

Jason Seibert

From: Moustakis, Philip <MOUSTAKISP@SEC.GOV>
Sent: Wednesday, May 28, 2014 6:18 AM
To: Jason Seibert
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: RE: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)
Attachments: 2014-0226 Letter to Shavers.pdf

Jason:

This information is already in your possession. I refer you to our February 26, 2014 letter to Mr. Shavers concerning, in addition to his past-due obligations in this litigation, the Commission's production of documents to him. Documents were first made available to Mr. Shavers, with the Commission's Initial Disclosures, on October 9, 2013. Having not heard from him, on our own initiative, we made the production referenced in the February 26, 2014 letter to him. Although we sent you a copy of the February 26, 2014 letter last week, it is attached again here (with all enclosures) for your convenience.

Best regards,
Philip

From: Jason Seibert [mailto:jason@seibert-law.com]
Sent: Tuesday, May 27, 2014 6:42 PM
To: Moustakis, Philip
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: RE: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)

That is most kind of you. Thank you.

The only issue I am concerned with prior to Friday is if you sent the information I referenced earlier. Also, if you wish to discuss settlement prior to Friday, we should do that sooner rather than later. I am always open to those types of discussions.

Best,

Jason

From: Moustakis, Philip [mailto:MOUSTAKISP@SEC.GOV]
Sent: Tuesday, May 27, 2014 3:40 PM
To: Jason Seibert
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: Re: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)

Jason:

We do not have an agenda. The call is intended as a courtesy to you as you still seem to be getting up to speed. We thought it best to get something on the calendar sooner rather than later so that we would be available to answer your various questions.

Best,

Jason Seibert

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Best,
Philip

From: Jason Seibert [mailto:jason@seibert-law.com]
Sent: Tuesday, May 27, 2014 05:48 PM Eastern Standard Time
To: Moustakis, Philip
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: RE: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)

Philip:

What is the purpose of the call? Do you have an agenda?

Jason

From: Moustakis, Philip [mailto:MOUSTAKISP@SEC.GOV]
Sent: Tuesday, May 27, 2014 2:38 PM
To: Jason Seibert

Cc: Szczepanik, Valerie; Magee, Jessica B.

Subject: RE: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)

Jason:

Are you available for a call this Thursday at 4:00 (NY time)?

Best regards,
Philip

From: Jason Seibert [<mailto:jason@seibert-law.com>]
Sent: Tuesday, May 27, 2014 1:54 PM
To: Moustakis, Philip
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: RE: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)

Philip,

[In your certification to the court, DOC-30, you stated that you had a disk of information awaiting Defendant's request to receive it, and that you were withholding that information until such request was made.](#)

[I've reviewed all documents in my clients' possession that he received from your office or from the court, and I have not found a disk of information matching the description in your certification.](#)

Did you send it?

Thank you for your prompt reply.

Jason

From: Moustakis, Philip [<mailto:MOUSTAKISP@SEC.GOV>]
Sent: Tuesday, May 27, 2014 10:44 AM
To: Jason Seibert
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: SEC v. Shavers, et al., 4:13-CV-416 (RC) (ALM)

Jason:

Please see the attached correspondence.

Thank you.

PHILIP MOUSTAKIS • SENIOR ATTORNEY • DIVISION OF ENFORCEMENT • UNITED STATES SECURITIES & EXCHANGE COMMISSION • BROOKFIELD PLACE, 200 VESSEY STREET, SUITE 400, NEW YORK, NY 10281-1022 • (212) 336-0542 • moustakisp@sec.gov

Jason Seibert

From: Moustakis, Philip <MOUSTAKISP@SEC.GOV>
Sent: Wednesday, May 28, 2014 8:03 AM
To: Jason Seibert
Cc: Szczepanik, Valerie; Magee, Jessica B.
Subject: RE: The Disclosure CD

Jason,

We did send him the disk. Nevertheless, I'd be happy to have a copy made for you and sent out.

Philip

From: Jason Seibert [mailto:jason@seibert-law.com]
Sent: Wednesday, May 28, 2014 10:56 AM
To: Moustakis, Philip
Subject: The Disclosure CD

Philip,

Thanks for the call this morning. Client confirms that he has a recollection of you sending him a password for a CD, but never received the CD. Can you please send me a copy of the Disclosure CD?

Thank you.

Jason Seibert
F.J. Seibert, LLC
503-480-0212
www.seibert-law.com

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