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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 SECURITIES AND EXCHANGE
11 COMMISSION,

12 Plaintiff,

13 vs.

14 PROFIT CONNECT WEALTH SERVICES,
15 INC.; JOY I. KOVAR; and BRENT CARSON
16 KOVAR,

17 Defendants.

Case Number:
2:21-cv-01298-JAD-BNW

EMERGENCY MOTION

18 **DEFENDANTS’ EMERGENCY MOTION TO CONTINUE HEARING ON**
19 **PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION MOTION TO**
20 **APPOINT RECEIVER AND TO EXTEND THE ASSOCIATED BRIEFING**
21 **DEADLINES**
22 **(FIRST REQUEST)**

23 Defendants, Profit Connect; Joy I. Kovar; and Brent Carson Kovar (hereinafter
24 “Defendants”), by and through their counsel of record, the law firm of Hayes Wakayama,
25 hereby respectfully submits this Emergency Motion to Continue Hearing on Plaintiffs’ Motion
26 for Preliminary Injunction and Motion to Appoint Receiver and to Extend the Associated
27 Briefing Deadlines (the “Motion”). This Motion is made and based upon the pleadings and

1 papers on file herein, the following memorandum of points and authorities, the Declaration of
2 Dale A. Hayes, Jr., Esq. and any argument entertained by the Court on this matter.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I. INTRODUCTION**

5 Plaintiff Security and Exchange Commission (“SEC”) filed a Complaint and, amongst
6 other motions, a Motion for Preliminary Injunction and Motion to Appoint Receiver [ECF
7 Nos. 7, 8] on July 8, 2021. The hearing on Plaintiff’s Motion for Preliminary Injunction and
8 Motion to Appoint Receiver [ECF Nos. 7, 8] is currently scheduled for July 26, 2021 (the
9 “Hearing”), and the deadline to submit any responses to those motions is today, July 19, 2021.
10 Defendants were served with the Complaint and Plaintiff’s Motions late on Thursday, July
11 15, 2021, and were not able to retain counsel until after the close of business on Friday, July
12 16, 2021. On Monday, July 19, 2021, Defendants’ counsel communicated with counsel for
13 the SEC. The Parties informally discussed the prospect of continuing the Hearing and
14 extending the deadlines for the associated Briefing. Naturally, the Parties would stipulate to
15 extending the TRO until the time of the continued hearing. The Parties further discussed
16 stipulating to other matters prior to the motions being heard.

17 The Parties are confident that a stipulation and order will be reached but need more
18 time given the complexities of the issues at bar. Given the imminent/current July 19, 2021
19 deadline to submit Defendants’ responses to both of Plaintiff’s motions, this Motion is being
20 submitted on an emergency basis so as to apprise the Court of the Parties ongoing negotiations.
21 The Parties anticipate submitting a proposed stipulation and order to the Court no later than
22 12:00 pm, July 21, 2021. If they are unable to finalize a stipulation and order by 12:00 pm,
23 July 21, 2021, the Parties will submit a Status Report to the Court.

24 **II. LEGAL ARGUMENT**

25 Pursuant to LR IA 6-1, a party may move to extend time by stating the reasons for the
26 extension requested. The party must also inform the court of all previous extensions of the
27 subject deadline the court granted. *See* LR IA 6-1. A request made after the expiration of the

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1 specified period will not be granted unless the movant or attorney demonstrates that the failure
2 to file the motion before the deadline expired was the result of excusable neglect. *Id.*

3 Pursuant to LR 7-4, this Motion is being brought to this court for judicial assistance
4 on an emergency basis given the July 19, 2021, deadline to submit Defendants' Responses to
5 Plaintiff's motions, and counsel's ongoing efforts to agree upon a proposed stipulation to
6 continue the briefing schedule and Hearing currently scheduled for July 26, 2021.

7 This is Defendants' first request for an extension or continuance, as Defendants were
8 just served with the Complaint and copies of the motions mere days ago. Defendants bring
9 this Motion to explain why they did not file oppositions today and further apprise the Court
10 of the Parties ongoing efforts at finalizing a stipulation and order concerning the Hearing,
11 briefing schedule and related matters.

