

# **EXHIBIT A**

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT CALIFORNIA

10 \_\_\_\_\_ )  
11 COMMODITY FUTURES ) Case No: 3:19-cv-07284-SK  
12 TRADING COMMISSION )  
13 )  
14 Plaintiff, )  
15 )  
16 vs. )  
17 )  
18 DENARI CAPITAL LLC, TRAVIS )  
CAPSON, ARNAB SARKAR )  
19 )  
20 Defendants. )

21 **[PROPOSED] ORDER GRANTING MOTION FOR EXPEDITED DISCOVERY**

22 Plaintiff Commodity Futures Trading Commission (“CFTC” or “Commission”) has filed a  
23 Complaint for Injunctive and Other Equitable Relief and Penalties Under the Commodity Exchange Act  
24 (“Complaint”) against Defendants Travis Capson (“Capson”), Arnab Sarkar (“Sarkar”), and Denari  
25 Capital, LLC (collectively, “Defendants”) seeking injunctive and other relief; Motion for Preliminary  
26 Injunction and a Motion for Expedited Discovery (“Motion”) pursuant to Rules 26(d)(1), 30(a) and (b),  
27 and 45 of the Federal Rules of Civil Procedure. Having reviewed the Commission’s Complaint and  
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1 Motion, and otherwise being fully advised in the premises,

2 **THE COURT FINDS** that, because of the nature of this matter, expedited discovery is  
3 necessary to permit the Commission immediately to identify Defendants' assets and commodity pool  
4 participants and review Defendants' books and records, including bank records, to ensure that  
5 Defendants preserve all pool participant assets, and to allow the parties to prepare adequately for any  
6 hearing on the Commission's Motion for Preliminary Injunction as the Court may conduct in this matter.  
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8 **IT IS THEREFORE ORDERED** that the Commission's Motion is granted. The parties are  
9 granted leave to conduct expedited discovery, including the following: (1) the taking of Capson and  
10 Sarkar's depositions and the depositions of up to three other witnesses prior to any hearing on the  
11 Commission's Motion for Preliminary Injunction; (2) requesting Defendants' production of documents;  
12 and (3) the issuance of subpoenas to third parties to gain information about pool participants who may  
13 have been defrauded and to help identify and locate Defendants' assets and pool participant assets.  
14

15 **IT IS FURTHER ORDERED** that Capson and Sarkar's depositions shall be taken upon two (2)  
16 business days' notice and Defendants shall respond to document production requests within  
17 two (2) business days. Non-parties shall be given five (5) days' notice for depositions and shall respond  
18 to document production requests within seven (7) days. The Court will entertain motions pursuant to  
19 Rules 26(b)(2) and 30(d) of the Federal Rules of Civil Procedure during the course of these proceedings.  
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21 **IT IS SO ORDERED.**  
22  
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24 \_\_\_\_\_  
**U.S. District Court Judge**  
25  
26  
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**CERTIFICATE OF SERVICE**

I, Carlin Metzger, an attorney with the U.S. Commodity Futures Trading Commission, certify that I served the CFTC’s Proposed Order Granting Motion for Expedited Discovery upon counsel for Defendants listed below, who have been representing Defendants in connection with the CFTC’s investigation prior to the filing of the CFTC’s action against Defendants, via e-mail, on November 8, 2019.

Date: November 8, 2019

Attorney for Plaintiff CFTC

**/s/ Carlin Metzger**

Carlin Metzger

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(Pro Hac Vice)

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