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15 SECURITIES AND EXCHANGE
16 COMMISSION

17 Plaintiff,
18 v.
19 HEMP, INC. a Colorado Corporation; BRUCE
20 J. PERLOWIN, an individual; BARRY K.
21 EPLING, an individual; JED M. PERLOWIN,
22 an individual; FERRIS HOLDING, INC., a
23 private Nevada Corporation; HOBBES
24 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,

25 Defendants.

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

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

[FIRST REQUEST]

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

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

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

7 3. The parties hereby seek an extension of the response deadline until October 13,
8 2017 (two weeks after expert discovery has closed), and until November 13, 2017 for the reply
9 deadline (30 days thereafter).

10 4. Certain Defendants shall file a response to the Motion on or before October 13,
11 2017; and

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

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

16 a. The Motion seeks summary judgment against Certain Defendants on the
17 complaint’s claims under Sections 5(a) and 5(c) of the Securities Act of 1933, 15 U.S.C.
18 §§ 77e(a) and 77e(c) (“Section 5”).

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

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26
27 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.

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

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

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

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

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

20 IT IS SO STIPULATED

21 DATED August 15, 2017.

22 /s/ Robert J. Cassity,
23 Robert J. Cassity, Esq.
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24 Thomas A. Sporkin (*Pro Hac Vice*)
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28 IT IS SO ORDERED.

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United States District Judge
Dated: August 16, 2017.

Attorneys for Plaintiff Securities
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1 Washington DC 20037

2 *Attorneys for Defendants Barry K. Epling,
Ferris Holding, Inc., and Hobbes Equities Inc.*

3 **ORDER**

4
5 IT IS SO ORDERED.

6
7

U.S. DISTRICT/MAGISTRATE JUDGE

8 DATED: _____