

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO.: 19-CV-80633-ROSENBERG/REINHART

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NATURAL DIAMONDS INVESTMENT CO., ET AL.,
_____ /

SCHEDULING REPORT

Counsel for the Parties participated in a scheduling conference and submit the following:

(A) THE LIKELIHOOD OF SETTLEMENT

Plaintiff is in settlement discussions with Relief Defendants Winners Church, Frederick Shipman, and Whitney Shipman and anticipates a settlement will be reached with respect to some or all of these Relief Defendants. The Receiver will likely consent to the causes of action against Defendants Natural Diamonds Investment Co., Argyle Coin LLC, and Eagle Financial Diamond Group Inc. If any settlements occur, the Commission will immediately notify the Court.

(B) LIKELIHOOD OF APPEARANCE IN THE ACTION OF ADDITIONAL PARTIES

It is not likely that additional parties will appear in this action, but we will be in a better position to assess that during discovery.

(C) PROPOSED LIMITS ON THE TIME

TO JOIN OTHER PARTIES AND TO AMEND THE PLEADINGS

None of the Defendants have responded to the Complaint at this time. The parties propose that the deadline for amending pleadings and joining parties be two weeks after the last order on any motion to dismiss. Counsel for Gold 7 requests August 31, 2019 unless discovery determines that additional parties are needed.

TO FILE AND HEAR MOTIONS

The parties request an August 2020 trial date, and therefore propose that summary judgment motions be due Wednesday, April 1, 2020 and motions *in limine* be due Friday, May 15, 2020. Counsel for Gold 7 requests May 1, 2020 for summary judgment motions and motions *in limine* be due 45 days before trial.

TO COMPLETE DISCOVERY

Based on the proposed August 2020 trial date and April 2020 discovery deadline, we propose that discovery conclude by March 2, 2020. Counsel for Gold 7 requests discovery deadline be April 2020.

(D) PROPOSALS FOR THE FORMULATION AND SIMPLIFICATION OF ISSUES, INCLUDING THE ELIMINATION OF FRIVOLOUS CLAIMS OR DEFENSES, AND THE NUMBER AND TIMING OF MOTIONS FOR SUMMARY JUDGMENT OR PARTIAL SUMMARY JUDGMENT

The parties propose that Defendants Jonathan and Harold Seigel file a joint summary judgment motion since they are represented by the same counsel and share the same cause of action against them.

(E) THE NECESSITY OR DESIRABILITY OF AMENDMENTS TO THE PLEADINGS

None of the Defendants have responded to the Complaint. Therefore, we are not aware of the necessity to amend the pleadings at this time and do not anticipate that it will be necessary.

(F) THE POSSIBILITY OF OBTAINING ADMISSIONS OF FACT AND OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION OR THINGS WHICH WILL AVOID UNNECESSARY PROOF, STIPULATIONS REGARDING AUTHENTICITY, ELECTRONICALLY STORED INFORMATION OR THINGS, AND THE NEED FOR ADVANCE RULINGS ON ADMISSIBILITY OF EVIDENCE

The Commission has already obtained admissions from one Defendant, and will seek requests for admissions from the remaining defendants. The parties anticipate stipulating to the authenticity of documents, and the Receiver will stipulate to the authenticity of all corporate

documents in his possession. We do not anticipate requiring advance rulings from the Court on the admissibility of evidence.

(G) SUGGESTIONS FOR THE AVOIDANCE OF UNNECESSARY PROOF AND OF CUMULATIVE EVIDENCE

The parties will endeavor to streamline evidence to avoid unnecessary proof and cumulative evidence, and will endeavor to stipulate to and file a notice of undisputed facts in advance of trial.

(H) SUGGESTIONS ON THE ADVISABILITY OF REFERRING MATTERS TO A MAGISTRATE JUDGE OR MASTER

The parties suggest that matters be referred to the Magistrate Judge as the Local Rules provide, and have not at this time consented to a trial by the Magistrate Judge.

(I) A PRELIMINARY ESTIMATE OF THE TIME REQUIRED FOR TRIAL

The parties estimate that the trial will last two weeks.

(J) REQUESTED DATE OR DATES FOR CONFERENCES BEFORE TRIAL, A FINAL PRETRIAL CONFERENCE, AND TRIAL

The parties suggest a trial date in August 2020, and have no requested dates for the conference before trial or the pretrial conference other than we request that no conferences occur on June 3, 2020 in order to accommodate the schedule of a defense attorney in this case. Counsel for Gold 7 requests that nothing be scheduled for the last week of June 2020 and the first week of July 2020 as he will be out of the country.

(K) ANY ISSUES ABOUT: (I) DISCLOSURE, DISCOVERY, OR PRESERVATION OF ELECTRONICALLY STORED INFORMATION, INCLUDING THE FORM OR FORMS IN WHICH IT SHOULD BE PRODUCED; (II) CLAIMS OF PRIVILEGE OR OF PROTECTION AS TRIAL-PREPARATION MATERIALS, INCLUDING -- IF THE PARTIES AGREE ON A PROCEDURE TO ASSERT THOSE CLAIMS AFTER PRODUCTION -- WHETHER TO ASK THE COURT TO INCLUDE THEIR AGREEMENT IN AN ORDER UNDER FEDERAL RULE OF EVIDENCE 502; AND (III) WHEN THE PARTIES HAVE AGREED TO USE THE ESI CHECKLIST AVAILABLE ON THE COURT'S WEBSITE (WWW.FLSD.USCOURTS.GOV), MATTERS ENUMERATED ON THE ESI CHECKLIST

The parties are not aware of any such issues at this time.

(L) ANY OTHER INFORMATION THAT MIGHT BE HELPFUL TO THE COURT IN SETTING THE CASE FOR STATUS OR PRETRIAL CONFERENCE

The parties are unaware of any additional information at this time.

Counsel for Jose Aman has not yet filed an appearance in this case, but advised via email that this scheduling report is satisfactory.

July 1, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 1, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or

in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing. Counsel for Aman, H.S. Management, Harold Seigel, and Jonathan Seigel have been in touch with undersigned counsel, but have not file a notice of appearance yet. Therefore, we are serving these parties directly and through counsel in an abundance of caution.

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Via UPS Overnight Delivery