

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

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

STIPULATED MOTION TO RELEASE FUNDS FROM FROZEN ASSETS

COMES NOW Temporary Receiver Eric L. Johnson (“Temporary Receiver”) and moves that the Court enter an order releasing assets of BF Labs Inc. (“BFL”) to pay for (1) rent at one of BFL’s warehouses, (2) the cost for changing and activating BFL’s alarm system following appointment of Temporary Receiver, (3) web server and e-mail hosting fees, and (4) late fees associated with these expenses and other expenses previously approved by the Court. 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. On October 2, 2014, the Court entered a Stipulated Interim Order that reappointed Temporary Receiver and maintained the freeze on the assets of BFL. Doc. 54.
2. On or about September 19, 2014, BFL’s bank account with BMO Harris Bank N.A. (“BMO Account”) was frozen, along with other assets. The BMO Account contains approximately \$1.1 million.
3. BFL owes \$2,688 as rent for a warehouse; \$241.96 for changing and activating BFL’s alarm system following appointment of Temporary Receiver; and, BFL owes \$2,103.62

for e-mail hosting and web server fees (\$219.95 for hosting some of BFL's e-mail servers and \$1,883.67 for web servers that operate the eclipse mining pool for BFL customers).

4. The Stipulated Interim Order empowered Temporary Receiver to manage all assets of BFL and to manage and administer the business of BFL, including retaining employees and independent contractors. Doc. 54 §§ X(B), X(H). The order also authorized the Temporary Receiver to “[m]ake payments and disbursements from the Receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order.” Doc. 54 § X(J). Temporary Receiver must apply to the Court for approval to pay any obligation incurred by BFL prior to September 18 unless Temporary Receiver deems the payment necessary to secure the assets of BFL. Id.

5. Temporary Receiver believes that the rent, security alarm fee, e-mail hosting and server costs are critical expenses that should be paid immediately. Temporary Receiver also seeks the release of an additional \$500 for late fees that may be due in connection with these expenses and other expenses previously approved by the Court. There are sufficient funds in the BMO Account to cover these expenses.

6. Plaintiff Federal Trade Commission and Defendant BFL stipulate to Temporary Receiver's request to release assets to pay for these expenses.

WHEREFORE Temporary Receiver moves that the Court enter an order (1) approving the payment of rent for BFL's warehouse, the security alarm for BFL's office, e-mail hosting and web server fees, and miscellaneous late fees for court-approved expenses; (2) releasing \$5,533.58 from the BMO Account; and, (3) for such other and further relief that the Court deems just and proper.

Respectfully submitted,

SPENCER FANE BRITT & BROWNE LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of October 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/ Kersten L. Holzhueter

Attorney for Temporary Receiver Eric L.
Johnson