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11 *Attorneys for*
 12 *Lead Plaintiff Carlos Marina*

13 [Additional counsel on signature page]

14
 15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

17 TAD SCHLATRE, Individually and On
 Behalf Of All Others Similarly Situated,

18 Plaintiff,

19 v.

20
 21 MARATHON DIGITAL HOLDINGS, INC.,
 f/k/a MARATHON PATENT GROUP, INC.,
 22 MERRICK D. OKAMOTO, FREDERICK G.
 THIEL, and SIMEON SALZMAN,

23 Defendants.
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Case No.: 2:21-cv-02209-RFB-NJK

CLASS ACTION

**LEAD PLAINTIFF CARLOS
 MARINA'S MOTION FOR ORDER
 EXTENDING DEADLINES ON
 FILING OF THE AMENDED
 COMPLAINT AND BRIEFING ON
 DEFENDANTS' RESPONSIVE
 PLEADINGS**

**LR IA 6-1
 First Extension Request**

1 Pursuant to LR IA 6-1, Lead Plaintiff Carlos Marina respectfully requests that the
2 Court enter an Order: (i) extending the deadline for Lead Plaintiff to file his amended
3 complaint; and (ii) establishing a briefing schedule on Defendants’ anticipated motion to
4 dismiss the amended complaint as to which the parties have agreed. Defendants take no
5 position on this motion. This is the first requested extension to the above-referenced
6 deadlines. Lead Plaintiff submits that the requested relief is reasonable and will cause no
7 prejudice to any party or undue delay.

8 By way of background, on December 17, 2021, plaintiff Tad Schlatre (“Schlatre”)
9 initiated this securities fraud class action governed by the Private Securities Litigation
10 Reform Act (“PSLRA”). ECF No. 1. Under the PSLRA, discovery is generally stayed
11 pending resolution of any motion to dismiss. *See* 15 U.S.C. § 78u-4(b)(3)(B).

12 On March 17, 2022, the Court entered an Order granting plaintiff Schlatre’s and
13 Defendants’ stipulation relieving Defendants from responding to the initial complaint until
14 after the appointment of Lead Plaintiff and Lead Counsel. ECF No. 25. Instead, the Court
15 ordered that: (1) Defendants’ counsel and appointed lead counsel shall meet and confer on
16 the deadline to file the amended complaint and Defendants’ deadline to respond within ten
17 (10) business days of the Court’s appointment of a lead plaintiff and lead counsel; and (2) a
18 briefing schedule shall be submitted within ten (10) business days after the parties met and
19 conferred on said deadlines. ECF No. 25.

20 On September 7, 2022, the Court held a hearing on the competing lead plaintiff
21 motions and entered an order granting Carlos Marina’s motion for appointment as Lead
22 Plaintiff and approving his selection of Hagens Berman as lead counsel, and Aldrich Law
23 Firm, Ltd. as liaison counsel. ECF No. 46. At the hearing, the Court directed Lead Counsel
24 to meet and confer with Defendants’ counsel and submit a briefing schedule for the filing of
25 an amended complaint and the briefing on Defendants’ motion to dismiss within two weeks
26 of the hearing. The Court stated that the transcript of the lead plaintiff motion hearing shall
27 serve as the Opinion and Order of the Court. ECF No. 46.

1 On September 7, 2022, the Court entered a Minute Order, ruling that the deadline
2 for the filing of the amended complaint is due two weeks from September 7, 2022 (i.e.,
3 September 21, 2022). ECF No. 46.

