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*Attorneys for Court-Appointed Receiver Peggy Hunt*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff.

v.

TRAFFIC MONSOON, LLC, a Utah Limited  
Liability Company, and CHARLES DAVID  
SCOVILLE, an individual,

Defendants.

***EX PARTE* MOTION SEEKING  
APPROVAL TO USE RECEIVERSHIP  
ASSETS**

2:16-cv-00832-JNP

The Honorable Jill N. Parrish

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Pursuant to paragraph 5 of the *Second Amended Order Appointing Receiver* [Docket No. 120], Peggy Hunt, as the Court-appointed Receiver in the above-captioned case (the “Receiver”), by and through counsel, respectfully requests that this Court approve her use of Receivership Assets related to the appeal currently pending in the United States Court of Appeals for the Tenth Circuit, *SEC v. Traffic Monsoon, et al.*, Case No. 17-4059 (10th Cir.) (the “Appeal”). In support hereof, the Receiver states as follows:

1. Under the Court's *Amended Order Appointing Receiver* [Docket No. 81], the Receiver filed a *Motion for Leave to File Amicus Curiae Brief* on October 23, 2017 in the Appeal. The Appellants opposed this Motion, but on November 6, 2017, the Tenth Circuit entered the *Order* attached hereto as **Exhibit A** provisionally granting this Motion, "with the final decision to be made by the merits panel." Exh. A, pp. 1-2. As a result, the *Brief of Receiver Peggy Hunt as Amicus Curiae in Support of Appellee and Affirmance* was filed as of October 23, 2017. As of this date, there have been no additional orders entered by the Tenth Circuit, and the Receiver is noted as an Amicus Curiae in the Appeal.

2. Oral argument for the Appeal is scheduled for 9:00 am on March 21, 2018, at the Byron White United States Courthouse in Denver, Colorado.

3. The Receiver believes that, as an Amicus Curiae in the Appeal and as the representative of the Receivership Estate, it is important for her and her counsel to be prepared to deal with issues that may arise before oral argument and to attend oral argument in Denver, Colorado.

4. The Receiver anticipates costs relating to limited time for the Receiver and her counsel to prepare for oral argument, and respond to questions of the parties or the Tenth Circuit, if necessary. Also, the Receiver anticipates conservative travel expenses necessary to attend oral argument, such as for coach airfare, one night's hotel stay (one-day travel is not possible given the hearing schedule), and any necessary transportation or parking costs.

5. Accordingly, pursuant to the procedure outlined in paragraph 5 of the *Second Amended Order Appointing Receiver* [Docket No. 120], the Receiver requests approval to use Receivership Assets related to the Appeal.

WHEREFORE, the Receiver respectfully requests that the Court grant this Motion and approve the use of Receivership Assets to allow the Receiver and her counsel to attend to issues related to the Appeal, including attending oral argument in Denver, Colorado, on March 21, 2018. A proposed Order is attached hereto as **Exhibit B**.

DATED this 28th day of February, 2018.

**DORSEY & WHITNEY LLP**

/s/ Michael F. Thomson

Peggy Hunt

Michael F. Thomson

John J. Wiest

*Attorneys for Receiver, Peggy Hunt*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28th day of February, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to all counsel of record in this case.

/s/ John J. Wiest

# Exhibit A

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

November 6, 2017

Elisabeth A. Shumaker  
Clerk of Court

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff - Appellee,

v.

TRAFFIC MONSOON, LLC; CHARLES  
D. SCOVILLE,

Defendants - Appellants.

No. 17-4059  
(D.C. No. 2:16-CV-00832-JNP)  
(D. Utah)

PEGGY HUNT,

Amicus Curiae.

ORDER

Before **MATHESON** and **BACHARACH**, Circuit Judges.

This matter comes on for consideration of the *Receiver's Motion for Leave to File Amicus Brief*, the opposition filed thereto, and the reply filed. Upon consideration thereof, the motion is provisionally granted, with the final decision to be made by the merits

panel. It is further ordered that the appellants' request for additional time to file their reply brief is granted. The appellants' reply brief is due by November 27, 2017.

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in cursive script, appearing to read "Ellen Rich Reiter".

by: Ellen Rich Reiter  
Jurisdictional Attorney

# Exhibit B



*Prepared and submitted by:*

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*Attorneys for Court-Appointed Receiver Peggy Hunt*

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff.

v.

TRAFFIC MONSOON, LLC, a Utah Limited  
Liability Company, and CHARLES DAVID  
SCOVILLE, an individual,

Defendants.

**ORDER GRANTING *EX PARTE*  
MOTION SEEKING APPROVAL TO  
USE RECEIVERSHIP ASSETS**

2:16-cv-00832-JNP

The Honorable Jill N. Parrish

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The matter before the court is the Receiver's *Ex Parte Motion Seeking Approval to Use Receivership Assets* (the "Motion"). The Court has reviewed the Motion, the applicable law, and the record in this case. Based thereon and for good cause shown,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is **GRANTED**; and

2. The Court **APPROVES** the use of Receivership Assets to allow the Receiver and her counsel to attend to issues related to the appeal currently pending, *SEC v. Traffic Monsoon, et al.*, Case No. 17-4059 (10th Cir.), including attending oral argument in Denver, Colorado, on March 21, 2018.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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The Honorable Jill N. Parrish  
United States District Judge