

allegations of the Complaint (except as provided in the consent and as to personal and subject matter jurisdiction, which he admitted), Defendant Mueller agreed to the relief sought in the Judgment. (ECF No. 103.2). The Judgment partially settled the SEC's claims as alleged in the Complaint and avoided the need to litigate the merits of Defendant Mueller's liability, and permanently enjoined him from violations of the provisions of the federal securities laws at issue in the Complaint. (ECF No. 103.1).

2. The Judgment also provided that the remaining relief sought by the SEC – disgorgement, with prejudgment interest, and civil penalties – shall be resolved by the Court at a later date, upon motion by the SEC. (*See* ECF No. 103.1 at § IV). The Judgment further provided that the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure, and that the parties may take discovery in connection with the SEC's motion. (*Id.*).

3. At the February 12, 2020 hearing in which the Court granted the SEC's motion for entry of the Judgment, the Court ordered the parties to meet and confer and file a joint proposed schedule regarding the status of the remainder of the case against Defendant Mueller.

4. On March 3 and 4, 2020, the parties met and conferred regarding the schedule for resolving the remaining monetary relief against Defendant Mueller. The parties agree to the following joint schedule, as discussed below.

Proposed Schedule

5. The parties propose the following schedule:

a. By **March 31, 2020**, the parties will notify each other and the Court (by joint filing) if it intends to conduct formal written or oral discovery for purposes of assessing a

recommended disgorgement amount and civil penalty against Defendant Mueller. If discovery is necessary, all discovery will be concluded by **July 15, 2020**. The SEC will then file its motion for monetary remedies by **August 31, 2020**. The parties can then set a schedule with the Court for further briefing on the SEC's motion.

b. If neither party intends to conduct discovery before the filing of the SEC's motion, the SEC will file its motion for monetary remedies by **June 30, 2020**, with the parties setting a briefing schedule thereafter.

c. Under either schedule, the parties anticipate that the briefing schedule will consider if subsequent limited discovery will be required after Defendant Mueller receives the SEC's motion, and/or after the SEC receives Defendant Mueller's response.

d. To the extent the parties believe that any of the above deadlines should be revised given issues that may arise, the parties will meet and confer and, if necessary, propose a revised schedule to the Court.

Dated: March 4, 2020

SO AGREED AND STIPULATED BY:

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