UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,	
Plaintiff,	
v.	**Case No. 15-cv-659-JMS-MJD**
VEROS PARTNERS, INC, MATTHEW D. HAAB, JEFFERY B. RISINGER, VEROS FARM LOAN HOLDING LLC, TOBIN J. SENEFELD, FARMGROWCAP LLC, PINCAP LLC, and	
Defendants,	
PIN FINANCIAL LLC,	
Relief Defendant.	

CASE MANAGEMENT PLAN

I. Parties and Representatives

A. Plaintiff: United States Securities and Exchange Commission

Defendants: Veros Partners, Inc., Matthew D. Haab, Jeffery B. Risinger, Veros Farm Loan Holding LLC, Tobin J. Senefeld, FarmGrowCap LLC, and PinCap LLC

Relief Defendant: Pin Financial LLC

B. Plaintiff's Counsel:

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For Defendants Veros Farm Loan Holding LLC, FarmGrowCap LLC, PinCap LLC, and Relief Defendant Pin Financial.

No counsel has filed an appearance to represent any of these entities. However, each of these entities are controlled and/or supervised by the Receiver:

William E. Wendling, Jr.
Campbell Kyle Proffitt
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Counsel will promptly advise the Court if there is any change in this information.

II. Jurisdiction and Statement of Claims

A. This Court has jurisdiction over this action pursuant to Section 22(a) of the Securities Act of 1933 [15 U.S.C. § 77v] ("Securities Act"), Section 27(a) of the Securities Exchange Act of 1934 [15 U.S.C. § 78aa] ("Exchange Act"), Section 214(a) of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-14(a)] ("Advisers Act"), and 28 U.S.C. § 1331.

B. Plaintiff United States Securities and Exchange Commission ("SEC") alleges that Matthew D. Haab ("Haab"), Jeffery B. Risinger ("Risinger"), Tobin J. Senefeld ("Senefeld"), Veros Partners, Inc. ("Veros"), Veros Farm Loan Holding LLC ("VFLH"), FarmGrowCap LLC ("FarmGrowCap"), and PinCap LLC ("PinCap") fraudulently raised at least $15 million from at least 80 investors. Additionally, the SEC alleges that Relief Defendant Pin Financial LLC ("Pin Financial") improperly and illegally received investor funds. In 2013 and 2014, investors, many of whom were investment advisory clients of Veros, purchased securities issued by VFLH ("2013 Offering") and FarmGrowCap ("2014 Offering"), respectively, after being informed orally and in written offering documents that the funds from investors would be used to make short-term operating loans to farms for the 2013 and 2014 growing seasons. The investors were told they would receive their initial investment amount plus a stated return in the form of interest paid by the farms by a stated maturity date. Contrary to the representations made to the investors, the investors' funds were used to cover the farms' prior unpaid debt instead of making new operating loans to the farms, and Haab, Risinger, and Senefeld used investor funds invested in the 2013 Offering and 2014 Offering to pay investors in other offerings and to pay themselves undisclosed "success" and "interest rate spread" fees. The defendants repeatedly mislead investors about the risks, nature, and performance of the investments and

underlying farm loans. By engaging in this conduct, all of the defendants violated Section 10(b) of the Exchange Act, Exchange Act Rule 10b-5, and Section 17(a)(1)-(3) of the Securities Act; defendants Haab and Veros violated Sections 206(1) and (2) of the Advisers Act; and Veros violated Section 206(4) of the Advisers Act and Advisers Act Rule 206(4)-2.

C. Defendants Veros Partners, Inc., Matthew Haab, and Veros Farm Loan Holding, LLC and their counsel have not had sufficient time to investigate and research the allegations in the Amended Complaint to determine their respective clients' defenses, defense theories and facts upon which their defenses will be based.

Defendant Jeffery B. Risinger admits that he negligently omitted to make certain disclosures in violation of Section 17(a)(2) of the Securities Act with regard to the Private Placement Memoranda for the 2013 Offering and for the 2014 Offering, such as failing to disclose that some of the investors' funds were used to cover the farms' prior unpaid debt and by failing to update the disclosure to new investors regarding the performance of the investments and performance of the underlying farm loans; admits that he negligently engaged in a course of business after July 15, 2014 that operated to mislead investors; but denies that he engaged in any intentional acts.

Defendant Tobin J. Senefeld and his counsel still are in the process of developing his defenses, legal theories and the facts on which his defenses will be based.

D. On or before **March 7, 2016**, and consistent with the certification provisions of Fed. R. Civ. P. 11(b), the party with the burden of proof shall file a statement of the claims or defenses it intends to prove at trial, stating specifically the legal theories upon which the claims or defenses are based.

III. Pretrial Pleadings and Disclosures

A. The parties shall serve their Fed. R. Civ. P. 26(a)(1) initial disclosures on or before **August 21, 2015**.

B. Plaintiff(s) shall file preliminary witness and exhibit lists on or before **August 28, 2015**.

C. Defendant(s) shall file preliminary witness and exhibit lists on or before **September 4, 2015**.

D. All motions for leave to amend the pleadings and/or to join additional parties shall be filed on or before **September 22, 2015**.

