

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No: 8:20-cv-00325-MSS-  
AEP

BRIAN DAVISON, *et al.*

Defendants,

128 E. DAVIS BLVD, LLC, *et al.*

Relief Defendants.

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**NON-PARTIES' NOTICE OF ORDERS  
RELATED TO NON-PARTIES' MOTION TO COMPEL [DOC. 263]**

Non-parties Fox Rothschild LLP, DLA Piper LLP (US) and Paul Wassgren (collectively "Movants"), by and through their undersigned counsel, provide notice to this Court of two recent orders related to Movants' Motion to Compel the Receiver to bring his claims against Movants in this Court. [Doc. 263].

*First*, the putative class action against Paul Wassgren (and with cross-claims asserted against Wassgren, DLA Piper LLP (US), and Fox Rothschild LLP) that was pending in the United States District Court for the Central District of California, captioned *Robert G. Mar v. Benjamin Charles Mohr, et al.*, No. 3:21-cv-01751-VC, has been dismissed in favor of the earlier-filed *Gleinn* putative class action pending in this

Court.<sup>1</sup> The stipulated order of dismissal is attached as Exhibit A. As a result of the dismissal of the *Mar* case, the Receiver's state court lawsuit against Movants<sup>2</sup> is now the only EquiAlt-related proceeding pending in California.

*Second*, on March 8, 2021, Movants filed a motion to stay the Receiver's state court action until this Court decides Movants' pending Motion to Compel [Doc. 263]. In a hearing on April 8, 2021, Judge John P. Doyle ordered an informal stay of the Receiver's state court action until June 18, 2021, so this Court may have the opportunity to hear and rule upon Movants' motion. Judge Doyle further ordered that the parties file a status report a week before the June 18 hearing. A copy of the minute order memorializing Judge Doyle's ruling is attached as Exhibit B.

Dated: April 23, 2021

Respectfully submitted,

/s/ Simon Gaugush

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*Counsel for Paul Wassgren*

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<sup>1</sup> *Richard Gleinn, et al. v. Paul Wassgren, et al.*, No. 8:20-cv-01677-MSS-CPT (M.D. Fla.).

<sup>2</sup> *Burton W. Wiand, as Receiver on behalf of EquiAlt Fund, LLC, et al. v. Paul R. Wassgren, et al.*, Case No. 20STCV49670 (Cal. Super. Ct.).

/s/ William J. Schifino, Jr.

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*Counsel for DLA Piper LLP (US)*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2021, I electronically filed the foregoing with the Clerk of Court by using the Court's CM/ECF system, thereby serving this document on all attorneys of record in this case.

*/s/ Simon Gaugush*  
Simon A. Gaugush

# **EXHIBIT A**

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 9

10 *Attorneys for Plaintiff, individually and on*  
 11 *Behalf of All Others Similarly Situated*

12 **UNITED STATES DISTRICT COURT FOR**  
 13 **THE NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN FRANCISCO DIVISION**

15 **ROBERT G. MAR**, individually and on  
 16 Behalf of All Others Similarly Situated,

17 **Plaintiff,**

18 **v.**

19 **BENJAMIN CHARLES MOHR**, an  
 individual; **BEN MOHR, INC.**, a corporation;  
 20 **WASSGREN** and **DOES 1–25**, inclusive,

21 **Defendants.**

**CASE NO. 3:21-cv-01751-VC**

~~**[PROPOSED]**~~ **ORDER OF DISMISSAL**

**JUDGE:** Hon. Vince Chhabria  
 Courtroom 4 – 17th Floor  
 San Francisco Courthouse

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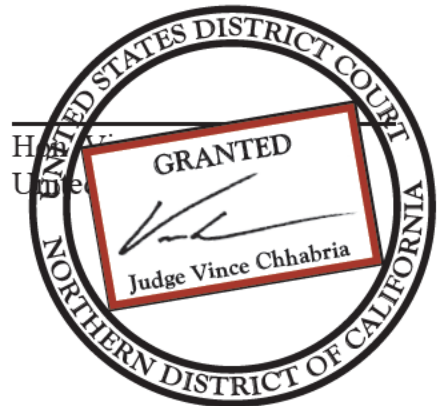
~~PROPOSED~~ ORDER

Pursuant to the Parties’ stipulation, the Court orders the following:

1. The Complaint filed by Plaintiff Robert G. Mar, individually and on behalf of all others similarly situated, is hereby DISMISSED without prejudice.
2. Plaintiff Robert G. Mar shall not re-file a complaint against Defendants Paul Wassgren, Benjamin Charles Mohr, Ben Mohr, Inc., or any of their related companies in any court in any jurisdiction related to the conduct described in the complaint filed in the Superior Court of California, San Mateo County docket 21-CIV-00726.
3. Each party shall bear its own attorneys’ fees, costs, and expenses.
4. The Case Management Conference set for May 5, 2021 is VACATED.
5. The hearing on Defendant Paul Wassgren’s Motion to Transfer or Stay currently set for May 13, 2021 is hereby VACATED.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 22, 2021



