


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION
Civil Action No: 1:13-cv-1036

FILED

SEP 05 2014

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ROBERT A. HELMS; JANNIECE S.
KAELIN; DEVEN SELLERS; ROLAND
BARRERA; VENDETTA ROYALTY
PARTNERS, LTD.; VENDETTA ROYALTY
MANAGEMENT, LLC; VESTA ROYALTY
PARTNERS, LP; VESTA ROYALTY
MANAGEMENT, LLC; IRON ROCK
ROYALTY PARTNERS, LP; IRON ROCK
ROYALTY MANAGEMENT, LLC;
ARCADY RESOURCES, LLC; BAREFOOT
MINERALS, GP; G3 MINERALS, LLC;
HALEY OIL COMPANY, INC.; LAKE
ROCK, LLC; SEBUD MINERALS, LLC; and
TECHNICOLOR MINERALS, GP,

Defendants,

and

WILLIAM L. BARLOW, and GLOBAL
CAPITAL VENTURES, LLC,

Relief Defendants, solely for the
purposes of equitable relief.

**UNOPPOSED MOTION TO EXCEED PAGE LIMITATION IN CLOVIS' RESPONSE
TO RECEIVER'S MOTION FOR ENTRY OF AN ORDER (1) REJECTING SECURED
CLAIM OF CLOVIS CAPITAL VENTURES, LLC; AND (2) AUTHORIZING
THE SALE OF CERTAIN ROYALTY INTERESTS FREE AND CLEAR OF
ALL LIENS, CLAIMS AND ENCUMBRANCES**

Clovis Capital Ventures, LLC (“Clovis”) files this Unopposed Motion to Exceed Page Limitation in Clovis’ forthcoming Response to Receiver’s Motion for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of All Liens, Claims and Encumbrances (Doc. No. 95), showing the Court the following:

ARGUMENT

On August 29, 2014, the Receiver filed a motion styled Receiver’s Motion for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of All Liens, Claims and Encumbrances (“Receiver’s Motion”). (Doc. No. 95). Under Local Rule 7(e)(3), Clovis’ response to the Receiver’s Motion is limited to ten pages. Ten pages is insufficient to respond to the myriad arguments and factual assertions set forth in the Receiver’s significant 33-page motion. Therefore, Clovis seeks an extension of the page limit for its response brief of up to 33 pages, permitting Clovis the same amount of space to assert its rights and advance its claims as was afforded to the Receiver. The Receiver consents to this Motion and the S.E.C. neither consents to nor opposes this Motion.

As the caption of the Receiver’s Motion indicates, that motion seeks to void Clovis’ bargained-for security interest negotiated fairly at arm’s length. The Receiver has made many damning, yet unfounded, accusations about Clovis therein, all couched within several different arguments and legal frameworks. Moreover, a significant amount of money is at stake—almost three million dollars. Impairment of Clovis’ bargained for security interest collateralizing millions of dollars in investment money should not result from an inability to fully apprise the

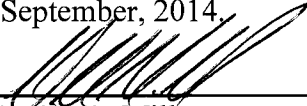
Court of all relevant facts and arguments. Rather, the Court should evaluate the claims and arguments only after each party has had a full and fair opportunity to present them to the Court. By seeking a motion to exceed the page limit, the Receiver has already recognized the significance of the issues set forth in the Receiver's Motion. (Doc. No. 93). Likewise, by granting the Receiver's motion to exceed the page limit, the Court has recognized the significance of the issues set forth in the Receiver's Motion. Clovis only asks that the Court extend to it the same courtesy.

Moreover, the Receiver sought and obtained an extension of the page limit because of— in the Receiver's own words—the “complex underlying factual issues and the application of those issues to multiple legal theories.” The Receiver proceeded to file a 33-page motion. Clovis seeks the same accommodation and would ask the Court for an extension of up to 33 pages. Such an extension would be consistent with the 1:1 ratio between motions and responses thereto set forth in Local Rules 7(d)(3) and 7(e)(3).

