

- c. The Rothstein Kass Witness has 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 Witness’s 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 Witness’s 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 Witness, 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 June 2, 2020



SIDNEY A. FITZWATER
SENIOR JUDGE

Agreed as to form:

Dated: June 2, 2020

/s/ Nicolas Morgan

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Dated: June 2, 2020

/s/ Edward C. Snyder

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STIPULATION AND ORDER

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