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*Attorneys for Charles D. Scoville*

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

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SECURITIES AND EXCHANGE  
 COMMISSION,

Plaintiff,

v.

TRAFFIC MONSOON, LLC, *et al.*,

Defendants.

**JOINT MOTION TO STAY BRIEFING  
 ON DEFENDANT SCOVILLE'S  
 MOTION FOR ATTORNEYS' FEES**

Case No. 2:16-cv-00832-JNP

The Honorable Jill N. Parrish

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The Securities and Exchange Commission and Mr. Charles D. Scoville, through their respective counsel, jointly move this Court to stay the briefing and argument of Mr. Scoville's Motion for Attorneys' Fees [Docket Entry 158] (the "Motion") pending a decision from the Tenth Circuit Court of Appeals on Mr. Scoville's appeal (*see* Dkt. No. 85).

Judicial economy favors a stay. Mr. Scoville's Motion deals only with whether the Court should order the Receiver to pay Mr. Scoville's costs of pursuing an appeal of this Court's Order appointing a Receiver and granting a Preliminary Injunction out of receivership assets. At this time the parties have entered into settlement negotiations that Mr. Scoville anticipates will include a resolution of his Motion as part of a resolution of all claims against him in this matter.

However, the parties agree that the settlement negotiations that have begun will be resolved only after the Tenth Circuit has entered a decision in the appeal, which was argued earlier this year. Because settlement negotiations will not be concluded until the Tenth Circuit has issued its opinion and because the settlement negotiations will likely resolve the claims at issue in Mr.

Scoville's Motion, Mr. Scoville and the SEC request that the Court stay the default briefing schedule for the Motion and order that the parties need not brief or argue the Motion at this time. Rather, Mr. Scoville and the SEC request that the SEC and the Receiver have 45 days after the entry of the opinion of the Tenth Circuit to submit any opposition to his Motion. Mr. Scoville anticipates that the matter will likely be settled within that 45 days and that the Court will likely never have to address this issue if the parties are given leave to brief the matter on this schedule, whereas if the parties are required to brief the issue on a standard briefing schedule it will be a waste of the resources of the SEC and Receiver to do so, given that the parties are likely to resolve the issues that would be briefed as part of the comprehensive settlement being discussed at this time.

Mr. Scoville and the SEC jointly file this Motion as the parties in the case. The Receiver was consulted and consents to this stay. Mr. Scoville, the SEC, and the Receiver affirmatively agree that the stay is in the parties' best interests. Consequently, for good cause shown, the Court should stay briefing on the Motion.

DATED: August 2, 2018

**SMITH WASHBURN, LLP**

/s/ D. Loren Washburn  
D. Loren Washburn  
*Attorneys for Defendants*

**U.S. SECURITIES AND EXCHANGE COMMISSION**

/s/ Amy J. Oliver  
Amy J. Oliver (*with permission*)  
*Attorney for the U.S. Securities and Exchange Commission*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2018, the foregoing **JOINT MOTION TO STAY BRIEFING** was served on the person(s) named below via CM/ECF:

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/s/ Melina Hernandez

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

TRAFFIC MONSOON, LLC, *et al.*,

Defendants.

**[PROPOSED] ORDER GRANTING  
JOINT MOTION TO STAY BRIEFING  
ON DEFENDANT SCOVILLE'S  
MOTION FOR ATTORNEYS' FEES**

Case No. 2:16-cv-00832-JNP

The Honorable Jill N. Parrish

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For good cause appearing, the Court hereby GRANTS the Joint Motion to Stay Briefing on Defendant Scoville's Motion for Attorneys' Fees [Docket 158].

DATED: \_\_\_\_\_

BY THE COURT:

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The Honorable Jill N. Parrish  
United States District Judge