
**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

COMMODITY FUTURES TRADING
COMMISSION, and

STATE OF UTAH DIVISION OF
SECURITIES, through Attorney General
Sean D. Reyes

Plaintiffs,
v.

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

Defendants;

and

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.

Relief Defendants.

**ORDER GRANTING RECEIVER'S
MOTION FOR PERMISSION TO
LIQUIDATE AND ABANDON
INVENTORY OF RUST RARE COIN,
INC.**

Case No. 2:18-cv-892

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

Before the Court is the Receiver's Motion for Permission to Liquidate and Abandon Inventory of Rust Rare Coin, Inc. (the "Motion") (ECF No. 168) and the Receiver's Reply to Objections Regarding the Sale of Rust Rare Coin Inc. Inventory (the "Reply") (ECF No. 281).

Having considered the Motion, the Reply, and the Objections raised therein,

IT IS HEREBY ORDERED that:

1. The Motion is **GRANTED**; and
2. The Objections submitted by Cathy Johnson, Adam Wells, Faith Macomber, Russell Lugli, Tamara Stastny, Sergio Payan, Sara McCormick, Nancy Anderson, Elizabeth Blanton, and Sharyn Heiner are **OVERRULED**;
3. The portion of the Objection submitted by Richard Adams that concerns the Belgian 5 franc silver coin is **OVERRULED**;
4. The portion of Richard Adams' Objection concerning the 1923 \$2 Canadian bank note is **SUSTAINED**, and the Receiver is authorized to return that item to Mr. Adams;
5. Mark Griffin's Objection is **SUSTAINED**, and the Receiver is authorized to return the 1899 \$2 Silver Certificate to Mr. Griffin;
6. Steve Allen's Objection is **SUSTAINED**, and the Receiver is authorized to return Mr. Allen's items as described in the Motion and Reply;
7. Geof Facer's Objection is **SUSTAINED**, and the Receiver is authorized to return the 1849 \$5 experimental pieces to Mr. Facer;
8. Clint Davis' Objection is **SUSTAINED**, and the Receiver is authorized to finalize the sale of the 1799 Draped Silver Dollar to Mr. Davis or, if Mr. Davis does not complete the purchase of the coin within fifteen (15) days from the date of this Order, to liquidate that item at auction;
9. Phil Fiore's Objection is **SUSTAINED**, and the Receiver is authorized to return the 964.4 oz silver bar to Mr. Fiore;
10. Bradley Burrows' Objection is **SUSTAINED**, and the Receiver is authorized to return the items described in the Motion and Reply to Mr. Burrows;

11. Bary Jones' Objection is **SUSTAINED**, and the Receiver will hold consignment items identified by Mr. Jones until outstanding issues related to Mr. Jones' involvement with the Silver Investment Scheme are resolved and Mr. Jones will be granted a lien in the proceeds of the sale of the Rust Rare Coin inventory in the same amount and priority as his existing lien;

12. The Receiver is directed to maintain possession of the items identified in Exhibit A to the Motion until further order of the Court following further motion practice;

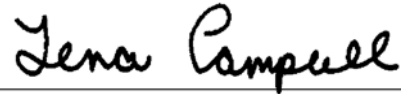
13. The Receiver is authorized to abandon the property identified in Exhibit B to the Motion and to return those items to their designated owners;

14. **Within seven (7) days** of entry of this Order, the Receiver is directed to request through Joshua Rust's counsel that Joshua Rust make himself available to Tally and Andrew Johnson to answer questions related to their Objection. Also **within seven (7) days** of entry of this Order, the Receiver is directed to provide to the Johnsons all documents within the Receiver's custody and control evidencing the Johnsons' transaction. **Within thirty-seven (37) days** of entry of this Order, the Johnsons are directed to submit to the Receiver in writing any legal argument and additional factual information they wish the Court to consider with respect to their Objection. **Within fourteen (14) days** of receipt of the Johnsons' supplemental submission, the Receiver is directed to lodge the Johnsons' supplemental submission with the Court, along with a reply articulating the Receiver's position. A courtesy copy of these materials will be simultaneously served on the Johnsons. The Receiver is directed to refrain from liquidating the items in the inventory of Rust Rare Coin Inc. that are the subject of the Johnsons' Objection.

15. Subject to the foregoing, the Receiver is authorized to liquidate the remaining inventory of Rust Rare Coin Inc. that is not specifically addressed herein.

SO ORDERED.

DATED this 12th day of March 2020.

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive style with a large initial 'T' and 'C'.

Honorable Tena Campbell
United States District Judge