

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 6.3.4
Eastern Division**

United States Securities and Exchange Commission,
et al.

Plaintiff,

v.

Case No.:
1:18-cv-05587
Honorable John Z. Lee

Equitybuild, Inc., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Monday, February 28, 2022:

MINUTE entry before the Honorable Young B. Kim: Claimant BC57, LLC's ("BC57") motion to compel the Receiver's deposition [1191] is denied. The court has reviewed the Receiver's and Certain Individual Investors' objections to the motion and the November 18, 2021 hearing transcript. The court denies the motion for several reasons. First, BC57 fails to show the benefit of deposing the Receiver, who is not a fact witness, when the claims proceeding before the court will be a summary proceeding, (R. 1193 at 15). Second, BC57 asserts that the subject deposition is needed because the Receiver's answers to its contention interrogatories are inadequate. If that is the case, BC57 should have promptly filed a motion to compel the Receiver to provide adequate answers to its interrogatories, instead of seeking to depose a non-fact witness. Third, having examined the Receiver's answers to BC57's interrogatories, (R. 1199 at 9-19), the court finds them to be responsive and adequate. Fourth, the court commented at the November 18, 2021 hearing on the types of discovery the parties are barred from seeking, and said, "[n]either the [R]eceiver, nor any Rule 30(b)(6) representative of the [E]state may be deposed, because [such deposition is not] going to provide any sort of... relevant factual information," (R. 1193 at 35-36). BC57 is correct that the motions the court considered during the November 2021 hearing were related to the single-claimant process, but this court is of the opinion that the court's remarks about the deposition of the Receiver and the Estate were not limited to the claims process for single-claimant properties, because the court's comments were based on relevance and not anything particular to the single-claimant process. For these reasons, the motion is denied. Mailed notice (ec)

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