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*Attorney for Denise Rust*

*Attorneys for Gaylen Rust and Denise Rust*

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

COMMODITY FUTURES TRADING  
COMMISSION, and STATE OF UTAH  
DIVISION OF SECURITIES, through  
Attorney General Sean D. Reyes,

Plaintiffs,

vs.

RUST RARE COIN INC., a Utah corporation,  
and GAYLEN DEAN RUST, an individual,  
DENISE GUNDERSON RUST, an individual,  
and JOSHUA DANIEL RUST, an individual,

Defendants,

and

ALEESHA RUST FRANKLIN, an individual,  
R LEGACY RACING INC, a Utah  
corporation, R LEGACY

**REPLY MEMORANDUM IN SUPPORT  
OF MOTION TO STAY CIVIL CASES  
PENDING OUTCOME OF CRIMINAL  
PROCEEDINGS**

Case No. 2:18-cv-00892-TC

Judge Tena Campbell

Gaylen Rust and Denise Rust, through their respective counsel, submit their Reply in Support of Motion to Stay Civil Cases Pending Outcome of Criminal Proceedings.

In response to defendants' Motion to Stay, Plaintiffs propose an Order Staying Civil Case Pending Outcome of Criminal Proceedings. The proposed order is reasonable and acceptable to defendants with the exception of paragraph 6, which states: "The stay in no way limits the Receiver from engaging in any discovery whatsoever in this action." By conducting discovery, including taking the deposition testimony, of these defendants, the receiver would be authorized to engage in conduct that would defeat the purpose of having a stay of a civil proceeding during the pendency of a parallel criminal investigation or prosecution. For these reasons, the stay should be granted as to Gaylen Rust and Denise Rust in order to preserve their constitutional rights and as set forth in their Memorandum in Support.

DATED this 12th day of February, 2019.

SNOW CHRISTENSEN & MARTINEAU

/s/ Richard A. Van Wagoner  
Richard A. Van Wagoner  
P. Matthew Cox  
*Attorneys for Defendant Gaylen Rust*

BUGDEN & ISAACSON, LLC

/s/ Walter F. Bugden  
Walter F. Bugden  
*Attorneys for Defendant Denise Rust*  
*(Signed by filing attorney with permission)*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of February, 2019, a true copy of the foregoing

**REPLY MEMORANDUM IN SUPPORT OF MOTION TO STAY CIVIL CASES**

**PENDING OUTCOME OF CRIMINAL PROCEEDINGS** was served by the method

indicated below, to the following:

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- Overnight Mail
- Facsimile
- Electronic Filing
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*/s/ Karen Johnson*

Legal Assistant