

DISTRICT COURT, DENVER COUNTY, COLORADO	
Court Address: 1437 BANNOCK STREET, RM 256, DENVER, CO, 80202	
Plaintiff(s) DAVID S CHEVAL ACTING SECURITIES COMMISS et al. v. Defendant(s) MARK RAY et al.	DATE FILED: December 18, 2020 9:00 AM CASE NUMBER: 2019CV33770 <p style="text-align: center;">△ COURT USE ONLY △</p> Case Number: 2019CV33770 Division: 209 Courtroom:
Order: Agreed Stipulation Regarding December 2, 2020 Order	

The motion/proposed order attached hereto: APPROVED.

Issue Date: 12/18/2020



KANDACE CECILIA GERDES
District Court Judge

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202</p>	
<p>DAVID S. CHEVAL, Acting Securities Commissioner for the State of Colorado,</p> <p>Plaintiff,</p> <p>v.</p> <p>MARK RAY; REVA STACHNIW; CUSTOM CONSULTING & PRODUCT SERVICES, LLC; RM FARM & LIVESTOCK, LLC; MR CATTLE PRODUCTION SERVICES, LLC; SUNSHINE ENTERPRISES; UNIVERSAL HERBS, LLC; DBC LIMITED, LLC,</p> <p>Defendants.</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p><i>Attorneys for Non-Party JPMorgan Chase Bank, N.A.:</i></p> <p>Greenberg Traurig, LLP 1144 15th Street Suite 3300 Denver, Colorado 80202 Tel: (303) 572-6500 Email: weddlej@gtlaw.com</p>	<p>Case Number: 19CV33770</p> <p>Division: 209</p>
<p style="text-align: center;">AGREED STIPULATION REGARDING DECEMBER 2, 2020 ORDER</p>	

The Court-Appointed Receiver Gary Schwartz (“Receiver”) and Non-Party JPMorgan Chase Bank, N.A. (“Chase” and, together with the Receiver, the “Parties”), by and through their undersigned counsel, hereby submit this agreed stipulation concerning the Court’s December 2, 2020 Order regarding Receiver’s Motion to Compel JPMorgan Chase Bank, N.A. to Respond to the Subpoena Duces Tecum (the “Order”), and state as follows:

1. Counsel for the Receiver and Chase have conducted an initial meet and conferral concerning the Court’s Order, as well as the appropriate scope of production in response to the

categories of documents and information included in the subpoena duces tecum at issue (the “Subpoena”).

2. In order to allow the Receiver and Chase to reach agreement on the appropriate scope of production in response to the Subpoena, and as part of their effort to avoid further motion practice at this time in relation to the Order, the Parties have agreed that the deadline for Chase to respond to the Subpoena shall be extended by thirty-five (35) days, up to and including January 20, 2020.

3. Counsel for the Parties will continue to confer in good faith regarding the appropriate scope of production in response to the Subpoena, including, without limitation, on the parameters for a reasonable electronic search protocol to identify and produce relevant and non-privileged electronic communications, as well as the appropriate date range for potentially relevant documents.

4. For documents that are identified and ready for production in advance of January 20, 2020, Chase will begin making productions on a rolling basis.

5. The Parties further stipulate that if they are not able to reach agreement as to any particular category of documents in the Subpoena after good faith discussion, which has not yet occurred, they will seek the Court’s assistance with resolving any such dispute.

6. Nothing in this stipulation shall be construed as the Receiver’s agreement to re-litigate the relevancy of the documents sought by the Subpoena.

Dated: December 16, 2020

Respectfully submitted,

/s/ Katherine A. Roush

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Attachment to Order - 2019CV33770

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2020, a true and accurate copy of the foregoing **AGREED STIPULATION REGARDING DECEMBER 2, 2020 ORDER** was filed with the Clerk of the Court via ICCES which will send notification to all parties of record.

s/ Karen Loveland

Karen Loveland

*(Original on file at offices of Greenberg Traurig,
LLP, pursuant to C.R.C.P. 121, § 1-26)*

Attachment to Order - 2019CV33770