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

FEDERAL TRADE COMMISSION,)
Plaintiff,)
V.)
)
BF LABS INC., et al.,)
Defendants.)

Case No. 14-CV-0815-W-BCW

DEFENDANTS BF LABS INC., SONNY VLEISIDES, DARLA DRAKE, AND NASSER GHOSEIRI'S MOTION TO PRESENT <u>LIVE TESTIMONY AT PRELIMINARY INJUNCTION HEARING</u>

Pursuant to Section XXIV.B of the Stipulated Interim Order (Doc. # 54),¹ Defendants BF Labs Inc., Sonny Vleisides, Darla Drake, and Nasser Ghoseiri respectfully request that the Court allow them the option to present select live testimony at the preliminary injunction hearing scheduled for November 24, 2014. In support of this motion, Defendants state as follows:

The Court previously granted Defendants' motion to present Mr. Bruce Bourne's live testimony, and Defendants request that the Court do so again for the November 24, 2014 preliminary injunction hearing.

Witness:

Mr. Bruce Bourne Consultant and Acting CFO BF Labs Inc.

¹ The Stipulated Interim Order entered by the Court states that "[n]othing in this Order shall prejudice Defendants' rights (1) to challenge on any ground Plaintiff's motion for a preliminary injunction or (2) to appeal from any grant of preliminary or permanent injunctive relief that the Court might order.

Mr. Bourne will address the Business Plan that BF Labs was required to submit under the Stipulated Interim Order. Mr. Bourne will also address the factual assertions made in the Certification and Declaration of Helen P. Wong in Support of Plaintiff's Ex Parte Motion to the Court. Mr. Bourne may also address the Temporary Receivership and the limited operations to date, the overall operations and financial status of BF Labs, strategic planning, BF Labs policies and procedures, finance and accounting issues, and customer relations issues. Mr. Bourne may also address the irreparable harm that has already occurred to BF Labs and the individual defendants, and the irreparable harm that will result if a preliminary injunction is issued or the Temporary Receivership is continued.

Defendants may later seek leave to modify the scope or topics of testimony based on the additional supplemental factual evidence submitted by the FTC.

Dated: November 11, 2014

Respectfully submitted,

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Attorneys for Defendant Nasser Ghoseiri

CERTIFICATE OF SERVICE

I hereby certify that on November 11, 2014, a true and correct copy of the foregoing was served by the Court's ECF system on the following:

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