IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,)
Plaintiff,))
v.)
EQUITYBUILD, INC., EQUITYBUILD FINANCE, LLC, JEROME H. COHEN, and SHAUN D. COHEN,)))

Civil Action No. 18-cv-5587

Hon. John Z. Lee

Mag. Judge Young B. Kim

Defendants.

ORDER GRANTING BC57, LLC'S MOTION FOR LEAVE TO TAKE DISCOVERY

This matter coming to be heard on the Motion for Leave to Take Discovery Relevant to the Receiver's Newly Disclosed Avoidance Claim by BC57, LLC (Doc. 1128), and telephonic oral argument having been heard on January 20, 2022, it is hereby ordered that the Motion is GRANTED and:

- Before January 22, 2022, the Receiver will produce the Wells Fargo account statement from September 2017 that BC57, LLC ("BC57") identifies in paragraph 8 of its Motion. To the extent that document is not produced before January 22, 2022, BC57 may serve a subpoena for documents on Wells Fargo Bank, N.A., as described in paragraph 8 of the Motion,
- 2. BC57 shall be permitted to serve four (4) contention interrogatories and one document request on the Receiver ("Contention Discovery") consistent with the discovery sought in paragraph nine (9) of its Motion and consistent with the Court's ruling on the record. More specifically, BC57 is permitted to ask the Receiver: (a) "of

whom he believes BC57 was supposed to inquire, (b) "what BC57 was supposed to ask," (c) "what specifically BC57 would have learned from whomever the Receiver claims it was required to inquire," (d) "what individuals have personal knowledge of any facts the Receiver intends to use to support the fraudulent transfer claim, what knowledge do they have and who will be called as witnesses to support the claim," and (e) "to identify/produce the documents he intends to use to support the claim."

- 3. The Receiver shall have twenty-one days to respond to the Contention Discovery.
- 4. BC57 shall be permitted to take no more than two (2) depositions limited to the Receiver's avoidance claim. Each deposition shall last no more than three (3) hours.
- 5. The discovery allowed by this Order shall be completed by March 7, 2022.
- 6. The Order Modifying Group 1 Schedule (Doc. 1091) is hereby amended only to allow the Receiver to file a reply brief on or before March 24, 2022 that responds only to any arguments BC57 may raise in its Responsive Statement due on or before March 10, 2022 regarding the Receiver's fraudulent transfer claim.

ENTERED: January 21, 2022.

John Z Lee United States District Court Judge