

HOLLAND & HART LLP
Doyle S. Byers, #11440
Cory A. Talbot, #11477
Engels J. Tejada, #11427
Michelle L. Quist, #13559
222 S. Main Street, Suite 2200
Salt Lake City, Utah 84101
Telephone: (801) 799-5800
Facsimile: (801) 799-5700

Attorneys for David K. Broadbent as Court-Appointed Receiver

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>FEDERAL TRADE COMMISSION; and UTAH DIVISION OF CONSUMER PROTECTION,</p> <p>Plaintiffs,</p> <p>vs.</p> <p>ZURIXX, LLC, a Utah limited liability company; <i>et al.</i>,</p> <p>Defendants.</p>	<p>MOTION FOR LEAVE TO FILE ANCILLARY ACTIONS TO PRESERVE CLAIMS</p> <p>Case No. 2:19-cv-00713-DAK-DAO</p>
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David K. Broadbent, as receiver (the “Receiver”) for Defendants Zurixx, LLC and related entities, requests leave from the Court to file additional ancillary actions, if necessary, to preserve claims. The Court, with its Memorandum Decision and Order entered on November 8, 2021 (CM/ECF No. 333), and the Amended Stipulated Preliminary Injunction entered on December 2, 2021 (CM/ECF No. 346), stayed the existing ancillary actions and ordered that “the Receiver shall not institute any further ancillary actions challenging fraudulent or voidable

transfers until further ruling by the Court.” Section XV(M) of the Amended Stipulated Preliminary Injunction.

The Receiver entered into tolling agreements with various parties pending attempts to negotiate possible settlements. Some of those parties may refuse to extend the tolling agreements. One such agreement is set to expire on January 18, 2022. In the event tolling agreements expire, and the Receiver is unable to file actions, he risks the relevant claims being barred by the applicable statutes of limitations, statutes of repose, or other time-related defenses.¹ The Receiver respectfully requests leave to file actions, if necessary, in order to preserve the claims he may bring against such parties. The Receiver understands that newly-filed actions may be stayed immediately by the Court consistent with its recent rulings, but he requests leave to file them for preservation purposes.

A proposed order is submitted herewith.

RESPECTFULLY SUBMITTED this 4th day of January, 2022.

HOLLAND & HART LLP

/s/ Doyle S. Byers

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¹ The Receiver does not concede that such claims would be barred by applicable statutes of limitation, statutes of repose, or other time-related defenses, only that the risk of claims being barred is greater if they are filed outside of agreed upon tolling periods.

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David K. Broadbent, as receiver (the "Receiver") for Defendants Zurixx, LLC and related entities (collectively, "Zurixx"), filed his Motion for Leave to File Ancillary Actions to Preserve Claims (CM/ECF No. ___; the "Motion") on January 4, 2022.

Having considered the Motion, and good cause appearing, the Court HEREBY ORDERS as follows:

1. The Motion is GRANTED and APPROVED;

2. The Receiver may file additional ancillary actions to the extent necessary to preserve claims; and

3. In the event the Receiver files any additional ancillary actions, such actions will be stayed and administratively closed until further ruling by the Court.

DATED this _____ day of January, 2022.

BY THE COURT:

Honorable Dale A. Kimball
U.S. District Court Judge