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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Case No. 3:16-CV-00438-JR

Plaintiff,

vs.

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

Defendants.

PLAINTIFF SECURITIES AND  
EXCHANGE COMMISSION'S  
JOINDER TO RECEIVERSHIP  
ENTITY'S RESPONSE TO  
INTERESTED NON-PARTY  
INSURERS' MOTION TO INTERVENE  
FOR LIMITED PURPOSE AND FOR  
RELIEF FROM STAY



Plaintiff Securities and Exchange Commission (“Commission” or “SEC”) hereby joins the Receiver’s Response (Dkt. No. 695) to the Motion to Intervene for Limited Purpose and for Relief from Stay (Dkt. No 685). For the reasons stated by the Receiver, the Court should deny the Insurers’ motion and instead grant the relief the Receiver requests in its Response (Dkt. 695 at 6-7).

The SEC believes it would be a more efficient use of judicial and receivership resources for the dispute between the Receiver and the Insurers to be litigated as the Receiver proposes. The Insurers seek adjudication of a number of matters that do not appear germane to the Receiver’s claims on the relevant insurance policies. For example, the Insurers seek declaratory relief that they are not required to pay disgorgement. But the Receiver does not appear to be making any disgorgement claims against the Insurers. In addition, the Insurers’ proposed complaint seeks declaratory relief against a number of parties that are not named in the SEC action or in the Receiver’s proposed complaint against the Insurers. One of the primary purposes for which the SEC sought and obtained a Receiver in this action was to ensure the preservation and efficient use of the assets of the entities placed into receivership. Here, the Receiver’s proposed action appears more tailored to that end than the very broad declaratory relief action the Insurers seek to file.

Dated: May 10, 2019

Respectfully submitted,

/s/ Bernard B. Smyth

Bernard B. Smyth

Sheila E. O’Callaghan

Andrew J. Hefty

SECURITIES AND EXCHANGE COMMISSION