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 EMERGENCY MOTION FOR EXPEDITED DISCOVERY

Pursuant to Rules 26(d)(1), 30(a) and (b), and 45 of the Federal Rules of Civil Procedure, Plaintiff Commodity Futures Trading Commission ("Commission" or "CFTC") hereby moves for an order authorizing the CFTC immediately to engage in expedited discovery, including granting the CFTC specific authority to commence written and oral discovery as described below, and to shorten the time for response otherwise specified by the Federal Rules of Civil Procedure for the parties to prepare for any litigation schedule this Court may set. In support of this Motion for Expedited Discovery ("Motion"), the CFTC states as follows:

1. Contemporaneous with this Motion, the CFTC filed a Motion for an *Ex Parte* Statutory Restraining Order and a Motion for Preliminary Injunction seeking emergency injunctive relief for the purposes of preserving funds, assets, and other property of Defendants Rene Larralde, Juan Pablo Valcarce, Brian Early, Alisha Ann Kingrey, and Fundsz ("Defendants") and otherwise protecting the interests of investors who deposited funds with the Defendants, among other relief.

2. Good cause exists to grant the CFTC's request for expedited discovery. In order to fulfill its statutory duties of protecting investors from further loss, the CFTC must immediately identify all of Defendants' assets and review Defendants' books and records, including all bank records, to ensure that Defendants preserve all investors' assets and otherwise comply with any Statutory Restraining Order this Court may enter. Expedited discovery is also necessary to allow the CFTC to prepare for any hearing this Court may schedule on the CFTC's Motion for Preliminary Injunction.

3. Rule 26(d)(1) of the Federal Rules of Civil Procedure expressly authorizes the Court to order the expedited discovery the CFTC seeks. *See* Fed. R. Civ. P. 26(d)(1) (timing of discovery may be altered "when authorized by these rules, by stipulation, or by court order"); *see also* Fed. R. Civ. P. 26(d) Advisory Committee Notes accompanying 1993 Amendments to Subdivision (d) (recognizing that cases involving requests for a preliminary injunction are among

the special instances in which expedited discovery prior to the time ordinarily allowed by Rule 26(d) of the Federal Rules of Civil Procedure is appropriate).

4. For the foregoing reasons, the CFTC requests leave to: (1) take the deposition of Larralde, Valcarce, Early, and/or Kingrey prior to any hearing on its Motion for Preliminary Injunction and that those depositions may be taken by video, telephone or other remote means; (2) request that Defendants produce, on an expedited basis, any relevant documents not otherwise required to be produced under any Statutory Restraining Order this Court may enter; and (3) issue subpoenas to third parties in order to gain information about pool participants who may have been defrauded and to help identify and locate Defendants' and pool participants' assets.

WHEREFORE, the CFTC respectfully requests that this Court enter an order authorizing expedited discovery as detailed above.

Dated: July 31, 2023

Respectfully submitted,

COMMODITY FUTURES TRADING COMMISSION

/s/ Douglas Snodgrass

Douglas Snodgrass
Elizabeth Streit
U.S. Commodity Futures Trading Commission
Division of Enforcement
77 W Jackson Blvd, Suite 800
Chicago, Illinois 60604
(312) 596-0537 (Streit)
(312) 596-0663 (Snodgrass)
estreit@cftc.gov
dsnodgrass@cftc.gov