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*Attorneys for Defendants Barry K. Epling,
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION

Plaintiff,

v.

HEMP, INC. a Colorado Corporation; BRUCE
J. PERLOWIN, an individual; BARRY K.
EPLING, an individual; JED M. PERLOWIN,
an individual; FERRIS HOLDING, INC., a
private Nevada Corporation; HOBBS
EQUITIES INC., a private Nevada Corporation;
DIVERSIFIED INVESTMENTS LLC, a private
Nevada Limited Liability Company; and
QUANTUM ECONOMIC PROTOCOLS LLC,
a private Nevada Limited Liability Company,

Defendants.

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and Exchange Commission*

CASE NO.: 2:16:-cv-01413-RFB-GWF

**JOINT STIPULATION AND ORDER TO
EXTEND RESPONSE AND REPLY
DEADLINES FOR PLAINTIFF'S
MOTION FOR PARTIAL SUMMARY
JUDGMENT**

[FIRST REQUEST]

Pursuant to LR IA 6-1, Plaintiffs and Certain Defendants¹ herein, by and through their attorneys of record, stipulate as follows:

1. Plaintiff filed a Motion for Partial Summary Judgment (Docket No. 76) (the “Motion”) on Wednesday, August 9, 2017.

2. Under the Rules, the current deadline for Defendants’ response to the Motion is August 30, 2017, and the current deadline for Plaintiff to file a Reply is September 6, 2017.

3. The parties hereby seek an extension of the response deadline until October 13, 2017 (two weeks after expert discovery has closed), and until November 13, 2017 for the reply deadline (30 days thereafter).

4. Certain Defendants shall file a response to the Motion on or before October 13, 2017; and

5. Plaintiff shall file a reply to the Motion on or before November 13, 2017.

6. This is the parties’ first request for an extension of the response and reply deadlines. The reasons warranting additional time for the response and reply deadlines are as follows:

a. The Motion seeks summary judgment against Certain Defendants on the complaint’s claims under Sections 5(a) and 5(c) of the Securities Act of 1933, 15 U.S.C. §§ 77e(a) and 77e(c) (“Section 5”).

b. Presently, the parties are actively engaged in expert discovery relating to Section 5 liability and other issues. On July 17, 2017, Plaintiff served on Defendants an expert report of Jeff Schwartz (the “Schwartz Report”), specifically discussing Section 5 issues (*see* Docket No. 67). However, Defendants’ expert reports, which will address Section 5 issues including those raised in the Motion and Schwartz Report, are not yet due until Wednesday, August 16, 2017 (*see* Docket No. 62). The parties also anticipate

¹ “Certain Defendants” are those against whom Plaintiff’s Motion for Partial Summary Judgment is directed: Barry K. Epling, Ferris Holding, Inc., and Hobbes Equities Inc.

that expert depositions on Section 5 and related issues will occur in September, and Plaintiff already has confirmed Mr. Schwartz's deposition for September 26, 2017.

c. If required to respond to the Motion without first completing open expert discovery on these Section 5 issues, Certain Defendants believe they would be prejudiced in their ability to fully and fairly respond to the Motion. Accordingly, the parties believe that it would be an appropriate and efficient use of the Court and parties' time and resources to permit Certain Defendants to respond to the Motion after expert discovery has closed.

d. In addition, counsel for Certain Defendants will be out of the country on previously-scheduled travel in late August when the response is currently due, plus the response and reply deadlines surround the Labor Day weekend, which would present other scheduling difficulties for the parties and counsel.

e. The operative dispositive motion deadline is set for November 13, 2017 (*see* Docket No. 62), and extending the deadlines for the Motion's response and reply briefs would not impact this, or other case deadlines.

7. Counsel for the parties have conferred regarding these requested extensions, as well as the reasons supporting the requested extensions, and they agree that the requested extensions are an appropriate and efficient means of resolving the parties' scheduling and briefing concerns.

IT IS SO STIPULATED

DATED August 15, 2017.

/s/ Robert J. Cassity,
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IT IS SO ORDERED.


United States District Judge
Dated: August 16, 2017.

/s/ Amy J. Oliver
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Washington DC 20037
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Ferris Holding, Inc., and Hobbes Equities Inc.*

ORDER

IT IS SO ORDERED.

U.S. DISTRICT/MAGISTRATE JUDGE

DATED: _____