12 **III. CONCLUSION**

13 Based upon the foregoing, Defendants hereby respectfully makes this emergency
14 request to continue the hearing on Plaintiff's Motion for Preliminary Injunction and Motion
15 to Appoint Receiver from July 26, 2021 to August 9, 2021 or as soon thereafter as the Court
16 may be available, and to extend the deadlines for all briefing concerning these motions. The
17 Parties anticipate submitting a proposed stipulation and order to the Court no later than 12:00
18 pm, July 21, 2021. If they are unable to finalize a stipulation and order by 12:00 pm, July 21,
19 2021, the Parties will submit a Status Report to the Court.

20 Dated this 19th day of July 2021.

21
22 **HAYES | WAKAYAMA**

23 By /s/ Dale A. Hayes, Jr., Esq.
24 DALE A. HAYES, JR., ESQ.
25 Nevada Bar No. 9056
26 JEREMY D. HOLMES, ESQ.
27 Nevada Bar No. 14379
4735 S. Durango Drive, Suite 105
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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANT’S EMERGENCY MOTION TO CONTINUE HEARING ON PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION AND MOTION TO APPOINT RECEIVER AND TO EXTEND THE ASSOCIATED BRIEFING DEADLINES** with the Clerk of the Court for the United States District Court by using the court’s CM/ECF system on the 19th day of July, 2021.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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/s/ Julia Rodionova
An employee of Hayes Wakayama

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Exhibit 1
Declaration of Dale A. Hayes,
Jr., Esq. in Support of
Defendants' Emergency Motion
to Continue Hearing

1 **DECLARATION OF DALE A. HAYES, JR., ESQ. IN SUPPORT OF DEFENDANTS’**
2 **EMERGENCY MOTION TO CONTINUE HEARING ON PLAINTIFFS’ MOTION**
3 **FOR PRELIMINARY INJUNCTION AND MOTION TO APPOINT RECEIVER AND**
4 **TO EXTEND THE ASSOCIATED BRIEFING DEADLINES**

5 Dale A. Hayes, Jr., Esq., declares as follows:

6 1. I am over the age of 18 years and have personal knowledge of the facts stated
7 herein, except for those stated upon information and belief, and as to those, I believe them to be
8 true. I am competent to testify as to the facts stated herein in a court of law and will so testify if
9 called upon.

10 2. I am a partner at the law firm of Hayes Wakayama, counsel for Defendants Profit
11 Connect Wealth Services, Inc.; Joy I. Kovar; and Brent Carson Kovar (“Defendants”) in the matter
12 of *Securities and Exchange Commission v. Profit Connect Wealth Services, Inc., et al.*, Case No.
13 2:21-cv-01298-JAD-BNW (hereinafter the “Lawsuit”).

14 3. Plaintiff Security and Exchange Commission (“SEC”) filed a Complaint and,
15 amongst other motions, a Motion for Preliminary Injunction and Motion to Appoint Receiver [ECF
16 Nos. 7, 8] on July 8, 2021.

17 4. The hearing on Plaintiff’s Motion for Preliminary Injunction and Motion to
18 Appoint Receiver [ECF Nos. 7, 8] is currently scheduled for July 26, 2021 (the “Hearing”), and
19 the deadline to submit any responses to those motions is today, July 19, 2021.

20 5. Defendants were served with the Complaint and Plaintiff’s Motions late on
21 Thursday, July 15, 2021, and were not able to retain counsel until after the close of business on
22 Friday, July 16, 2021.

23 6. On Monday, July 19, 2021, Defendants’ counsel communicated with counsel for
24 the SEC. Participating in the various calls on behalf of the SEC were Kathryn Wanner, Esq., Amy
25 Longo, Esq and Theresa Melson, Esq.

26 7. The Parties informally discussed the prospect of continuing the Hearing and
27 extending the deadlines for the associated briefing. Naturally, the Parties would stipulate to
28 extending the TRO until the time of the continued hearing. The Parties further discussed
 stipulating to other matters prior to the motions being heard.

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