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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

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

Defendants.

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

**NON-PARTY OLAF JANKE'S
JOINDER IN MOTIONS TO
INTERVENE AND FOR LIMITED
RELIEF FROM RECEIVERSHIP
ORDER TO PERMIT PAYMENT OF
LEGAL FEES AND EXPENSES**

**EXPEDITED HEARING AND ORAL
ARGUMENT REQUESTED**

Olaf Janke ("Janke") hereby joins in Non-Party Defendants MacRitchie's and Rice's
Motions to Intervene and for Limited Relief from Receivership Order to Permit Payment of

JANKE'S JOINDER IN MOTIONS TO INTERVENE
AND FOR LIMITED RELIEF FROM
RECEIVERSHIP ORDER – 1
Case No.: 3:16-CV-00438-PK
70076204.1



Legal Fees and Expenses [ECF Doc. 721 and ECF Doc. 732]. In doing so, Janke, a non-party, moves this Court, pursuant to Rule 24 of the Federal Rules of Civil Procedure, for the purpose of seeking limited relief from the Order Appointing Receiver dated April 14, 2016 (the “Receivership Order”) to permit payment of legal fees and expenses incurred by Janke (“Defense Costs”) in connection with the investigation and litigation commenced by the Securities and Exchange Commission (“SEC”) and a parallel investigation and related criminal proceedings initiated by the U.S. Department of Justice. In particular, Janke seeks an order allowing Starr Indemnity & Liability Company (“Starr”) to advance past and future Defense Costs pursuant to a Directors and Officers liability insurance policy under which Janke, former Chief Financial Officer of Aequis Holdings, LLC, is a beneficiary. Janke further joins in MacRitchie’s and Rice’s requests for oral argument and an expedited hearing on this motion.

LOCAL RULE 7-1(a) COMPLIANCE

Pursuant to LR 7.1(a), counsel for Janke met and conferred in good faith through telephone conferences with counsel for the Receiver to resolve the issues set forth in this motion, but were unable to do so. Counsel for Janke also met and conferred in good faith with counsel for Starr and the SEC regarding this motion; these parties either take no position or have no objection to the instant motion.

JOINDER IN THE MOTIONS

A. Background

On July 26, 2019, Non-Party Andrew MacRitchie (“MacRitchie”) filed a Motion to Intervene and for Limited Relief from Receivership Order to Permit Payment of Legal Fees and Expenses. [ECF Doc. 721]. Shortly thereafter, Non-Party Brian Rice (“Rice”) also filed a Motion to Intervene and for Limited Relief from Stay to Permit Payment of Defense Costs by Starr Indemnity & Liability Company. [ECF Doc. 732] (together, the “Motions”).

In short, the Motions seek an order from the Court (1) allowing MacRitchie and Rice to intervene, and (2) lifting the stay for the purpose of allowing Starr Insurance Company to release defense costs under the Starr Secure Excess Liability Policy (Number SISIXFL21175714) effective July 1, 2014 (the “Starr Policy”). Defendant Janke has already made an appearance in this action, and need not necessarily move to intervene at this stage. However, Janke is a similarly situated insured who also wishes to preserve his right to the Starr Policy proceeds for use in his defense. As such, Janke hereby joins in the Motions and requests that the Court enter an order granting the same relief for himself as is sought in the Motions.

B. Motion for Limited Relief from the Receivership Order

For the same reasons set forth by Defendants Robert J. Jesenik, Brian A. Oliver, and N. Scott Gillis in their motions for limited relief from the Receivership Order filed on May 12, 2016 [ECF Doc. 176], August 22, 2017 [ECF Doc. 496] and August 23, 2017 [ECF Doc. 499], and for the same reasons set forth by Janke in his motion for limited relief from the Receivership Order filed on April 14, 2017 [ECF Doc. 397], and for the same reasons set forth in the October 23, 2017 Order [ECF Doc. 551], this Court should grant the motions for limited relief from the Receivership Order to allow Starr to advance reasonable Defense Costs to Janke. Such relief would also be consistent with the Stipulations and Orders entered in May 2016 [ECF Docs. 184 & 185], April 2017 [ECF Doc. 435], August 2018 [ECF Doc. 646], and November 2018 [ECF Doc. 660] concerning limited relief from the Receivership Order that benefited the Individual Defendants and Janke.

CONCLUSION

For the reasons set forth above, Janke respectfully requests that this Court issue an order granting limited relief from the Receivership Order for the purpose of allowing Starr to advance past and future Defense Costs to Janke.

DATED this 19th day of August, 2018.

Respectfully submitted,

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