

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-- against --

**TRENDON T. SHAVERS AND BITCOIN
SAVINGS AND TRUST,**

Defendants.

**CIVIL ACTION NO.
4:13-CV-416 (RC) (ALM)**

**PLAINTIFF'S MOTION TO MODIFY DEADLINES
IN THE SCHEDULING ORDER**

Plaintiff Securities and Exchange Commission ("Commission") respectfully submits this Motion to Modify Deadlines in the Scheduling Order [Docket No. 34]. The Commission attempted to meet and confer with defendant Trendon T. Shavers ("Shavers"); however Shavers did not respond to Commission staff when contacted concerning this motion. Defendant Bitcoin Savings and Trust ("BTCST," and together with Shavers, "Defendants") has not appeared in this action. The Commission respectfully requests that the deadline for its disclosure of expert testimony be extended until sixty days following the Court's decision on the Commission's pending Motion for Summary Judgment or, in the Alternative, for Default Judgment ("Motion for Summary Judgment/Default") [Docket No. 32]. In short, the Commission hopes to avoid the expense of engaging an expert for what increasingly appears to be an uncontested action.

BACKGROUND

The Commission has diligently pursued its action against Defendants since the filing of its Complaint [Docket No. 1] and Emergency Motion for an Order to Show Cause, Asset Freeze, and

other Ancillary Relief [Docket No. 3] on July 23, 2013. On August 22, 2013, the Commission filed its Request for Clerk's Entry of Default [Docket No. 24] and the Clerk's Entry of Default [Docket No. 25] was filed against both Defendants later the same day. Also on August 22, 2013, the Commission noticed Shavers' deposition for September 5, 2013 and, on the noticed date, the Commission took Shavers' deposition. On October 9, 2013, the Commission served Defendants with both its Initial Disclosures and its First Request for Production of Documents. On November 18, 2013, the Commission filed with the Court its Rule 26(f) Conference Report [Docket No. 30]. On March 3, 2014, the Commission filed its Motion for Summary Judgment/Default. On the same day, the Commission filed a Motion for an Order to Show Cause, Rule 37 Sanctions, and other Relief ("Motion for Sanctions") [Docket No. 33].

Defendants, on the other hand, have failed to plead or otherwise defend this action. As detailed in the Commission's Motion for Sanctions, Shavers has willfully refused to provide a verified accounting of his assets, liabilities, and income or otherwise to comply with the Court's August 5, 2013 Order Freezing Assets and Granting other Ancillary Relief [Docket No. 22] or the Court's August 29, 2013 Order [Docket No. 27]. Shavers has failed to make his initial disclosures to the Commission and he declined to participate in the preparation of a joint Rule 26(f) conference report for the Court. Shavers has failed to respond to the Commission's document request or propounded any discovery requests of his own. Finally, Shavers has responded neither to the Commission's Motion for Summary Judgment/Default nor to the Commission's Motion for Sanctions and those responses are now past due.

Pursuant to Local Rule CV-7, Commission staff has attempted repeatedly to contact Shavers to meet and confer, however, Shavers has not responded to the Commission's attempts to contact him concerning this motion.

The Commission seeks to extend the deadline for its disclosure of expert testimony until sixty days after the Court's decision on its Motion for Summary Judgment/Default in light of the unlikelihood that expert testimony will be needed if Defendants' decline to contest this action, as it appears they have decided to do. Consistent with the current Scheduling Order, the Proposed Order filed concurrently herewith provides also for an extension of Defendants' deadline for disclosure of expert testimony until ninety days after the Court's decision on the Commission's motion. The Commission is not seeking an extension of any other deadlines in the Court's Scheduling Order.

CONCLUSION

For the foregoing reasons, the Commission respectfully requests its Motion to Modify Deadlines in the Scheduling Order be granted in its entirety, and the deadlines set forth in the Scheduling Order be modified as requested herein.

Respectfully Submitted,

Dated: March 20, 2014
New York, NY

/s/ Philip Moustakis
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CERTIFICATE OF SERVICE

I certify that, on this 20th day of March, 2014, I electronically filed the foregoing Plaintiff's Motion to Modify Deadlines in the Scheduling Order with the Clerk of the Court for the Eastern District of Texas, Sherman Division, using the CM/ECF system, and served a true and correct copy of the same, by UPS Overnight Delivery and electronic mail, on:

TRENDON T. SHAVERS
2305 South Custer Road, Apt. 1507
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tredon@buscog.com

BITCOIN SAVINGS AND TRUST
c/o Trendon T. Shavers
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/s/ Philip Moustakis

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