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

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| <p>COMMODITY FUTURES TRADING COMMISSION, and</p> <p>STATE OF UTAH DIVISION OF SECURITIES, through Attorney General Sean D. Reyes</p> <p>Plaintiffs,</p> <p>v.</p> <p>RUST RARE COIN INC., a Utah corporation, GAYLEN DEAN RUST, an individual, DENISE GUNDERSON RUST, an individual and JOSHUA DANIEL RUST, an individual,</p> <p>Defendants;</p> <p>and</p> <p>ALEESHA RUST FRANKLIN, an individual, R LEGACY RACING INC., a Utah corporation, R LEGACY ENTERTAINMENT LLC, a Utah limited liability company, and R LEGACY INVESTMENTS LLC, a Utah limited liability company,</p> <p>Relief Defendants.</p> | <p>ORDER STAYING CIVIL CASE PENDING OUTCOME OF CRIMINAL PROCEEDINGS</p> <p>Case No. 2:18-cv-00892</p> <p>Judge Tena Campbell</p> |
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Defendants Gaylen Rust, Denise Rust, and Joshua Rust (“Defendants”) have moved this Court for an Order staying this action pending the outcome of criminal proceedings against them. DE #s 90 and 92. Plaintiffs Commodity Futures Trading Commission (“CFTC”) and State of Utah Division of Securities (“State of Utah”) (collectively, “Plaintiffs”) have responded that they do not oppose Defendants’ request, provided that the Court enters an Order with a stay of definite duration that does not prejudice Plaintiffs in the discovery process. DE # 104.

Based upon these submissions and for good cause appearing, the Court HEREBY ORDERS as follows:

1. This case is stayed until after entry of a guilty plea or a jury verdict of guilty in any criminal action brought by the U.S. Attorney.
2. In the event there is no indictment issued in any criminal action brought by the U.S. Attorney within six (6) months of the date the Stay Motion is granted by the Court, the stay will be revisited by the Parties, and the Court may consider lifting the stay upon stipulation or motion.
3. The stay does not prevent Plaintiffs from using their regulatory authority or third-party discovery to determine whether any Defendant is violating any of the terms of the Preliminary Injunctions, so long as Defendants are not compelled to produce testimonial evidence.
4. The stay does not prevent the Plaintiffs from conducting any discovery with respect to Relief Defendant Aleesha Rust Franklin, including testimonial evidence.
5. The Receiver may continue to conduct discovery in this action, but Receivership Defendants shall only be obligated to provide non-testimonial evidence. Specifically, the

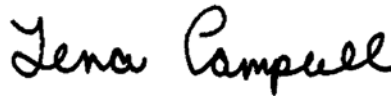
Receiver shall not depose Gaylen Rust, Denise Rust, Joshua Rust, or Joshua Rust's spouse, and the Receiver shall not serve any written discovery to Joshua Rust.

6. The stay does not prevent the parties from filing papers that attempt to settle all or a portion of this action.

7. The Preliminary Injunctions the Court entered on November 27, 2018 (DE #s 52 and 53) and December 12, 2018 (DE #69) will remain in full force and effect until further order of the Court.

DATED this 20th day of March, 2019.

BY THE COURT:

Handwritten signature of Tena Campbell in black ink.

Honorable Tena Campbell
United States District Judge