# **EXHIBIT B**



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 58

**20STCV49670**

**BURTON W. WIAND, et al. vs PAUL R. WASSGREN, et al.**

April 8, 2021

9:30 AM

Judge: Honorable John P. Doyle

Judicial Assistant: M.F. Lopez

Courtroom Assistant: R.E. Lee

CSR: Tracy Dyrness - CSR #12323

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Kathy Bazoian Phelps (Telephonic)

For Defendant(s): Michael P. McNamara (Video); Stephen Richman (Video); Wesley M.

Griffith (Video); David Horniak (Video) & Daniel S. Agle (Video) for Heather Rosing;

EDWARD W SWANSON (Video); Britt Evangelist (Video)

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**NATURE OF PROCEEDINGS:** Hearing on Defendants' Motion for Stay of Proceedings; Case Management Conference; Hearing on Plaintiffs' Motions to be Admitted Pro Hac Vice (6 total)

Pursuant to Government Code sections 68086, 70044, and California Rule of Court, rule 2.956, Tracy Dyrness - CSR #12323, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

The Court gives the following tentative ruling:

\*\*\*\*\*TENTATIVE RULING\*\*\*\*\*

The Motion to Stay is denied.

The Motion for Pro Hac Vice Admission is granted.

**I. Motion to Stay**

Defendants Fox Rothschild LLP, DLA Piper LLP (US), and Paul Wassgren seek to stay this action pending a ruling by a Florida federal district court, which appointed Wiand as receiver, as to Defendants' motion to compel Plaintiff to file this lawsuit in Florida. Defendants argue that Wiand did not obtain permission from the Florida court to retain local counsel and sue in California. They contend "this Court should stay this action for three reasons: (i) a stay ensures that the Court's and the parties' resources are not wasted litigating a matter that the Receiver may

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

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**BURTON W. WIAND, et al. vs PAUL R. WASSGREN, et al.**

9:30 AM

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CSR: Tracy Dyrness - CSR #12323

Judicial Assistant: M.F. Lopez

ERM: None

Courtroom Assistant: R.E. Lee

Deputy Sheriff: None

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be forced to dismiss; (ii) the court in the Middle District of Florida has original jurisdiction over the Receiver's claims, and it is appropriate for this Court to await its ruling to avoid any potential conflicts with that court, jurisdictional or otherwise; and (iii) the Receiver is not prejudiced by a stay.”

The Motion is denied because (1) it appears Wiand has authority to file suit in California (Opposition, Exhibits 1-2), and (2) this case is in its early stages such that any preparation in this action could stand to be beneficial for a lawsuit in Florida.

**II. Motion for Pro Hac Vice Admission**

Plaintiff’s Motion for Pro Hac Vice Admission as to Guy M. Burns is granted because it meets all requirements of Cal. Rules of Court, Rule 9.40.

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**\*APPLICATIONS/MOTIONS FOR ORDERS TO ADMIT COUNSEL PRO HAC VICE**

On the Court's own motion, the Hearing on Motion to be Admitted Pro Hac Vice scheduled for 04/27/2021, Hearing on Motion to be Admitted Pro Hac Vice scheduled for 04/27/2021, Hearing on Motion to be Admitted Pro Hac Vice scheduled for 04/22/2021, Hearing on Motion to be Admitted Pro Hac Vice scheduled for 04/28/2021, and Hearing on Motion to be Admitted Pro Hac Vice scheduled for 04/28/2021 are advanced to this date and heard .

All Applications/Motions for an Orders to Admit Counsel (Guy Burns, Scott Ilgenfritz, William Schifino, Luren Purdy, Stephen C. Richman, and David Atkinson) Pro Hac Vice are granted with no opposition.

**\*MOTION FOR STAY**

Hearing on Motion for Stay is held.

The Court hears oral argument.

Hearing on Motion for Stay is CONTINUED. The Court orders the case STAYED until 06/15/2021 pending further hearing. Each side is to submit a status report, 12 pages or less, by 06/10/2021.

On the Court's own motion, the Hearing on Motion for Stay of Proceedings scheduled for

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 58

**20STCV49670**

**BURTON W. WIAND, et al. vs PAUL R. WASSGREN, et al.**

April 8, 2021

9:30 AM

Judge: Honorable John P. Doyle

Judicial Assistant: M.F. Lopez

Courtroom Assistant: R.E. Lee

CSR: Tracy Dyrness - CSR #12323

ERM: None

Deputy Sheriff: None

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04/08/2021 is continued to 06/18/2021 at 10:15 AM in Department 58 at Stanley Mosk Courthouse.

Notice is waived.