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Attorneys for Plaintiff Enviso Capital Group LLC

**UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON, PORTLAND DIVISION**

SECURITIES AND EXCHANGE
 COMMISSION,

Plaintiff,

v.

AEQUITAS MANAGEMENT, LLC;
 AEQUITAS HOLDINGS, LLC;
 AEQUITAS COMMERCIAL
 FINANCE, INC.; AEQUITAS
 CAPITAL MANAGEMENT, INC.;
 AEQUITAS INVESTMENT
 MANAGEMENT, LLC; ROBERT J.
 JESENİK; BRIAN A. OLIVER; and
 N. SCOTT GILLIS,

Defendants.

Case No.: 3:16-cv-00438-PK

**PLAINTIFF ENVISO CAPITAL GROUP
 LLC'S REPLY IN SUPPORT OF
 SECOND MOTION TO PARTIALLY
 LIFT STAY**

Movants respectfully submit this reply in support of the motion to partially lift
 the stay.

ARGUMENT

It is important that the Court understand the scope of this request. Enviso is not

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 SUPPORT OF SECOND MOTION TO PARTIALLY
 LIFT STAY

CASE NO. 3:16-cv-00438-PK



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1 asking for access to a true asset of Aequitas – or even an asset that Aequitas can
2 control. The ownership of PAG is not in dispute. Aspen Grove, which is partially
3 owned by Aequitas, holds a partial ownership in PAG. Also not in dispute is that
4 Aequitas and PAG are separately operated companies. There is no evidence proffered
5 to show that PAG had anything to do with the Ponzi scheme Aequitas is alleged to
6 have engaged in. As such, there is no reason to hold PAG hostage while the Aequitas
7 issues are sorted out.

8 Both the motion and the opposition analyze the Wencke elements that should
9 govern the outcome of this motion. The stay may provide substantially important
10 protection for the Receiver in marshalling the Aequitas assets; however, that does not
11 mean that an overly broad stay should stay completely in place once the Receiver has,
12 as it has done here, done the research to understand the relationship between the
13 parties. Notably, PAG itself has not opposed the motion.

14 Status Quo: Lifting the stay as to PAG, Mauer and Bean would not change any
15 status quo in Aequitas. While the opposition mentions the danger from “an onslaught
16 of lawsuits,” there is no evidence of the existence of such an onslaught. Indeed, as the
17 motion demonstrated, Enviso’s claims are unique. Enviso is the only non-investment
18 claim against PAG. Now that the distant relationship between Aequitas and PAG is
19 known, there is simply no reason to hold up Enviso’s lawsuit while the Receiver
20 works on distribution of the Aequitas assets.

21 Passage of Time: The question is whether the Receiver has had sufficient time
22 to understand the nature of the receivership assets. In the two substantial reports
23 issued by the Receiver, it is clear that the Receiver knows the relationship between
24 Aequitas and PAG and knows who has made claims against whom and for what. The
25 opposition does not disclose what additional information the Receiver would need to
26 understand its remote interest in PAG.

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ATTORNEY CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2017, I electronically filed the foregoing PLAINTIFF
ENVISO CAPITAL GROUP LLC'S REPLY IN SUPPORT OF SECOND MOTION TO
PARTIALLY LIFT STAY with the Clerk of the Court using the CM/ECF system, which will send
notification of such filing to the attorneys listed in Attachment A.

Dated: March 13, 2017

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By: s/ Karen R. Frostrom

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ATTACHMENT "A"

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District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE # 3:16-cv-00438-PK**

Securities and Exchange Commission et al v. Aequitas
Management, LLC et al
Assigned to: Magistrate Judge Paul Papak
Cause: 15:77 Securities Fraud

Date Filed: 03/10/2016
Jury Demand: Defendant
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

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Date Filed	#	Docket Text
03/13/2017	<u>384</u>	Notice of Appearance of Andrew J. Lee appearing on behalf of Aequitas Capital Management, Inc., Aequitas Commercial Finance, LLC, Aequitas Holdings, LLC, Aequitas Investment Management, LLC, Aequitas Management, LLC, Ronald F. Greenspan Filed by on behalf of Aequitas Capital Management, Inc., Aequitas Commercial Finance, LLC, Aequitas