

1 Carlin Metzger (cmetzger@cftc.gov)
Illinois Bar No. 6275516
2 Susan Gradman (sgradman@cftc.gov)
3 Illinois Bar No. 6225060
Attorneys for Plaintiff
4 Commodity Futures Trading Commission
525 W. Monroe, Suite 1100
5 Chicago, Illinois 60661
6 Tel. 312-596-0700
7 Fax 312-596-0714

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,)	DECLARATION OF CARLIN
14	vs.)	METZGER IN SUPPORT OF
15)	JOINT STIPULATION TO
16	DENARI CAPITAL, LLC, TRAVIS)	EXTEND BRIEFING SCHEDULE
17	CAPSON, ARNAB SARKAR,)	
	Defendants.)	

18
19 Pursuant to Local Rule 6.2, I, Carlin Metzger, submit the following declaration in support of the
20 parties' Joint Stipulation to Extend Briefing Schedule.

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

4. On November 22, 2019, the Court entered an order setting a briefing schedule on the CFTC's motions, and setting a deadline of January 6, 2020 for Defendants to file their answer or other responsive pleading. (D.E. # 27.)
5. On December 3, 2019 the parties filed a joint stipulation for entry of a preliminary injunction order (D.E. # 36), and on December 4, 2019 the Court entered a Consent Preliminary Injunction order (D.E. # 37). Among other things, the Preliminary Injunction Order appointed a Temporary Receiver, and required Defendants to provide information to the Temporary Receiver and the CFTC.
6. The parties are cooperating with the Temporary Receiver to gather and process information relating to the Defendants' finances and operations.
7. In light of these developments, I conferred with the Temporary Receiver and counsel for the Defendants, and we reached an agreement to an extension of time for five weeks for the Defendants to file an answer or other responsive pleading. This will allow the parties to focus efforts for additional time on cooperating with the Temporary Receiver to gather necessary information in compliance with the Preliminary Injunction Order.
8. As set out in the parties' joint stipulation, the parties request a deadline of February 10, 2020 for the Defendants to file an answer or other responsive pleading.
9. This requested extension will not otherwise have an effect on the schedule for this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 26th day of December, 2019, in Chicago, Illinois:

/s/ Carlin Metzger
IL ARDC No. 6275516
Commodity Futures Trading Commission
525 W. Monroe St., Suite 1100
Chicago, IL 60661
(312) 596-0536
cmetzger@cftc.gov