UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

COMMODITY FUTURES TRADING COMMISSION, **Plaintiff,** v. **RENE LARRALDE, JUAN PABLO VALCARCE, BRIAN EARLY, ALISHA ANN KINGREY, and FUNDSZ.** **Defendants.**	**Case No:**

PLAINTIFF'S MOTION TO EXCEED PAGE LIMIT IN EMERGENCY MOTION FOR STATUTORY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Plaintiff Commodity Futures Trading Commission ("Commission" or "CFTC") respectfully requests leave to file its combined Emergency Memorandum in Support of Its Motion for a Statutory Restraining Order and Preliminary Injunction ("Memorandum") in excess of the 25-page limitation set forth in Local Rule 3.01(d). In support of its motion, the CFTC states as follows:

1. Contemporaneously with this motion, the CFTC filed a complaint for injunctive relief, civil monetary penalties, and other equitable relief ("Complaint") against Rene Larralde, Juan Pablo Valcarce, Brian Early, Alisha Ann Kingrey, and

Fundsz (collectively, “Defendants”), for violating core provisions of the Commodity Exchange Act and Commission Regulations. Defendants fraudulently solicited members of the public in connection with a pooled investment purportedly in cryptocurrency and precious metals.

2. The CFTC also filed an *ex parte* motion for a statutory restraining order and preliminary injunction (“Motion for SRO and PI”). The Motion for SRO and PI seeks emergency injunctive relief against the Defendants to prohibit them from withdrawing, transferring, or disposing of funds or assets, destroying or refusing to permit inspection of records, and seeks the appointment of a temporary receiver over the Defendants’ assets. The briefing of this issue is somewhat complex, and despite diligent efforts the Commission was not able to adequately provide the Court with the necessary background information regarding the underlying violations alleged in the complaint and the legal basis for the requested immediate injunctive relief within the 25-page limit.

WHEREFORE, the CFTC respectfully requests that the Court permit it to file its Motion for SRO and PI in excess of the 25-page limit.

Dated: July 31, 2023

Respectfully submitted,

COMMODITY FUTURES TRADING COMMISSION

/s/ Douglas Snodgrass

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