

Defendants Rothstein Kass P.A. (d/b/a/ Rothstein Kass & Co. P.C.), Rothstein Kass & Company, PLLC, and Brian Matlock (collectively, “Defendants”) respectfully move this Court for an order designating responsible third parties under Tex. Civ. Prac. & Rem. Code Ch. 33.004 and 33.005. Defendants respectfully request that the Court designate (a) Christopher Faulkner, (b) Jeremy Wagers, (c) Rick Hoover, (d) Parker Hallam, (e) Dustin Michael Miller, (f) Beth Handkins, (g) Scheef & Stone LLP, and (h) the U.S. Securities & Exchange Commission (“SEC”) as responsible third parties to be submitted to the jury so that the jury may appropriately determine each third party’s percentage of responsibility under Section 33.003 of Tex. Civ. Prac. & Rem. Code.

Dated: January 19, 2021

Respectfully submitted,

/s/ Nicolas Morgan

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Co. P.C., Rothstein, Kass & Company, PLLC
and Brian Matlock*

CERTIFICATE OF CONFERENCE

Plaintiff opposes this motion. Counsel for Defendants and Edward Snyder, counsel for Plaintiff, have conferred via email dated January 15, 2021 and January 19, 2021, during which there was a substantive discussion of every item presented to the Court in this motion and, despite best efforts, the counsel have not been able to resolve those matters presented.

/s/ Nicolas Morgan

NICOLAS MORGAN

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 January 19, 2021 via ECF notification.

/s/ Nicolas Morgan

NICOLAS MORGAN

- e. Dustin Michael Miller Rodriguez;
- f. Beth Handkins;
- g. Scheef & Stone, LLP;
- h. The U.S. Securities and Exchange Commission.

IT IS SO ORDERED.

Dated: _____

SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE