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Attorneys for Receiver for Defendants
AEQUITAS MANAGEMENT, LLC; AEQUITAS HOLDINGS, LLC;
AEQUITAS COMMERCIAL FINANCE, LLC; AEQUITAS
CAPITAL MANAGEMENT, INC.; AEQUITAS INVESTMENT
MANAGEMENT, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

AEQUITAS MANAGEMENT, LLC;
AEQUITAS HOLDINGS, LLC;
AEQUITAS COMMERCIAL FINANCE,
LLC; AEQUITAS CAPITAL
MANAGEMENT, INC.; AEQUITAS
INVESTMENT MANAGEMENT, LLC;
ROBERT J. JESENİK; BRIAN A. OLIVER;
and N. SCOTT GILLIS,

Defendants.

No. 3:16-cv-00438-JR

DECLARATION OF RONALD F.
GREENSPAN IN SUPPORT OF MOTION
FOR ORDER APPROVING
REIMBURSEMENT OF RECEIVERSHIP
EMPLOYEES' ATTORNEY FEES



I, Ronald F. Greenspan, the duly appointed Receiver for the Receivership Entity, declare as follows:

1. I am over 18 years of age and otherwise competent to testify. I am providing this declaration in support of the Receiver's Motion for Order Approving Reimbursement of Receivership Employees' Attorney Fees ("Motion").¹

2. On March 16, 2016, pursuant to the Interim Receivership Order entered in this Court (also referred to as the "Oregon District Court" and cited as "Dkt."), I was appointed as Receiver for the Receivership Entity on an interim basis. (Dkt. No. 30). On April 14, 2016, pursuant to the Final Receivership Order entered in this Court, I was appointed as Receiver of the Receivership Entity on a final basis. (Dkt. No. 156).

3. At the outset of the Receivership Michelle Papenfuss (formerly Hulquist), Pamela Comery (formerly Hatfield) and Blake Bowman were identified as former Aequis employees who should be retained as employees of the Receivership Entity.

4. Ms. Papenfuss remains key employee of the Receivership Entity. She is presently engaged in challenging tasks relating to the wind-down of the corporate entities comprising the Receivership Entity and, thereby, the wind-down of the Receivership.

5. Until January 1, 2022, Ms. Comery was a key employee of the Receivership Entity. Presently, she is a contractor serving the Receivership Entity in an important capacity. Ms. Comery is a primary contact for investors and investment advisors, many of whom reach out to her with questions relating to the receivership and distributions.

¹ Capitalized terms not otherwise defined in this declaration shall have the meanings ascribed to them in the Motion.

6. Mr. Bowman diligently served the Receivership Entity for months before receiving and accepting an offer to join a private law firm.

7. Since he joined the private firm, Mr. Bowman has continued to provide invaluable assistance to the Receiver and Receivership Entity.

8. All three recently received subpoenas from the U.S. Attorney's Office to testify at the trial of the Aequitas Criminal Matter.

9. None has ever testified in a criminal matter and all are entirely unfamiliar with criminal procedure.

10. Shortly after receiving the subpoenas to testify at the trial, each received subpoenas issued by counsel for one of the criminal defendants calling for the production of a broad scope of documents and possibly requiring very time-consuming reviews of electronically-stored data.

11. The Receivership Entity was previously served by law firms with white collar criminal practices, namely Troutman Pepper Hamilton Sanders LLP and Snell & Wilmer L.L.P.

12. However, those engagements were concluded, first when one of the involved attorneys moved firms and then shortly after the Receivership Entity reached a stipulated judgment with the Consumer Financial Protection Bureau.

13. While representatives of the U.S. Attorney's Office have been helpful and very professional, Ms. Papenfuss, Ms. Comery and Mr. Bowman would like to engage counsel familiar with criminal procedure to advise them regarding the scope of their obligations in light of the various subpoenas and requests for "informal" interviews.

14. For example, Ms. Papenfuss was recently advised that she may be asked by counsel for the criminal defendants to sit for an interview and she does not know her rights and any obligations in such a circumstance.

15. Particularly in light of their past and continuing exemplary service to the Receiver and Receivership Entity, with each materially contributing to the very significant recoveries by the Defrauded Investors, at a minimum, I believe the Receivership Entity should subsidize their legal expenses related to testifying in the Aequitas Criminal Matter.

16. Specifically, at this time, I seek the Court's authority for the Receivership Entity to reimburse up to \$10,000 of the legal expenses incurred by each of Ms. Papenfuss, Ms. Comery and Mr. Bowman, as well as any other current or former employee of the Receivership Entity who continues to serve the Receivership Entity in a material capacity and is subpoenaed to testify in the Aequitas Criminal Matter.

17. Counsel for the Receiver advised the SEC Staff Counsel of the circumstances and the Receiver's intent to seek authority to reimburse the legal expenses of these individuals, and the SEC Staff Counsel does not object.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

Dated this 20th day of December, 2022.

/s/ Ronald F. Greenspan
Ronald F. Greenspan, Receiver