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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 RYAN HUEGERICH, Individually and on
12 Behalf of All Others Similarly Situated,
13 Plaintiff,

14 v.

15 STEVE GENTILE, GIOVANNI
16 PERONE, JUSTIN FRENCH,
17 KIMBERLY KARDASHIAN, FLOYD
18 MAYWEATHER, JR., PAUL PIERCE,
19 DEFENDANT "X", and JOHN DOES 1-
20 10,
21 Defendants.

Case No. CV 22-163-MWF (SKx)

**ORDER GRANTING JOINT
STIPULATION FOR
CONSOLIDATION;
APPOINTMENT OF LEAD
COUNSEL; SCHEDULE FOR
FILING OF CONSOLIDATED
COMPLAINT AND RESPONSES
THERE TO; and CLOSING CASE
NO. CV 22-400 UPON
CONSOLIDATION**

22 JONATHAN SEMERJIAN, NABIL
23 NAHLAH, TILL FREEMAN, and
24 MARKO CIKLIC, Individually and on
25 Behalf of All Others Similarly Situated,
26 Plaintiffs,

27 v.

28 STEVE GENTILE, GIOVANNI
PERONE, JUSTIN FRENCH,
KIMBERLY KARDASHIAN, FLOYD
MAYWEATHER, JR., PAUL PIERCE,
DEFENDANT "X", and JOHN DOES 1-
10,
Defendants.

Case No. CV 22-400-MWF (SKx)

1 Presently before the Court is a Joint Stipulation for Consolidation;
 2 Appointment of Lead Counsel; Schedule for Filing of Consolidated Complaint and
 3 Responses thereto (the “Stipulation”). Having considered the Stipulation, and for
 4 GOOD CAUSE shown, the Court hereby rules as follows:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Stipulation is granted.
- 7 2. The following actions, which involve common questions of law and
 8 fact, and hereby consolidated for all purposes, including pretrial proceedings, trial,
 9 and appeal, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure:

Case Name	Case Number	Date Filed
<i>Hugerich v. Gentile</i>	CV 22-163-MWF (SKx)	January 7, 2022
<i>Semerjian v. Gentile</i>	CV 22-400-MWF (SKx)	January 19, 2022

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 14 3. Every pleading filed in the Consolidated Action, or in any separate
 15 action included herein, shall bear the following caption:

16 UNITED STATES DISTRICT COURT
 17 CENTRAL DISTRICT OF CALIFORNIA
 18 WESTERN DIVISION

19 IN RE ETHEREUMMAX) Lead Case No. CV 22-163 MWF (SKx)
 20 INVESTOR LITIGATION)
)
 21 _____)
 22 This Document Relates To:)
 23 ALL ACTIONS.)
 24 _____)

1 4. The files of the Consolidated Action will be maintained in one file
2 under Master File No. CV 22-163-MWF (SKx).

3 5. When a document being filed pertains to all of the actions included
4 within the Consolidated Action, the phrase “All Actions” shall appear immediately
5 after the phrase “This Document Relates To”. When a pleading applies only to
6 some, but not all, of the actions included within the Consolidated Action, the
7 document shall list, immediately after the phrase “This Document Relates To”, the
8 docket number for each individual action to which the document applies, along with
9 the name of the first listed plaintiff in said action (e.g., “Case No. CV 22-400
10 (‘Semerjian’)”).

11 6. When any related action is filed in this Court, transferred to this Court,
12 or removed to this Court that appears to meet the definition of requirements of Local
13 Rule 83-1.3.1(a)-(d) with respect to the Consolidated Action (a “Related Case”) or
14 should be considered as a Related Case (and therefore be consolidated with, and into,
15 the Consolidated Action), Lead Counsel (as defined herein) shall, upon notice of the
16 existence of the Related Case, promptly file a Notice of Related Case in both the
17 Consolidated Action and in the Related Case, serve a copy of the entered version of
18 the [Proposed] Order (the “Notice”) upon counsel of record for the plaintiff(s) in the
19 Related Case and any defendants in such Related Shareholder Derivative Case that
20 have not previously been named in the Actions (the “Related Case Parties”), and file
21 a proof of service in the Consolidated Action that such Notice has been given.

22 7. Upon receipt of the above-mentioned notice, the Court shall determine
23 whether such Related Case shall be consolidated with *In re EthereumMax Investor*
24 *Litigation*.

25 8. The Court finds that the consolidated actions will benefit from the
26 appointment of interim Lead Counsel. The Court hereby appoints John T. Jasnoch
27 of Scott+Scott Attorneys at Law LLP as interim Lead Counsel in the consolidated
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1 actions. Lead Counsel shall provide general supervision of the activities of
2 plaintiffs' counsel and shall have the following responsibilities and duties to perform
3 or delegate as appropriate:

- 4 a. to brief and argue motions;
- 5 b. to initiate and conduct discovery, including, without limitation,
6 coordination of discovery with defendants' counsel, preparation of written
7 interrogatories, requests for admission, and requests for production of documents;
- 8 c. to direct and coordinate the examination of witnesses in
9 depositions;
- 10 d. to act as spokesperson at pretrial conferences;
- 11 e. to call and chair meetings of plaintiffs' counsel as appropriate or
12 necessary from time to time;
- 13 f. to initiate and conduct any settlement negotiations with counsel
14 for defendants;
- 15 g. to provide general coordination of the activities of plaintiffs'
16 counsel and to delegate work responsibilities to selected counsel as may be required
17 in such a manner as to lead to the orderly and efficient prosecution of this litigation
18 and to avoid duplication or unproductive effort;
- 19 h. to consult and employ experts;
- 20 i. to receive and review periodic time reports of all attorneys on
21 behalf of plaintiffs, to determine if the time is being spent appropriately and for the
22 benefit of plaintiffs, and to determine and distribute plaintiffs' attorneys' fees; and
- 23 j. to perform such other duties as may be expressly authorized by
24 further order of this Court.

25 9. Any agreement reached between counsel for defendants and plaintiffs'
26 Lead Counsel shall be binding on any other counsel for any other plaintiff in the
27 consolidation actions and on plaintiffs.

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1 10. Defendants need not respond to any of the initial complaints in the
2 Actions.

3 11. Plaintiffs shall file a Consolidated Complaint no later than **April 18,**
4 **2022.**

5 12. Defendants shall serve and file any answer or response to the
6 Consolidated Complaint 45 days after service of the Consolidated Complaint.

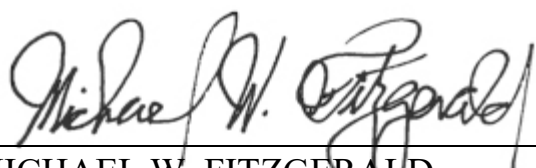
7 18. Should Defendants move to dismiss Plaintiffs' Consolidated Complaint
8 pursuant to Rule 12 of the Federal Rules of Civil Procedure, Plaintiffs shall serve
9 and file any opposition within 30 days after service of the Rule 12 motion.

10 19. Defendants shall serve and file any reply to Plaintiffs' opposition within
11 21 days after service of the opposition.

12 20. Upon the filing of this Order in both cases, the Clerk is ORDERED to
13 close Case No. CV 22-400 MWF (SKx).

14 **IT IS SO ORDERED.**

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16 Dated: March 2, 2022



MICHAEL W. FITZGERALD
United States District Judge

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