

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

<b>FEDERAL TRADE COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 4:14-CV-00815-BCW</b>
	)	
<b>BF LABS INC., et al.,</b>	)	
	)	
<b>Defendants,</b>	)	

**MOTION TO APPROVE TEMPORARY RECEIVERSHIP  
WIND DOWN PROCEDURES**

COMES NOW Temporary Receiver Eric L. Johnson (“Temporary Receiver”) and moves that the Court enter an order approving wind down procedures. In support of this motion, Temporary Receiver states as follows:

1. On September 18, 2014, this Court entered an Ex Parte Order, which imposed a temporary restraining order, appointed Temporary Receiver, and froze the assets of BFL. Doc. 9. On September 29, 2014, the Court extended the temporary restraining order until October 3, 2014, at 9:00 a.m. Doc. 47.
2. On October 2, 2014, the Court, upon the agreement of the parties, entered a Stipulated Interim Order that reappointed Temporary Receiver. Doc. 54. The Stipulated Interim Order provided that it did not expire until further Order of this Court. Doc. 54, § XXVI.
3. On December 12, 2014, the Court entered its Order denying plaintiff Federal Trade Commission’s motion for preliminary injunction, asset freeze, appointment of receiver, and other equitable relief (the “December 12 Order”). See Doc. # 201. In the December 12, 2014 Order, the Court set a telephonic conference for December 22 in which to discuss the efficient wind down of the temporary receivership.

4. On December 15, 2014, the Court entered its Order clarifying that the temporary receivership remains in place pending further Order from the Court related to the efficient wind down of the Temporary Receivership (the “Clarification Order”). Doc. # 204. The Clarification Order also provided that the Temporary Receiver may take steps prior to the December 22, 2014 hearing to begin winding down the Temporary Receivership. It also provided that the Temporary Receiver file his proposed wind down procedures by December 16, 2014.

5. On December 15, 2014, the Temporary Receiver and counsel for both parties met to discuss the wind down of the receivership. Prior to the meeting, the Temporary Receiver met with Bruce Bourne, representing BFL, to discuss transition issues. Additionally, the Temporary Receiver and his professionals have fielded various inquiries from BFL management with respect to various transition issues.

6. Pursuant to the Clarification Order, the Temporary Receiver has already begun taking steps to wind down of the Temporary Receivership, including the turnover of the premises to BFL and its management team and the transfer of certain personal property, such as vehicles.

7. Pursuant to the Clarification Order, Temporary Receiver submits the proposed Order attached as **Exhibit A**<sup>1</sup> to this Motion, which contains the proposed wind down procedures. Temporary Receiver believes that such procedures will provide for an efficient and orderly wind down of the Temporary Receivership. The Temporary Receiver is amenable to further discussions with the parties prior to the December 22 hearing regarding the proposed wind down procedures in an attempt to reach consensus on such procedures.

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<sup>1</sup> Pursuant to Clarification Order and out of an abundance of caution, the proposed Order containing the wind down procedures has been filed under seal.

WHEREFORE Temporary Receiver respectfully requests that the Court enter the proposed Order attached as **Exhibit A**, and for such other relief as the Court deems just and proper.

SPENCER FANE BRITT & BROWNE LLP

/s/ Bryant T. Lamer

Bryant T. Lamer MO #57355

Lisa Epps Dade MO #48580

Andrea M. Chase MO #66019

Lucinda H. Luetkemeyer MO #63983

1000 Walnut Street, Suite 1400

Kansas City, MO 64106

Telephone: (816) 474-8100

Facsimile: (816) 474-3216

blamer@spencerfane.com

lepps@spencerfane.com

achase@spencerfane.com

lluetkemeyer@spencerfane.com

**ATTORNEYS FOR TEMPORARY**

**RECEIVER ERIC L. JOHNSON**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 16th day of December 2014, a true and correct copy of the foregoing was filed electronically with the United States District Court for the Western District of Missouri using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

/s/ Bryant T. Lamer

Attorney for Temporary Receiver Eric L.

Johnson