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11 *Appearances of Counsel Continued on Next Page*

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 OAKLAND DIVISION

15 U.S. SECURITIES AND EXCHANGE
 16 COMMISSION,

17 Plaintiff,

18 v.

19 CROWD MACHINE, INC., METAVINE,
 20 INC, and CRAIG DEREL SPROULE,

21 Defendants,

Case No.: 4:22-cv-00076-HSG

Hon. Haywood S. Gilliam, Jr,

**STIPULATION AND JOINT
 STATEMENT TO REQUEST
 MODIFICATION OF SCHEDULING
 ORDER AND EXTENSION OF
 DEADLINES; ORDER**

22 and

23 METAVINE PTY. LTD.,

24 Relief Defendant,

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 26
 27
 28

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CROWD MACHINE, INC., METAVINE, INC.,
8 and METAVINE PTY. LTD.

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extension due to counsel’s illness, the SEC provided its interrogatory responses on August 1, 2022.

- On July 8, 2022, the SEC advised that it intended to issue targeted discovery requests concerning specific expenditures relating to Defendant’s initial coin offering (ICO) that was the subject of its investigation. It further advised that it would seek to depose defendant Craig Sproule in his capacity as an officer of the entity Defendants, and, if necessary, also depose a 30(b)(6) company designee.
- On August 5, 2022, the SEC served its First Set of Interrogatories and Request for Production of Documents to Defendants. By rule, Defendants’ responses are due on September 6, 2022 – 10 days before the fact discovery deadline set for September 16.
- On August 25, the SEC requested dates on which it could depose Mr. Sproule and a 30(b)(6) designee for Defendants.

4. At the same time, the parties have engaged in efforts to limit the scope of the issues before the Court, while continuing to discuss the possibility of a negotiated resolution.

5. Despite the parties’ diligence and good faith in conducting fact discovery, the parties agree the fact discovery necessary to prepare this matter for motion practice cannot be completed by September 16, 2022, which in turn will impact the remaining deadlines in the case.

6. The reason additional time is needed is due to several factors, all of which support good cause for extending the deadlines:

- Defendants’ responses to the SEC’s interrogatories and document requests are due on September 6, 2022, ten days before the current discovery cut-off date. The SEC then will need to review the document production prior to deposing any witnesses. Because Defendants require additional time to produce the requested documents for the reasons set forth below, if the

1 SEC were to move forward with the depositions before the current fact
2 discovery cut-off date, it would have to do so without the benefit of the
3 documents it has requested. Also, given the logistical difficulties with
4 deposing Mr. Sproule and a company designee (both located in Australia),
5 there is insufficient time to schedule and conduct those depositions under
6 the current schedule.

- 7 • The location of Defendants have presented unavoidable logistical issues.
8 Defendants' responses to the SEC's discovery requests have required
9 several meetings between defense counsel and parties in Australia who
10 possess the relevant information and potentially responsive documents.
11 Counsel has met virtually on several occasions with Defendants, but the
12 time difference has presented a limited window in which to meet.
13 (Australia is 14 hours ahead of Eastern Daylight Time and 17 hours
14 ahead of Pacific Daylight Time.)
- 15 • Defendants have also advised the SEC that their accounting software is
16 limited in capacity and that they lack employees and IT services due to
17 Defendants' financial circumstances. The need for a three-month
18 extension of the fact discovery period, which would similarly delay all
19 subsequent deadlines, is largely driven by the parties' desire to afford
20 Defendants adequate time to access, download, review, and produce
21 accounting documents, which Defendants contend is a lengthy process.
22 The production of these documents may narrow the areas of dispute
23 regarding the appropriate amount of disgorgement to be awarded the
24 SEC. The parties intend to continue to work together on solutions to
25 potentially reduce the burden and time necessary to gather these records.
- 26 • The SEC's August 1 document production contains 25,112 unique
27 documents, including documents the SEC obtained during its
28 investigation from third parties, in addition to documents Defendants

1 produced to the SEC. Because Defendants' current counsel was not
2 engaged until well after the SEC's investigation was complete, defense
3 counsel did not previously have the opportunity to review the documents
4 their clients produced during the investigation.

5 7. In light of the foregoing, the parties agree completion of fact discovery
6 is not practicable by September 16 and believe good cause exists to extend the fact
7 discovery deadline by 90 days. They further agree that, because the remaining
8 deadlines are keyed to the close of fact discovery, all subsequent deadlines set forth
9 in the Court's Scheduling Order should adjourned by an equal amount of time.

10 8. The parties agree this Joint Statement is made in good faith and in the
11 interests of judicial economy and is not for the purposes of delay.

12 Based on the foregoing, IT IS STIPULATED AND AGREED, by and between the
13 parties, and their undersigned counsel, that good cause exists for the deadlines set
14 forth in the Scheduling Order to be MODIFIED. The parties have conferred and
15 jointly propose the following modifications to the current deadlines set forth in the
16 Court's Scheduling Order:

17 Event	Current Date	Proposed New
	ECF No. 5	Date
18 Parties to exchange Fed. R. Civ. P. 26(a)(1)(A) 19 initial disclosures	Apr. 8, 2022	n/a
20 Close of Fact Discovery re SEC's request for 21 monetary relief	Sep. 16, 2022	Dec. 16, 2022
22 Deadline for SEC to serve initial expert report 23 or updated disclosure under FRCP 24 26(a)(1)(A)(iii)	Oct. 14, 2022	Feb. 1, 2023 ¹
25 Deadline for Defendants and Relief Defendant 26 to complete expert discovery re SEC's initial 27 expert report (if any) and serve any expert 28 report re SEC's claim for monetary Relief	Dec. 1, 2022	Mar. 15, 2023

¹ This proposed schedule extends the period between the close of fact discovery and the deadline for the SEC to serve its expert report by two weeks to account for the interim holidays. Otherwise, the time between events remains the same.

1	Deadline for SEC to complete expert discovery re: Defendant and Relief	Jan. 12, 2023	Apr. 26, 2023
2	Defendant's expert report (if any) and serve		
3	any rebuttal expert report		
4	Deadline for Defendants and Relief Defendant to complete expert discovery re SEC's rebuttal expert report	Feb. 10, 2023	May 24, 2023
5			
6			
7	Deadline for SEC to file motion for monetary relief	Mar. 10, 2023	June 21, 2023
8			
9	Deadline for Defendants and Relief Defendant to file response to SEC's motion for monetary relief	Apr. 7, 2023	July 19, 2023
10			
11	Deadline for SEC to file reply in support of motion for monetary relief	Apr. 21, 2023	Aug. 2, 2023
12			
13	Hearing on SEC's motion for monetary relief	May 11, 2023, at 2:00 p.m.	Aug. 24, 2023, at 2:00 p.m.

14 Dated: September 2, 2022

15 By: /s/ Adam B. Gottlieb
 16 ADAM B. GOTTLIEB
 17 CHRISTOPHER J. CARNEY
 18 Attorneys for Plaintiff
 U.S. SECURITIES AND EXCHANGE
 COMMISSION

19 Dated: September 2, 2022

20 By: /s/ Justin T. Goodwin
 21 WILLIAM DELGADO
 22 JUSTIN T. GOODWIN
 23 ALISON KEHNER
 Attorneys for Defendant
 CROWD MACHINE, INC.,
 24 METAVINE, INC., and
 METAVINE PTY., LTD.

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 DATED: 9/6/2022

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 28 HAYWOOD S. GILLIAM, JR.
 UNITED STATES DISTRICT JUDGE