CONCLUSION

For the foregoing reasons, Clovis respectfully requests that the Court grant its Unopposed Motion to Exceed Page Limitation and permit Clovis up to 33 pages to respond to the Receiver's Motion. Pursuant to Local Rule 7(g), a Proposed Order granting Clovis' Unopposed Motion to Exceed Page Limitation is attached hereto as **Exhibit A**.

Respectfully submitted, this 5th day of September, 2014.



Charles G. Miller

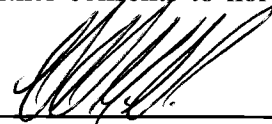
Pro Hac Vice Admission Pending
Texas Bar No. 14061810

NEXSEN PRUET, PLLC
227 West Trade Street, Suite 1550
Charlotte, NC 28203
Telephone: (704) 338-5358
Facsimile: (704) 805-4735

Attorney for Clovis Capital Ventures, LLC

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7(i), Counsel for Clovis has made a good-faith effort to reach an agreement with the Receiver and the S.E.C. with regard to the instant Motion. The Receiver consents to this Motion. The S.E.C. neither consents to nor opposes the instant Motion.



Attorney for Clovis Capital Ventures, LLC

CERTIFICATE OF SERVICE

I certify that I served the foregoing Unopposed Motion to Exceed Page Limitation in Clovis' Response to Receiver's Motion for Entry of an Order (1) Rejecting Secured Claim of Clovis Capital Ventures, LLC; and (2) Authorizing the Sale of Certain Royalty Interests Free and Clear of All Liens, Claims and Encumbrances upon all counsel of record via US Mail:

Timothy S. McCole
Christopher Davis
801 Cherry Street
Fort Worth, Texas 76102
Counsel for the Securities and Exchange Commission

Thomas L. Taylor III (Court Appointed Receiver)
4550 Post Oak Place Drive
Suite 241
Houston, Texas 77027-3117
Counsel for Defendants Vendetta Royalty Partners, Ltd.; Vendetta Royalty Management, LLC; Vesta Royalty Partners, LP; Vesta Royalty Management, LLC; Iron Rock Royalty Partners, LP; Iron Rock Royalty Management, LLC; Arcady Resources, LLC; Barefoot Minerals, GP; G3 Minerals, LLC; Haley Oil Company, Inc.; Lake Rock, LLC; Sebud Minerals, LLC; and Technicolor Minerals, GP

Robert A. Helms
11708 Rydalwater Lane
Austin, TX 78754

Janniece S. Kaelin
11708 Rydalwater Lane
Austin, Texas 78754

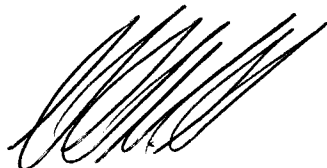
Deven Sellers
7607 Coors Court
Arvada, Colorado 80003

Roland Barrera
1762 Kenwood Place Unit H
Costa Mesa, California 92627

Donald Littlefield
Ballard & Littlefield, LLP
16475 Dallas Parkway
Suite 400
Dallas, TX 75001

Jack D. Ballard
Ballard & Littlefield, LLP
3700 Buffalo Speedway
Suite 250
Houston, TX 77098

This the 5th day of September, 2014.



Attorney for Clovis Capital Ventures, LLC

EXHIBIT A

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ROCK, LLC; SEBUD MINERALS, LLC; and
TECHNICOLOR MINERALS, GP,

Defendants,

and

WILLIAM L. BARLOW, and GLOBAL
CAPITAL VENTURES, LLC,

Relief Defendants, solely for the
purposes of equitable relief.

PROPOSED ORDER

This matter came before the Court upon the unopposed motion of Clovis Capital Ventures, LLC ("Clovis"), filed on September 5, 2014, seeking an extension of the page limitation to respond to the Receiver's motion pertaining to Clovis' security interest ("Receiver's

Motion”). (Doc. No. 95). For the reasons set forth in Clovis’ Motion, it is hereby ORDERED that Clovis may use up to 33 pages to respond to the Receiver’s Motion.

This the ___ day of September, 2014.

Judge Lee Yeakel
United States District Judge