District Court for the Eastern District of California;
- h. United States District Court for the Northern District of California;
- i. United States District Court for the Southern District of California;
- j. United States District Court for the District of Colorado;
- k. United States District Court for the District of Connecticut;
- l. United States District Court for the District of Columbia;
- m. United States District Court for the Middle District of Florida;
- n. United States District Court for the Northern District of Florida;
- o. United States District Court for the Southern District of Florida;
- p. United States District Court for the Middle District of Georgia;
- q. United States District Court for the Northern District of Georgia;
- r. United States District Court for the Southern District of Georgia;
- s. United States District Court for the District of Idaho;
- t. United States District Court for the Central District of Illinois;
- u. United States District Court for the Northern District of Illinois;

- v. United States District Court for the Northern District of Indiana;
- w. United States District Court for the Southern District of Indiana;
- x. United States District Court for the Northern District of Iowa;
- y. United States District Court for the Southern District of Iowa;
- z. United States District Court for the District of Kansas;
- aa. United States District Court for the Eastern District of Kentucky;
- bb. United States District Court for the District of Maryland;
- cc. United States District Court for the District of Massachusetts;
- dd. United States District Court for the Eastern District of Michigan;
- ee. United States District Court for the Western District of Michigan;
- ff. United States District Court for the District of Minnesota;
- gg. United States District Court for the Eastern District of Missouri;
- hh. United States District Court for the Western District of Missouri;
- ii. United States District Court for the District of Montana;
- jj. United States District Court for the Eastern District of North Carolina;
- kk. United States District Court for the Middle District of North Carolina;
- ll. United States District Court for the Western District of North Carolina;
- mm. United States District Court for the District of North Dakota;
- nn. United States District Court for the District of Nebraska;
- oo. United States District Court for the District of New Jersey;
- pp. United States District Court for the District of New Hampshire;
- qq. United States District Court for the District of New Mexico;
- rr. United States District Court for the Eastern District of New York;

- ss. United States District Court for the Northern District of New York;
- tt. United States District Court for the Southern District of New York;
- uu. United States District Court for the Western District of New York;
- vv. United States District Court for the District of Nevada;
- ww. United States District Court for the Northern District of Ohio;
- xx. United States District Court for the District of Southern District of Ohio;
- yy. United States District Court for the District of Oregon;
- zz. United States District Court for the Eastern District of Pennsylvania;
- aaa. United States District Court for the Middle District of Pennsylvania;
- bbb. United States District Court for the Western District of Pennsylvania;
- ccc. United States District Court for the District of South Carolina;
- ddd. United States District Court for the Eastern District of Tennessee;
- eee. United States District Court for the Southern District of Texas;
- fff. United States District Court for the Eastern District of Texas;
- ggg. United States District Court for the Western District of Texas;
- hhh. United States District Court for the District of Utah;
- iii. United States District Court for the Eastern District of Virginia;
- jjj. United States District Court for the Western District of Virginia;
- kkk. United States District Court for the Southern District of West Virginia;
- lll. United States District Court for the Eastern District of Wisconsin;
- mmm. United States District Court for the Western District of Wisconsin;
- nnn. United States District Court for the District of Wyoming; and
- ooo. 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”).

8. The Receiver’s current deadline to file notices pursuant to 28 U.S.C. § 754 is January 27, 2022 (the “Section 754 Deadline”).

9. The United States federal court system contains 94 federal district courts.² As noted herein, the Receiver has filed 67 required notices and copies of the Receivership Order pursuant to 28 U.S.C. § 754 to date, totaling approximately \$3,283.00 in filing costs, exclusive of mailing, professional fees, and delivery expenses. Each federal district has different filing requirements, increasing the costs of preparation and filing of the notices.

10. The Receiver is still investigating the assets of the Receivership Parties (and thus the Estates). Should the Receiver identify assets or potential assets in the remaining 27 federal districts, the miscellaneous action filing fees for the required notices and copies of the Receivership Order would be as high as \$1,323.00, exclusive of mailing and delivery expenses and professional fees related to the preparation and filing of such notices. As such, the Receiver requests a one-year extension through January 27, 2023, to file the required notices under 28 U.S.C. § 754 in any remaining jurisdictions which she discovers other assets or potential assets of the Receivership Parties and/or the Estates, given the uncertain location where any litigation may be brought and the status of the asset investigation. Additionally, the Receiver has received a number of notices that investors and other claimants have moved and anticipates that others may move in the future, potentially to federal districts where notices have not been filed.

² *See generally* United States Courts, *Court Website Links*, <https://www.uscourts.gov/about-federal-courts/federal-courts-public/court-website-links>.

II. Relief Requested

11. 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 one year through January 27, 2023.

12. 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).

13. 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.*, ECF No. 30; *SEC v. Sethi Petroleum, LLC & Sameer P. Sethi*, Case No. 4:15-cv-338 (E.D. Tex. May 22, 2015) (ECF No. 21).

14. Since the Receiver is still investigating the Estates' assets, including, but not limited to, claims relating to how funds were raised and payments were made by certain Receivership Parties, and has filed 67 requisite notices and copies of the Receivership Order pursuant to 28 U.S.C. § 754 to date, good cause exists to extend the Receiver's Section 754 Deadline for one year to January 27, 2023, which is in the Estates' best interests, given the aforementioned fees and expenses associated with the remaining 27 federal districts.

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 for one year to January 27, 2023, without prejudice to seeking a further extension, and (b) granting the Receiver such other and further relief that this Court deems just and proper.

Dated: January 26, 2022

Respectfully submitted,

By: /s/ Danielle N. Rushing
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 January 26, 2022, 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 SECOND *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 *Second Ex Parte Motion for Entry of an Order Extending Deadline to File Notices Pursuant to 28 U.S.C. § 754* (the "Motion"),¹ 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 **GRANTED**.
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 for one year to January 27, 2023.
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.

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed in the Motion.

SO ORDERED.

[_____], 2022.

REED O'CONNOR
UNITED STATES DISTRICT JUDGE

Prepared and submitted by:

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