4 Lead Counsel is diligently preparing an amended complaint, which allegations will
5 be more expansive than those in the original complaint filed by Schlatre, as is customary in
6 securities class actions governed by the Private Securities Litigation Reform Act
7 (“PSLRA”). Prior to doing so, extensive investigation will be needed to prepare a
8 sufficiently detailed amended complaint for this securities fraud class action which requires
9 particularized pleading to satisfy the PSLRA’s heightened pleading standards. Accordingly,
10 Lead Plaintiff respectfully requests that the Court set the date to file the amended complaint
11 to October 21, 2022. To put this request into context, the time between the appointment of
12 lead plaintiff and submission of the consolidated complaint – 44 days – is shorter than the
13 deadline set in other recent securities fraud cases in this District. *See, e.g., Luo v. Spectrum*
14 *Pharm., Inc., et al.*, Case No. 2:21-cv-01612, ECF. No. 35 (D. Nev. Mar. 2, 2022)
15 (allowing court appointed lead plaintiff 60 days to file amended complaint following
16 appointment); *Sieggreen v. Live Ventures Inc., et al.*, Case No. 2:21-cv-01517, ECF No 11,
17 19 (D. Nev. 2021) (allowing court appointed lead plaintiff 60 days to file amended
18 complaint following appointment and further extending deadline for lead plaintiff to file
19 amended complaint in light of parallel Securities Exchange Commission case relevant to
20 preparation of the amended complaint); *The Daniels Family Revocable Trust v. Las Vegas*
21 *Sands Corp., et al.*, Case No. 2:20-cv-01958, ECF No. 25 (D. Nev. Jan. 26, 2021) (allowing
22 court appointed lead plaintiff 62 days to file amended complaint following appointment).

23 In addition, the parties also propose deadlines for the filing of Defendants’
24 responsive pleadings and briefing on any motion to dismiss, as set forth below:

- 25 1. Defendants’ responsive pleadings – December 6, 2022.
- 26 2. Lead Plaintiff’s opposition to any motion to dismiss – January 20, 2023.
- 27 3. Defendants’ reply in support of any motion to dismiss – February 17, 2023.

1 **CONCLUSION**

2 Lead Plaintiff thus respectfully requests that the Court enter the attached [Proposed]
3 Order.

4
5 DATED: September 12, 2022 HAGENS BERMAN SOBOL SHAPIRO LLP

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7 By /s/ Lucas E. Gilmore
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Liaison Counsel for Lead Plaintiff
Carlos Marina

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2022, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.

HAGENS BERMAN SOBOL SHAPIRO LLP

/s/ Lucas E. Gilmore
Lucas E. Gilmore

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TAD SCHLATRE, Individually and On
Behalf Of All Others Similarly Situated,

Plaintiff,

v.

MARATHON DIGITAL HOLDINGS, INC.,
f/k/a MARATHON PATENT GROUP, INC.,
MERRICK D. OKAMOTO, FREDERICK G.
THIEL, and SIMEON SALZMAN,

Defendants.

Case No.: 2:21-cv-02209-RFB-NJK

CLASS ACTION

**[PROPOSED] ORDER GRANTING
LEAD PLAINTIFF CARLOS
MARINA’S MOTION FOR ORDER
EXTENDING DEADLINES ON
FILING OF THE AMENDED
COMPLAINT AND BRIEFING ON
DEFENDANTS’ RESPONSIVE
PLEADINGS**

1 Upon consideration of Lead Plaintiff Carlos Marina’s Motion for Order Extending
2 Deadlines on Filing of the Amended Complaint and Briefing on Defendants’ Responsive
3 Pleadings and good cause appearing therefor,

4 IT IS HEREBY ORDERED THAT:

- 5 1. The Motion is GRANTED;
- 6 1. Lead Plaintiff shall file an amended complaint on October 21, 2022;
- 7 2. Defendants shall file their motion to dismiss by December 6, 2022;
- 8 3. Lead Plaintiff shall file any opposition to any motion to dismiss by January
9 20, 2023.
- 10 4. Defendants shall file any reply in support of any motion to dismiss by
11 February 17, 2023.

12 IT IS SO ORDERED.

13 DATED: _____



14 THE HONORABLE RICHARD F. BOULWARE, II
15 UNITED STATES DISTRICT JUDGE

16 Submitted by:

17 Dated: September 12, 2022

18 HAGENS BERMAN SOBOL SHAPIRO LLP

19 By /s/ Lucas E. Gilmore

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