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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT CALIFORNIA**

9 _____)
10 COMMODITY FUTURES) Case No: 3:19-cv-07284-EMC
TRADING COMMISSION,)
11) **JOINT STIPULATION TO**
Plaintiff,) **EXTEND DEADLINE TO**
12) **ANSWER OR OTHERWISE**
vs.) **PLEAD, AND TO RESCHEDULE**
13) **INITIAL CASE MANAGEMENT**
DENARI CAPITAL, LLC, TRAVIS) **CONFERENCE**
14 CAPSON, and ARNAB SARKAR,)
15)
Defendants.)
16 _____

17
18 The parties are continuing to make process towards resolving this case, and are in agreement that
19 a further extension of the deadline for defendants to file an answer or other responsive pleading, and
20 postponing the initial case management conference, will aid in this effort. The parties therefore submit
21 this Joint Stipulation for the Court’s consideration along with a proposed order.

22 Plaintiff Commodity Futures Trading Commission (“CFTC”) filed this action on November 5,
23 2019. (Complaint, D.E. # 1.) On November 21, 2019 the parties filed a joint stipulation to set a briefing
24 schedule on motions filed by the CFTC, and also to set a deadline of January 6, 2020 for Defendants to
25 file their answer or other responsive pleading. (D.E. # 25.) On November 21, 2019, the Court entered a

1 Case Management Order which, among other things, set the initial case management conference in this
2 case for February 27, 2020. (D.E. # 26.) On November 22, 2019, the Court entered an order setting a
3 briefing schedule on the CFTC's motions, and setting a deadline of January 6, 2020 for Defendants to file
4 their answer or other responsive pleading. (D.E. # 27.) On December 3, 2019 the parties filed a joint
5 stipulation for entry of a preliminary injunction order (D.E. # 36), and on December 4, 2019 the Court
6 entered a Consent Preliminary Injunction order (D.E. # 37).

7 Since that time, the parties have filed five joint stipulations to extend the deadline for Defendants
8 to respond to the complaint, and to reschedule the Case Management Conference. (D.E. #'s 38, 48, 52,
9 54, and 59.) The Court has allowed these extensions. (D.E. # 39, 49, 53, 55, and 60.) The current deadline
10 for defendants to respond to the complaint is August 3, 2020, and the Case Management Conference is set
11 for September 3, 2020. (D.E. # 60.)

12 The parties are continuing to cooperate with the Temporary Receiver to gather and process
13 information relating to the Defendants' finances and operations. The Temporary Receiver recently filed
14 a Report describing the status of her efforts in this case. (D.E. # 56.) The previous extensions have
15 allowed the parties to make progress towards a potential resolution of this matter. The parties jointly
16 request and stipulate to an extension of eight weeks for the defendants to file an answer or other responsive
17 pleading to the CFTC's complaint, so that the parties may continue to focus on cooperating with the
18 Temporary Receiver in compliance with the Preliminary Injunction Order, and potentially resolve this
19 matter without further litigation. The parties jointly stipulate to a deadline of September 28, 2020 for the
20 Defendants to file an answer or other responsive pleading. The parties also jointly stipulate to and request
21 that the Court reschedule the initial Case Management Conference to October 29, 2020, at 9:30 a.m. or
22 another date at the Court's convenience. The parties have attached a Proposed Order granting these
23 requests.

Respectfully submitted,

Date: July 31, 2020

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