E. Plaintiff shall serve Defendant(s) (but not file with the Court) a statement of special damages, if any, and make a settlement demand, on or before

September 4, 2015. Defendant(s) shall serve on the Plaintiff(s) (but not file with the Court) a response thereto within **21 days after receipt of the demand**. The parties are instructed to email Magistrate Judge Dinsmore a copy of the settlement demand and response thereto to MJDinsmore@insd.uscourts.gov.

F. Plaintiff shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) on or before **May 1, 2016**. Defendant(s) shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) on or before **May 15, 2016**.

G. If a party intends to use expert testimony in connection with a motion for summary judgment to be filed by that party, such expert disclosures must be served on opposing counsel no later than **90 days prior to the dispositive motion deadline**. If such expert disclosures are served the parties shall confer within **7 days** to stipulate to a date for responsive disclosures (if any) and completion of expert discovery necessary for efficient resolution of the anticipated motion for summary judgment. The parties shall make good faith efforts to avoid requesting enlargements of the dispositive motions deadline and related briefing deadlines. Any proposed modifications of the CMP deadlines or briefing schedule must be approved by the court.

H. Any party who wishes to limit or preclude expert testimony at trial shall file any such objections on or before **August 5, 2016**. Any party who wishes to preclude expert witness testimony at the summary judgment stage shall file any such objections with their responsive brief within the briefing schedule established by Local Rule 56-1.

I. All parties shall file and serve their final witness and exhibit lists on or before **June 3, 2016**. This list should reflect the specific potential witnesses the party may call at trial. It is not sufficient for a party to simply incorporate by reference "any witness listed in discovery" or such general statements. The list of final witnesses shall include a brief synopsis of the expected testimony.

J. Any party who believes that bifurcation of discovery and/or trial is appropriate with respect to any issue or claim shall notify the Court as soon as practicable.

K. Discovery of electronically stored information ("ESI"). At present, the parties do not anticipate seeking a substantial volume of ESI in this case. The Commission already obtained a substantial amount of information during its investigation, some of it in electronic form, and that information will be available to all parties. However, the parties also agree that if any ESI is sought by discovery request, the ESI shall be produced in the form the party created, received or acquired it. If a party created, received or acquired information in electronic form, including metadata, then it will be produced in that electronic form, including metadata.

In the event that a document protected by the attorney-client privilege, the attorney work product doctrine or other applicable privilege or protection is

unintentionally produced by any party to this proceeding, the producing party may request that the document be returned. In the event that such a request is made, all parties to the litigation and their counsel shall promptly return all copies of the document in their possession, custody, or control to the producing party and shall not retain or make any copies of the document or any documents derived from such document. The producing party shall promptly identify the returned document on a privilege log. The unintentional disclosure of a privileged or otherwise protected document shall not constitute a waiver of the privilege or protection with respect to that document or any other documents involving the same or similar subject matter.

IV. Discovery[1] and Dispositive Motions

A. Plaintiff believes this case may be appropriate for summary judgment on all counts of the Complaint because defendants Haab, Risinger, and Senefeld in SEC testimony have admitted, and have produced documents showing, that investor funds invested in the 2013 Offering and 2014 Offering were used to pay investors in other offerings and to pay themselves undisclosed "success" and "interest rate spread" fees. Furthermore, the defendants' testimony and documents show that the defendants made misleading statements to investors about the risks, nature, and performance of the investments and underlying farm loans. Moreover, documents and the testimony of defendant Haab indicate that investor funds or securities were not held with a qualified custodian nor were the funds or securities subject to an annual surprise audit by an independent public accountant.

B. Select the track that best suits this case:

Track 2: Dispositive motions are expected and shall be filed by **March 28, 2016**; non-expert witness discovery and discovery relating to liability issues shall be completed by **February 26, 2016**; expert witness discovery and discovery relating to damages shall be completed by **July 22, 2016**.

Absent leave of court, and for good cause shown, all issues raised on summary judgment under Fed. R. Civ. P. 56 must be raised by a party in a single motion.

If the required conference under Local Rule 37-1 does not resolve discovery issues that may arise, the parties will request a telephonic status conference prior to filing any disputed motion to compel or for a protective order.

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[1]The term "completed," as used in Section IV.B, means that counsel must serve their discovery requests in sufficient time to receive responses before this deadline. Counsel may not serve discovery requests within the 30-day period before this deadline unless they seek leave of Court to serve a belated request and show good cause for the same. In such event, the proposed belated discovery request shall be filed with the motion, and the opposing party will receive it with service of the motion but need not respond to the same until such time as the Court grants the motion.

V. Pre-Trial/Settlement Conferences

At any time, any party may call the Judge's Staff to request a conference, or the Court may *sua sponte* schedule a conference at any time. The presumptive time for a settlement conference is no later than 30 days before the close of non-expert discovery. The parties are encouraged to request an earlier date if they believe the assistance of the Magistrate Judge would be helpful in achieving settlement. The parties recommend a settlement conference in **January 2016.**

VI. Trial Date

The parties request a trial date in **December, 2016**. The trial is by **jury** and is anticipated to take no more than **10 days**.

