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 8 Securities and Exchange Commission

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

11 **SECURITIES AND EXCHANGE**  
 12 **COMMISSION,**

13 Plaintiff,

14 vs.

15 ASCENERGY LLC and  
 16 JOSEPH (a/k/a JOEY) GABALDON,

17 Defendants,

18 PYCKL LLC and ALANAH  
 19 ENERGY, LLC,

20 Relief Defendants.  
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Case No.: 2:15-cv-01974-GMN-PAL

**THE PARTIES' JOINT MOTION TO  
 CONTINUE PRETRIAL ORDER  
 DEADLINE**

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1 Plaintiff Securities and Exchange Commission (“Plaintiff) and Defendant Ascenergy  
2 LLC, Defendant Joseph Gabaldon, and Relief Defendant Alanah Energy, LLC (collectively, the  
3 “Appearing Defendants”) submit this Joint Motion to Continue the Pretrial Order Deadline, and  
4 respectfully show the Court as follows.  
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6 1. On November 3, 2016, the Court entered an Order requiring the parties to file a  
7 joint pretrial order no later than January 9, 2017. ECF No. 74.

8 2. To conserve resources, the Court set the pretrial order deadline 30 days after the  
9 Court-ordered settlement conference in this matter. *Id.* That settlement conference was initially  
10 scheduled for December 8, 2016. *Id.*

11 3. However, on November 10, 2016, the Court entered an order continuing the  
12 settlement conference to January 24, 2017. ECF No. 75. The order did not specifically address  
13 the January 9, 2017 pretrial order deadline.  
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15 4. To conserve judicial and party resources, the parties respectfully request that the  
16 Court continue the pretrial order deadline until: (a) further notice of the Court, or alternatively,  
17 (b) 30 days after the Court rules on Plaintiff’s pending Motion to Set Remedies Amounts and for  
18 Entry of Final Judgment against the Appearing Defendant [ECF No. 76], or alternatively, (c) 30  
19 days after the completion of the settlement conference.  
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21 5. The Court has entered an Agreed Judgment against the Appearing Defendants.  
22 ECF No. 63. As set forth in the Agreed Judgment, the only issue remaining as to Plaintiff’s  
23 claims against the Appearing Defendants is the determination by the Court of Plaintiff’s motion  
24 to set the amount of civil penalties, disgorgement, and prejudgment interest. *Id.*<sup>1</sup> If no  
25 agreement on remedies is reached at the settlement conference, the parties anticipate that the  
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27 <sup>1</sup> The Court authorized Plaintiff to file its pending motion to set the amount of remedies and to enter Final Judgment  
28 in the Agreed Judgment, and the Court may decide the motion based solely on the parties’ submissions. *Id.* at III.

1 Court will set the amount of remedies and enter Final Judgment against the Appearing  
2 Defendants.

3 6. Accordingly, the parties do not believe that any triable issues between them  
4 remain.<sup>2</sup> To the extent the Court determines a joint pretrial order is appropriate under the  
5 circumstances, the parties request leave to file the pretrial order upon further notice of the Court,  
6 or alternatively, 30 days after the Court rules on the Plaintiff's pending Motion to Set Remedies  
7 Amounts and for Entry of Final Judgment against the Appearing Defendant, or alternatively, 30  
8 days after the completion of the settlement conference.  
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10 7. The requested relief will conserve judicial and party resources and will not delay  
11 the resolution of this action.  
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26 <sup>2</sup> Relief Defendant Pyckl LLC ("Pyckl") has not answered this action. Plaintiff is engaged in ongoing settlement  
27 discussions with Pyckl and anticipates that it will be filing a Motion for Entry of an Agreed Final Judgment or,  
28 alternatively, a Request for Entry of Default Judgment against Pyckl.

1 Dated: December 19, 2016

Respectfully submitted,

2  
3 /s/ Keefe M. Bernstein

David B. Reece

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Keefe M. Bernstein

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Securities and Exchange Commission

13 /s/ Ethan J. Brown

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19 Attorneys for Defendant Joseph Gabaldon,

Defendant Ascenergy LLC, and

Relief Defendant Alanah Energy, LLC

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 19, 2016, a true and correct copy of the foregoing was  
3 filed with the Clerk of Court using the CM/ECF system which will send electronic notification of  
4 the filing to all filers under LR IC 1-1. In addition, I caused a true and correct copy of the  
5 foregoing to be mailed by U.S. Mail to the following addresses:  
6

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12 Craig A. Newby  
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15 Counsel for Ascenergy LLC, Alanah  
16 Energy, LLC, and Joseph Gabaldon  
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*/s/ Keefe M. Bernstein*  
Keefe M. Bernstein

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

ASCENERGY LLC and  
JOSEPH (a/k/a JOEY) GABALDON,

Defendants,

PYCKL LLC and ALANAH  
ENERGY, LLC,

Relief Defendants.

Case No.: 2:15-cv-01974-GMN-PAL

**ORDER GRANTING JOINT MOTION  
TO CONTINUE PRETRIAL ORDER  
DEADLINE**

Before the Court is the Joint Motion of Plaintiff Securities and Exchange Commission and Defendant Ascenergy LLC, Defendant Joseph Gabaldon, and Relief Defendant Alanah Energy, LLC to Continue the Pretrial Order Deadline. Having considered the Joint Motion, the Court finds that the motion is meritorious and should be granted.

**IT IS ORDERED THAT** the parties' deadline to file a pretrial order in this matter is extended until 30 days after decision of Plaintiff's pending Motion to Set Remedies (ECF No. 76) in the event the decision leaves any remaining issues for trial.

IT IS SO ORDERED:

  
UNITED STATES MAGISTRATE JUDGE

DATED: December 28, 2016