

1 JEFFRY HENDERSON (*pro hac vice*)
hendersonj@gtlaw.com
 2 ROBERT CHRISTIE (*pro hac vice*)
christier@gtlaw.com
 3 KATHARINE L. MALONE (SBN: 290884)
malonek@gtlaw.com
 4 GREENBERG TRAUIG, LLP
 Four Embarcadero Center, Suite 3000
 5 San Francisco, CA 94111
 Telephone: (415) 655-1300
 6 Facsimile: (415) 707-2010

7 Attorneys for Defendants
 KCG Americas LLC, Daniel B. Coleman,
 8 Carl Gilmore, Greg Hostetler, Main Street Trading, Inc.,
 Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc.
 9

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**
 13

14 BRIGHT HARRY,

15 Plaintiff,

16 v.

17 KCG AMERICAS LLC, DANIEL B.
 COLEMAN, CARL GILMORE,
 18 GREG HOSTETLER, MAIN STREET
 TRADING, INC., PATRICK J. FLYNN,
 19 WEDBUSH SECURITIES INC., EDWARD
 W. WEDBUSH, ION TRADING, INC,
 20 ANDREA PIGNATARO,
 ROBERT SYLVERNE, COMPUTER VOICE
 21 SYSTEMS, INC., PAUL STURM, and SCOTT
 WILLIAM BENZ,
 22

23 Defendants.
 24
 25
 26
 27
 28

CASE NO. 4:17-CV-2385-HSG

**NOTICE OF MOTION AND DEFENDANTS
 KCG AMERICAS LLC, DANIEL B. COLEMAN,
 CARL GILMORE, GREG HOSTETLER, MAIN
 STREET TRADING, INC., PATRICK J. FLYNN,
 EDWARD W. WEDBUSH AND WEDBUSH
 SECURITIES INC.'S MOTION FOR AN
 EXTENSION OF TIME TO FILE MOTION FOR
 SANCTIONS AND ORDER**

Complaint Filed: April 26, 2017
 Amended Complaint Filed: May 16, 2017
 Second Amended Complaint Filed: April 3, 2018

Honorable Haywood S. Gilliam, Jr., presiding

1 **MOTION FOR EXTENSION OF TIME TO FILE MOTION FOR SANCTIONS**

2 Pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Rule 6-1 of this Court’s
3 Civil Local Rules, Defendants KCG Americas LLC, Daniel B. Coleman, Carl Gilmore, Greg Hostetler,
4 Main Street Trading, Inc., Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc.
5 (collectively “Wedbush”) respectfully request the entry of an order extending the time to file a Motion
6 for Sanctions against plaintiff Bright Harry, and in support state as follows:
7

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 1. Plaintiff Bright Harry (“Harry”) commenced this action on April 26, 2017, through the
10 filing of a 39 page Complaint. On May 16, 2017, Harry amended his Complaint (“First Amended
11 Complaint”) without leave of court. The First Amended Complaint consisted of 79 pages of allegations.
12 On April 3, 2018, following the Court’s dismissal of his First Amended Complaint, Harry again
13 amended his complaint (the “Second Amended Complaint”), this time with leave of the Court.¹ Harry’s
14 Second Amended Complaint consisted of 89 pages of allegations.
15

16 2. The contemptuous conduct reflected in the referenced complaints merely foreshadowed
17 Harry’s bad faith and vexatious actions that would follow. Following receipt of his First Amended
18 Complaint, Wedbush served Harry on August 3, 2017, with a Rule 11 Notice, wherein Wedbush
19 demanded that Harry dismiss his action against Wedbush.
20

21 3. Not only did Harry ignore the Rule 11 Notice served on him, Harry actively assisted
22 Ronald Draper (“Draper”) in drafting and filing a separate action on April 27, 2018, against the identical
23 defendants that were named in this action (Docket No. 18-cv-02524).

24 4. On August 27, 2018, the Court dismissed Harry’s (and Draper’s) Complaints and all
25 pending motions.

26 5. Wedbush intends to file a Rule 11 Motion for Sanctions against plaintiff Bright Harry for
27

28 ¹ Harry titled his Second Amended Complaint as “First Amended Complaint.” To eliminate confusion, the title
“Second Amended Complaint” will be used in this Motion.

1 the recovery of attorneys' fees and costs incurred in this action, and requests 30 days to file its Motion
2 for Sanctions and supporting documents.

3 **CONCLUSION**

4 For the foregoing reasons, KCG Americas LLC, Daniel B. Coleman, Carl Gilmore, Greg
5 Hostetler, Main Street Trading, Inc., Patrick J. Flynn, Edward W. Wedbush and Wedbush Securities Inc,
6 respectfully request the entry of an order allowing Wedbush 30 days, or until on or before September
7 28, 2018, to file their Motion for Sanctions and supporting documents, and for such further relief that
8 the Court finds necessary under the circumstances.

9
10 DATED: August 29, 2018

11
12 By: /s/ Robert B. Christie
13 Robert B. Christie

14 *Attorneys for Defendants*
15 KCG Americas LLC,
16 Daniel B. Coleman,
17 Carl Gilmore,
18 Greg Hostetler,
19 Main Street Trading, Inc.,
20 Patrick J. Flynn,
21 Edward W. Wedbush and
22 Wedbush Securities Inc.

23
24 DATED: 8/30/2018