VII. Referral to Magistrate Judge

A. **Case**. At this time, all parties do not consent to refer this matter to the currently assigned Magistrate Judge pursuant to 28 U.S.C. 636(b) and Federal Rules of Civil Procedure 73 for all further proceedings including trial.

B. **Motions**. The parties may also consent to having the assigned Magistrate Judge rule on motions ordinarily handled by the District Judge, such as motions to dismiss, for summary judgment, or for remand. If all parties consent, they should file a joint stipulation to that effect. Partial consents are subject to the approval of the presiding district judge.

VIII. Required Pre-Trial Preparation

A. **TWO WEEKS BEFORE THE FINAL PRETRIAL CONFERENCE, the parties shall:**

1. File a list of trial witnesses, by name, who are actually expected to be called to testify at trial. This list may not include any witnesses not on a party's final witness list filed pursuant to section III.I.

2. Number in sequential order all exhibits, including graphs, charts and the like, that will be used during the trial. Provide the Court with a list of these exhibits, including a description of each exhibit and the identifying designation. Make the original exhibits available for inspection by opposing counsel. Stipulations as to the authenticity and admissibility of exhibits are encouraged to the greatest extent possible.

3. Submit all stipulations of facts in writing to the Court. Stipulations are always encouraged so that at trial, counsel can concentrate on relevant contested facts.

4. A party who intends to offer any depositions into evidence during the party's case in chief shall prepare and file with the Court and copy to all opposing parties either:

   a. brief written summaries of the relevant facts in the depositions that will be offered. (Because such a summary will be used in lieu of the actual deposition testimony to eliminate time reading depositions in a question and answer format, this is strongly encouraged.); or

   b. if a summary is inappropriate, a document which lists the portions of the deposition(s), including the specific page and line numbers, that will be read, or, in the event of a video-taped deposition, the portions of the deposition that will be played, designated specifically by counter-numbers.

5. Provide all other parties and the Court with any trial briefs and motions in limine, along with all proposed jury instructions, voir dire questions, and areas of inquiry for voir dire (or, if the trial is to the Court, with proposed findings of fact and conclusions of law).

6. Notify the Court and opposing counsel of the anticipated use of any evidence presentation equipment.

B. **ONE WEEK BEFORE THE FINAL PRETRIAL CONFERENCE, the parties shall:**

1. Notify opposing counsel in writing of any objections to the proposed exhibits. If the parties desire a ruling on the objection prior to trial, a motion should be filed noting the objection and a description and designation of the exhibit, the basis of the objection, and the legal authorities supporting the objection.

2. If a party has an objection to the deposition summary or to a designated portion of a deposition that will be offered at trial, or if a party intends to offer additional portions at trial in response to the opponent's designation, and the parties desire a ruling on the objection prior to trial, the party shall submit the objections and counter summaries or designations to the Court in writing. Any objections shall be made in the same manner as for proposed exhibits. However, in the case of objections to video-taped depositions, the objections shall be brought to the Court's immediate attention to allow adequate time for editing of the deposition prior to trial.

3. File objections to any motions in limine, proposed instructions, and voir dire questions submitted by the opposing parties.

4. Notify the Court and opposing counsel of requests for separation of witnesses at trial.

IX. Other Matters

None at the present time.

Dated: June 17, 2015.

Respectfully submitted,

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	PARTIES APPEARED IN PERSON/BY COUNSEL ON_____FOR A PRETRIAL/STATUS CONFERENCE.
	APPROVED AS SUBMITTED.
x	APPROVED AS AMENDED.
	APPROVED AS AMENDED PER SEPARATE ORDER.
	APPROVED, BUT ALL OF THE FOREGOING DEADLINES ARE SHORTENED/LENGTHENED BY_____MONTHS.
	APPROVED, BUT THE DEADLINES SET IN SECTION(S) _____ OF THE PLAN IS/ARE SHORTENED/LENGTHENED BY _____ MONTHS.
	THIS MATTER IS SET FOR TRIAL BY_____ON _____. FINAL PRETRIAL CONFERENCE IS SCHEDULED FOR_____AT_____.M., ROOM_____.
	A SETTLEMENT/STATUS CONFERENCE IS SET IN THIS CASE FOR _____AT_____.M. COUNSEL SHALL APPEAR: _____ IN PERSON IN ROOM_____; OR _____ BY TELEPHONE, WITH COUNSEL FOR INITIATING THE CALL TO ALL OTHER PARTIES AND ADDING THE COURT JUDGE AT (____) _____; OR _____ BY TELEPHONE, WITH COUNSEL CALLING THE JUDGE'S STAFF AT (____) _____;
x	DISPOSITIVE MOTIONS SHALL BE FILED NO LATER THAN March 28, 2016; non-expert witness discovery and discovery relating to liability issues shall be completed by February 26, 2016

Upon approval, this Plan constitutes an Order of the Court. Failure to comply with an Order of the Court may result in sanctions for contempt, or as provided under Rule 16(f), to and including dismissal or default.

Approved and So Ordered.

Dated: 06/23/2015

Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

Distribution:

All Electronically Registered Counsel of Record and William D. Wendling, Jr