

CASEY R. FRONK (Illinois Bar No. 6296535)
Email: fronkc@sec.gov
MICHAEL E. WELSH (Massachusetts Bar No. 693537)
WelshMi@sec.gov
SECURITIES AND EXCHANGE COMMISSION
351 South West Temple, Suite 6.100
Salt Lake City, Utah 84101
Tel: (801) 524-5796
Fax: (801) 524-3558

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MATTHEW WADE BEASLEY; BEASLEY
LAW GROUP PC; JEFFREY J. JUDD;
CHRISTOPHER R. HUMPHRIES; J&J
CONSULTING SERVICES, INC., an Alaska
Corporation; J&J CONSULTING SERVICES,
INC., a Nevada Corporation; J AND J
PURCHASING LLC; SHANE M. JAGER;
JASON M. JONGEWARD; DENNY
SEYBERT; ROLAND TANNER; LARRY
JEFFERY; JASON A. JENNE; SETH
JOHNSON; CHRISTOPHER M. MADSEN;
RICHARD R. MADSEN; MARK A.
MURPHY; CAMERON ROHNER; AND
WARREN ROSEGREEN;

Defendants; and

THE JUDD IRREVOCABLE TRUST; PAJ
CONSULTING INC; BJ HOLDINGS LLC;
STIRLING CONSULTING, L.L.C.; CJ
INVESTMENTS, LLC; JL2 INVESTMENTS,
LLC; ROCKING HORSE PROPERTIES,
LLC; TRIPLE THREAT BASKETBALL,
LLC; ACAC LLC; ANTHONY MICHAEL
ALBERTO, JR.; and MONTY CREW LLC;

Relief Defendants.

Case No.: 2:22-cv-00612-JCM-EJY

**JOINT RULE 26(f) REPORT AND
DISCOVERY PLAN; PROPOSED
ORDER**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

1 Plaintiff Securities and Exchange Commission (the “SEC”), Defendants Christopher
2 Humphries, Shane Jager, Jason Jongeward, Denny Seybert, Seth Johnson, Richard Madsen,
3 Mark Murphy, Cameron Rohner, and Warren Rosegreen, and Relief Defendants Stirling
4 Consulting, L.L.C., CJ Investments, L.L.C., JL2 Investments, LLC, Rocking Horse Properties,
5 LLC, and Triple Threat Basketball, LLC¹ (herein together, the “Parties”) hereby submit their
6 Joint Report and Proposed Discovery Plan pursuant to Rule 26(f) of the Federal Rules of Civil
7 Procedure and Local Rule 26-1(b).

8 **I. MATTERS COVERED BY RULE 26(f)(3)**

9 **A. Rule 26(a)(1) Disclosures**

10 All parties shall serve the disclosures required by Rule 26(a)(1) no later than March 7,
11 2023.

12 **B. Discovery Plan**

13 The Parties agree that discovery should proceed with respect to any non-privileged matter
14 that is relevant to the claims or defenses of the parties or reasonably calculated to lead to the
15 discovery of admissible evidence. The Parties also agree that this is a highly complex case
16 involving over 40 individuals and entity parties, hundreds of interested investors, and complex
17 procedural issues, such that the standard discovery deadlines set forth in Local Rule 26-1(b) will
18 not promote the efficient and effective resolution of this case. As such, the Parties propose the
19 following discovery dates:

20
21 ¹ Defendants Matthew Beasley, Beasley Law Group PC, Jeffrey Judd, J&J Consulting Services,
22 Inc. (Alaska), J&J Consulting Services Inc. (Nevada), J and J Purchasing LLC, Roland Tanner,
23 Larry Jeffrey, Jason Jenne, and Christopher Madsen; and Relief Defendants The Judd
24 Irrevocable Trust, PAJ Consulting Inc., BJ Holdings LLC, ACAC LLC, Anthony Alberto, and
25 Monty Crew, LLC did not appear at the parties’ scheduled Rule 26(f) conference on January 6,
26 2023. Following the parties’ conference, counsel for the SEC circulated the proposed Joint
27 Report to all defendants who have appeared in this action. As of this date, none of these
28 defendants has responded to or objected to the SEC’s position as set forth herein.

<u>Event</u>	<u>Proposal</u>
Discovery Cut-Off	February 9, 2024
Exchange of Initial Expert Reports	October 9, 2023
Exchange of Rebuttal Expert Reports	November 8, 2023

C. Electronic Discovery

The Parties agree that it is too early to determine whether any issues relating to electronic discovery will potentially require the Court's intervention. The Parties agree that to the extent possible, documents will be produced electronically in a form compatible with the Court's electronic jury evidence system and in hard copy if electronic versions are not available. The Parties have not identified any proportionality issues to date.

D. Claims of Privilege

The Parties agree it is too early to determine whether any issues relating to claims of privilege will potentially require the Court's intervention. The Parties intend that Rule 502 of the Federal Rules of Evidence shall apply to any question of waiver.

E. Proposed Changes to Limitations on Discovery

Given the complexity of this case and the large number of parties in this action, the Parties agree that the limitations on depositions of ten (10) per side, as set forth in Rule 30(a)(2)(A)(i), would not adequately allow the Parties to obtain the evidence necessary to proceed with this case. As such, the Parties propose that **(1)** the SEC be permitted to take a total of **20 depositions**, and **(2)** each Defendant group (defined as any Defendants that have common ownership with any other Defendants) be permitted to take up to **5 depositions**. The Parties agree to coordinate and meet and confer in good faith to ensure that any deposition taken is necessary to obtain evidence for a party's claims and defenses, and the Parties do not presently expect to exhaust the number of depositions proposed here. The Parties also agree to coordinate and meet and confer in good faith to ensure that, where feasible, a Party taking a deposition will allow sufficient time during the deposition, in conformance with Rule 30(d)(1), for any other Party to examine the deponent without having to separately notice the same witness.

