

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

<b>MARTIN MEISSNER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:13-cv-02617-RDR-KGS</b>
	)	
<b>BF LABS INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**JOINT MOTION FOR STAY**

Eric L. Johnson, Temporary Receiver for Defendant BF Labs Inc. (the “Temporary Receiver”), and Plaintiff Martin Meissner (“Plaintiff”) jointly move that the Court enter a stay in this action. In support of this motion, Temporary Receiver and Plaintiff state as follows:

1. On September 15, 2014, the Federal Trade Commission (“FTC”) filed suit in the United States District Court for the Western District of Missouri against Defendant BF Labs Inc. (“Butterfly Labs”), alleging violations of Sections 53(b) and 57(b) of the Federal Trade Commission Act, and seeking various equitable remedies in the matter styled FTC v. BF Labs Inc., et al., Case No. 4:14-cv-00815-BCW (the “Receivership Case”).

2. On September 18, 2014, the Western District of Missouri appointed Eric L. Johnson as the temporary receiver for Butterfly Labs and entered a temporary restraining order pursuant to an Ex Parte Order (the “Appointment Order”). *See* Doc. 34 at Exhibit 1.

3. The Appointment Order directed the Temporary Receiver to, among other things, take full control of management and administration of Butterfly Labs, including but not limited to managing employees, securing and physically occupying the business premises, liquidating appropriate assets, and entering into appropriate contracts. *Id.* at 12-16.

4. On September 29, 2014, the Western District of Missouri extended the temporary restraining order until October 3, 2014. *See* Doc. 34 at Exhibit 2.

5. On October 2, 2014, the Western District of Missouri entered a Stipulated Interim Order containing a “Stay of Actions.” Specifically, the Order provided that:

Except by leave of this Court, during pendency of the Receivership ordered herein, Defendants and all other persons and entities be and hereby are stayed from taking any action to establish or enforce any claim, right, or interest for, against, on behalf of, in, or in the name of, the Receivership Defendant, any of its subsidiaries, affiliates, partnerships, assets, documents, or the Temporary Receiver or the Temporary Receiver’s duly authorized agents acting in their capacities as such, including, but not limited to . . . *Commencing, prosecuting, continuing, entering, or enforcing any suit or proceeding*, except that such actions may be filed to toll any applicable statute of limitations . . . .

Receivership Case, Doc. 54 § XVII (attached hereto as Exhibit 1).

6. On October 1, 2014, Temporary Receiver moved that this Court enter a stay of this action until the Western District of Missouri lifted the stay imposed in the Receivership Case. Doc. 34 at 2.

7. Plaintiff and Temporary Receiver then conferred regarding the requested stay. The parties agreed to jointly request that the Court enter a stay until the earliest of the following (the “Stay Period”):

- a. The Western District of Missouri dismisses the Receivership Case;
- b. The Western District of Missouri denies the FTC’s request for injunctive relief in the Receivership Case;
- c. The Western District of Missouri amends the Stipulated Interim Order to eliminate the stay imposed on other proceedings; or,
- d. December 22, 2014.

8. During the Stay Period, Temporary Receiver has agreed to forward to Plaintiff’s counsel all ECF notifications he receives in the Receivership Case and to meet with Plaintiff’s counsel to discuss this action pursuant to section X(L) of the Stipulated Interim Order.

9. Trial has not yet been scheduled in this action. *See* Doc. 27.

10. Temporary Receiver and Plaintiff do not believe any of the parties will be prejudiced by the requested stay.

11. Counsel for Temporary Receiver conferred with counsel for Defendant BF Labs Inc. regarding this motion. Defendant BF Labs Inc. does not oppose this motion.

WHEREFORE Temporary Receiver and Plaintiff jointly request that the Court enter a stay of this action until the earliest of the following: (a) the Western District of Missouri dismisses the Receivership Case; (b) the Western District of Missouri denies the FTC's request for injunctive relief in the Receivership Case; (c) the Western District of Missouri amends the Stipulated Interim Order in the Receivership Case to eliminate the stay imposed on other proceedings; or (d) December 22, 2014; and, grant such other and further relief that the Court deems just and proper.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 28th day of October 2014, a true and correct copy of the foregoing was filed electronically with the United States District Court for the District of Kansas using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system.

/s/ Kersten L. Holzhueter

Attorney for Temporary Receiver Eric L.

Johnson