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24 and Vestin Mortgage LLC

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27 UNITED STATES DISTRICT COURT
28
29 DISTRICT OF NEVADA

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31 SECURITIES AND EXCHANGE
32 COMMISSION,

33 Plaintiff,
34 v.
35 MICHAEL V. SHUSTEK and
36 VESTIN MORTGAGE LLC,

37 Defendants.

38 CASE NO. 2:21-cv-01416-JCM-BNW

39
40 **DEFENDANTS MICHAEL SHUSTEK**
41 **AND VESTIN MORTGAGE LLC'S**
42 **MOTION FOR LEAVE TO**
43 **SUPPLEMENT OPPOSITION TO**
44 **MOTION TO COMPEL**

45
46 Judge: Hon. James C. Mahan
47 Magistrate: Hon. Brenda N. Weksler

1 Defendants Michael Shustek and Vestin Mortgage (“Defendants”) request this Court’s
2 leave to attach an additional exhibit to its Opposition (ECF No. 27) to Plaintiff’s Motion to
3 Compel (ECF No. 21). Specifically, Defendants seek leave to supplement their Opposition with
4 the Order Regarding Discovery Commissioner’s Report and Recommendation, attached hereto
5 as **Exhibit C**.

6 Pursuant to LR 7-2(g), the court may grant a party leave to supplement a motion for good
7 cause. Here, good cause exists so that the Court may fully be informed about the status of the
8 Discovery Commissioner’s Report and Recommendation, which was filed as Exhibit B to the
9 Opposition (ECF No. 28-3). On July 27, 2022, Hon. Linda Marie Bell of the District Court for
10 Clark County, Nevada “affirmed and adopted” the Discovery Commissioner’s Report and
11 Recommendation without modification. Further, because this order had not yet issued when
12 Defendants filed their Opposition, this request for leave is timely. Therefore, Defendants believe
13 that the Court should grant leave to file a supplemental Exhibit C as a supplemental Exhibit to
14 the Opposition so that the Court may be fully apprised of developing facts.

16 | Dated: July 28, 2022

Respectfully Submitted,

LATHAM & WATKINS LLP
Manuel A. Abascal
Michael A. Galdes
Jared A. Forbus

By: /s/ Manuel A. Abascal
Manuel A. Abascal

*Attorneys for Defendants Michael Shustek
and Vestin Mortgage LLC*

ORDER

IT IS SO ORDERED

DATED: 1:18 pm, July 29, 2022

Brinkwesky

**BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE**

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 355 South Grand Ave., Suite 100, Los Angeles, CA 90071-1560.

On July 28, 2022, I served the following document described as:

**DEFENDANTS MICHAEL SHUSTEK AND VESTIN MORTGAGE LLC'S MOTION
FOR LEAVE TO SUPPLEMENT OPPOSITION TO MOTION TO COMPEL**

by serving a true copy of the above-described document in the following manner:

VIA THE COURT'S CM/ECF ELECTRONIC FILING SYSTEM

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SECURITIES AND EXCHANGE COMMISSION

44 Montgomery Street, Suite 2800

San Francisco, California 94104

Attorneys for Plaintiff Securities and Exchange Commission

I declare that I am employed in the office of a member of the Bar of California, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **July 28, 2022** at Los Angeles, California.

/s/ Manuel A. Abascal
Manuel A. Abascal