1 **F. Other Scheduling Orders the Court Should Issue**

2 Pursuant to Local Rule 26-1, the parties respectfully request that the Court also issue
3 orders regarding the filing of dispositive motions and for a Joint Pretrial Order, as follows:

<u>Event</u>	<u>Proposal</u>
Last Day to Amend Pleadings or Add Parties	November 13, 2023 (90 days prior to the Parties' proposed Discovery Cut-Off)
Dispositive Motion Cut-Off	March 11, 2024 (30 days following the Parties' proposed Discovery Cut-Off)
Joint Pretrial Order (Rule 26(a)(3) disclosures shall be included in the Pretrial Order)	April 10, 2024 (30 days following the Parties' proposed Dispositive Motion Cut-Off) If dispositive motions are filed, the deadline for filing the joint pre-trial order will be suspended until 30 days after the decision on the dispositive motions or further court order.

15 **II. ADDITIONAL MATTERS COVERED BY LOCAL RULE 26-1**

16 **A. Alternative Case Resolution**

17 The Parties have considered consenting to trial by a magistrate judge pursuant to 28
18 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73. The Parties do not consent to having a
19 magistrate judge preside over this action for all purposes, including trial. The parties have also
20 considered the use of the short trial program (General Order 2013-1), and do not consider this an
21 appropriate case for that program.

22 **B. Alternative Dispute Resolution**

23 The Parties have conferred about alternative dispute resolution and request an early
24 settlement conference with the assigned magistrate judge.

25 **C. Electronic Evidence**

26 The Parties have discussed electronic presentation of evidence to the jury for purposes of
27 jury deliberations. As set forth above, the parties have agreed to the extent possible to produce
28

1 documents electronically in a form compatible with the Court's electronic jury evidence display
2 system and in hard copy if electronic versions are not available.

3 **D. Other Issues**

4 The parties have not identified any other issues at this time.

5
6 Respectfully submitted,²

7
8 Dated: January 20, 2023

9 /s/ Casey R. Fronk
10 Casey R. Fronk
11 Michael E. Welsh
12 *Attorneys for Plaintiff*
13 *Securities and Exchange Commission*

14
15 Dated: January 20, 2023

16 /s/ David C. Clukey
17 David C. Clukey
18 JACKSON WHITE, PC
19 40 North Center, Suite 200
20 Mesa, AZ 85201
21 dclukey@jacksonwhitelaw.com
22 *Attorney for Defendants Seth Johnson and*
23 *Cameron Rohner*

24
25 Dated: January 20, 2023

26 /s/ David O'Toole
27 David O'Toole
28 BRAGANCA LAW LLC
5250 Old Orchard Road, Suite 300
Skokie, IL 60077
david@secdefenseattorney.com
Attorney for Defendant Richard R. Madsen

27 ² The following counsel have consented to the addition of their electronic signature on the
28 document. To date, no Party has objected to the content of this document.

1 Dated: January 20, 2023

2 /s/ Marc P. Cook
3 Marc P. Cook
4 COOK AND KELESIS, LTD.
5 517 S. 9th St.
6 Las Vegas, NV 89101
7 mcook@bckltd.com
8 *Attorney for Defendant Mark A. Murphy*

9 Dated: January 20, 2023

10 /s/ Lance A. Maningo
11 MANINGO LAW
12 400 S. 4th Street
13 Suite 650
14 Las Vegas, NV 89101
15 lance@maningolaw.com
16 *Attorney for Defendant Denny Seybert and*
17 *Relief Defendant Rocking Horse Properties,*
18 *LLC*

19 **IT IS SO ORDERED**

20 DATED: _____

21 _____
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28

CERTIFICATE OF SERVICE

1 I hereby certify that on the 20th day of January, 2023, I caused **JOINT RULE 26(f)**
2
3 **REPORT AND DISCOVERY PLAN; PROPOSED ORDER** to be served to all parties
4 entitled to service through the Court's ECF system and to the following individuals by the means
5 indicated below:
6

7
8 ***U.S. Mail, first class, postage prepaid, to:***

9 Matthew Wade Beasley and
10 Beasley Law Group PC and
11 PAJ Consulting, Inc. (as Registered Agent)
12 Nevada Southern Detention Center
2190 East Mesquite Avenue
Pahrump, NV 89060

13 Jason M. Jongeward and
14 JL2 Investments, LLC
15 [REDACTED]
Washington, UT [REDACTED]

16 Warren Rosegreen and
17 Triple Threat Basketball, LLC
18 [REDACTED]
Henderson, NV [REDACTED]

19 Jeffrey Judd
20 [REDACTED]
Las Vegas, NV [REDACTED]

21 - and -
22 [REDACTED]
Henderson, NV [REDACTED]

23 Jason A. Jenne
24 [REDACTED]
25 Las Vegas, NV [REDACTED]

26 ***By email to the following:***

27 Anthony Michael Alberto, Jr. and Monty Crew, LLC
28 [REDACTED]

1 Dyke Huish
2 Huish Law Firm
3 huishlaw@mac.com

Counsel for Roland Tanner

4
5 /s/ Casey R. Fronk
6 Casey R. Fronk

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28