

1 **MATTHEW L. SHARP, LTD.**

2 Matthew L. Sharp.

3 432 Ridge Street

4 Reno, Nevada 89501

5 Phone: (775) 324-1500

6 Email: matt@mattsharplaw.com

7

Attorneys for Plaintiff

8

[Additional Counsel Listed Below]

9

UNITED STATES DISTRICT COURT

10

DISTRICT OF NEVADA

11

MICHAEL RUTH, and OTILDA
LAMONT, Derivatively on Behalf of
CANNAVEST CORP.,

Case No.: 15-00481-RFB-VCF

12

13

Plaintiffs,

14

v.

**FURTHER JOINT STATUS
REPORT TO MAGISTRATE
JUDGE CAM FERENBACH**

15

MICHAEL MONA, JR., BART P.
MACKAY, and LARRY RASKIN,

16

17

Defendants,

18

and

19

20

CANNAVEST CORP.,

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

Nominal Defendant.

1 **WHEREAS**, by Order dated January 11, 2016, (D.E. 34), Judge Boulware
2 ordered that the current action shall continue to be stayed pending a resolution of the
3 motion to dismiss in the related action styled as *In re: CannaVest Corp., Securities*
4 *Litigation*” under case no. 14-cv-2900 (hereafter, the “New York Federal Securities
5 Action”);

6 **WHEREAS**, Judge Boulware, also on January 11, 2016, ordered the parties to
7 submit a written Status Report to Magistrate Cam Ferenbach as to the status of the
8 motion to dismiss in the New York Federal Securities Action on or before March 31,
9 2016;

10 **WHEREAS**, in the New York Federal Securities Action the lead plaintiff filed a
11 consolidated complaint on September 14, 2015, and Defendants responded with a
12 motion to dismiss on December 11, 2015;

13 **WHEREAS**, the lead plaintiff in the New York Federal Securities Action served
14 its Opposition to Defendants’ Motion to Dismiss on March 21, 2016;

15 **WHEREAS**, the Court in the New York Federal Securities Action uses the
16 “bundling” method of having a motion presented to it only after all the papers have been
17 served;

18 **WHEREAS**, the Defendants’ motion to dismiss the New York Federal Securities
19 Action has been fully briefed, with all papers having been docketed on September 30,
20 2016;

21 **WHEREAS**, the Defendants’ motion to dismiss the New York Federal Securities
22 Action is currently under submission with the Southern District of New York;

23 **WHEREAS**, the Southern District of New York has not set or requested a hearing
24 on the Defendants’ motion to dismiss the New York Federal Securities Action, and
25 presently the parties expect that court to issue an opinion based solely on the papers,
26 unless the parties are advised otherwise;

27 **WHEREAS**, there are no motions presently pending before this Court;

28 **WHEREAS**, the parties have met and conferred, and therefore:

1 **ACCORDINGLY**, the parties respectfully submit:

- 2 1. that the instant action should continue to be stayed under the same terms as
3 set forth in the parties' Stipulation dated January 5, 2016 (D.E. 33), which was
4 "so-ordered" by Judge Boulware on January 11, 2016 (D.E. 34);
- 5 2. That the parties provide a further status report to Magistrate Judge Cam
6 Ferenbach on or before December 22, 2017 as to the status of the pending
7 motion to dismiss in the New York Federal Securities Action; and
- 8 3. That as set forth in this Court's Order dated January 11, 2016 (D.E. 34), if the
9 motion to dismiss in the New York Federal Securities Action is resolved
10 before December 22, 2017, then the parties shall, within thirty (30) days after
11 the resolution of the motion to dismiss in the New York Federal Securities
12 Action, or an earlier lifting of the stay of the instant case, propose a Joint
13 Discovery Plan for this Court's approval.

14 Dated: September 14, 2017

15 **MATTHEW L. SHARP, LTD.**

15 **PROCOPIO, CORY,**
16 **HARGREAVES & SAVITCH, LLP**

17
18 By: s/*Matthew L. Sharp*
19 Matthew L. Sharp
20 432 Ridge Street
21 Reno, NV 89501
22 Phone: (775) 324-1500
23 Email: matt@mattsharplaw.com

18 By: s/*S. Todd Neal*
19 S. Todd Neal (Admitted *Pro Hac*
20 *Vice*)
21 Sean M. Sullivan (Admitted *Pro*
22 *Hac Vice*)
23 525 B. Street, Suite 2200
24 San Diego, CA 92101
25 todd.neal@procopio.com
26 sean.sullivan@procopio.com

24 and

25 William R. Urga (Nev. Bar 1195)
26 3800 Howard Hughes Parkway
27 Wells Fargo Tower, Sixteenth
28 Floor
Las Vegas, Nevada 89169

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Telephone: 702.699.7500
Facsimile: 702.699.7555
E-mail: wru@juww.com

And

**GAINEY McKENNA &
EGLESTON**

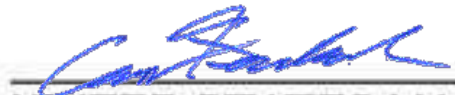
Thomas J. McKenna
Gregory M. Egleston

440 Park Avenue South, 5th Floor
New York, New York 10016
Phone: (212) 983-1300
Fax: (212) 983-0383
Email: tjmckenna@gme-law.com
Email: gegleston@gme-law.com

Counsel for Plaintiffs

*Counsel for Defendants
Michael Mona, Jr., Bart P.
Mackay, Larry Raskin, and
CannaVEST Corp.*

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 9-15-2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Civil Procedure 5 (b), I hereby certify that I am an employee of Procopio, Cory, Hargreaves & Savitch, LLP and that on this 14th day of September 2017, I caused the document entitled “FURTHER JOINT STATUS REPORT TO MAGISTRATE JUDGE CAM FERENBACH” to be served on the parties in this action via the Court’s CM/ECF System.

By: s/Melissa Avitia Turpin

**An Employee of PROCOPIO, CORY,
HARGREAVES & SAVITCH, LLP**
