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

10 _____)
11 COMMODITY FUTURES) Case No: 3:19-cv-07284-EMC
12 TRADING COMMISSION,)
13 Plaintiff,) **JOINT STIPULATION FOR**
14 vs.) **ENTRY OF PRELIMINARY**
15 DENARI CAPITAL, LLC, TRAVIS) **INJUNCTION ORDER**
16 CAPSON, and ARNAB SARKAR,)
17 Defendants.)

18 Plaintiff Commodity Futures Trading Commission (“CFTC”) filed this action on November 5,
19 2019. (Complaint, D.E. # 1.) On November 8, 2019, the CFTC filed three motions that are scheduled
20 for a hearing date and time of December 19, 2019 at 1:30 p.m.: (1) a Motion for a Preliminary Injunction
21 (D.E. # 15); (2) a Motion for Appointment of a Temporary Receiver (D.E. # 16); and (3) a Motion for
22 Expedited Discovery (D.E. # 19).

23 The Defendants have been served with copies of the Summons and Complaint as well as the
24 Motions filed by Plaintiff. Defendants’ attorneys have filed appearances in this action. The parties have
25 conferred regarding the pending motions and the relief sought by these motions. The parties have
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1 reached an agreement on a proposed “Consent Order of Preliminary Injunction,” which is attached as an
2 exhibit to this Stipulation for the Court’s review. The proposed order addresses the relief sought by
3 Plaintiff in its Motion for a Preliminary Injunction (D.E. # 15) and Motion for Appointment of a
4 Temporary Receiver (D.E. # 16). If the Court enters the proposed Consent Order of Preliminary
5 Injunction, Plaintiff’s Motion for Expedited Discovery in advance of a preliminary injunction hearing
6 becomes moot (D.E. # 19).

7 The proposed order allows the Court to appoint a Temporary Receiver. Plaintiff has proposed
8 three options for the Court’s consideration in its Motion for Appointment of a Temporary Receiver
9 (D.E. # 16). Among the three options proposed by Plaintiff, Defendants prefer the appointment of
10 Kathy Bazoian Phelps as a Temporary Receiver.

11 The parties stipulate to the entry of the Consent Order of Preliminary Injunction filed as an
12 exhibit to this Stipulation, and jointly request that the Court enter the order. The parties also request that
13 the Court enter an order striking the briefing schedule and hearing date on Plaintiff’s pending motions as
14 set by the Court’s November 22, 2019 order.

15 Respectfully submitted,

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17 Date: December 3, 2019

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19 Attorney for Plaintiff CFTC:

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