



- b. Michael Nymeyer and Bertrand Maimo shall accept service of trial subpoenas via the undersigned counsel for Rothstein Kass and agree to appear at trial.
  - c. The Rothstein Kass Witnesses have previously testified via depositions in *Jinsun, L.L.C., et al. v. Rothstein, Kass & Company, PLLC*, No. CC-17-06249-C (Cty. Ct. at Law No. 3, Dallas Cty., Tex. filed Nov. 28, 2017) (“*Jinsun* Action”) and In the Matter of Breitling Oil and Gas Corporation (File No. FW-03789-A) (including Amended 8-22-2017) (the “SEC Investigation”) (collectively, “Prior Deposition Testimony”).
  - d. The parties shall not object to the use of the Rothstein Kass Witnesses’ Prior Deposition Testimony as evidence attached to and incorporated into any motions for summary judgment (or responses thereto) filed in the instant action. Solely for purposes of the parties’ summary judgment motions (and responses thereto), the Prior Deposition Testimony will be treated by the parties as if taken in this case.
  - e. The Receiver will not introduce the Rothstein Kass Witnesses’ Prior Deposition Testimony at the trial of this action except as permitted by Fed. R. Civ. P. 32. This stipulation shall not waive or affect the Receiver’s ability to use the Prior Deposition Testimony for impeachment purposes at trial.
2. The foregoing shall not be considered a waiver of any objections to questions or testimony stated on the record during the Prior Deposition Testimony of the Rothstein Kass Witnesses, and is subject to any future written agreements

between the Defendants and the Receiver, court rulings regarding trial testimony, and the rules and limitations of the Federal Rules of Evidence and Civil Procedure.

SO ORDERED this \_\_\_\_ day of May, 2020

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**SIDNEY A. FITZWATER**  
**UNITED STATES DISTRICT JUDGE**

Agreed as to form:

Dated: April 30, 2020

*/s/ Nicolas Morgan*  
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Dated: April 30, 2020

*/s/ Edward C. Snyder*

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served to all counsel of record in accordance with the Federal Rules of Civil Procedure on April 30, 2020 via ECF notification.

*/s/ Nicolas Morgan*

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**NICOLAS MORGAN**