

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

SECURITIES AND EXCHANGE COMMISSION,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 1:13-cv-01036-ML
	§	
ROBERT A. HELMS, ET AL.,	§	
<i>Defendants,</i>	§	
	§	
and	§	
	§	
WILLIAM L. BARLOW AND GLOBAL CAPITAL VENTURES, LLC,	§	
<i>Relief Defendants, solely for the purposes of equitable relief.</i>	§	
	§	

**JOINT MOTION TO AMEND ANCILLARY SCHEDULING ORDER**

COME NOW Thomas L. Taylor III (“Receiver”), solely in his capacity as Court-appointed Receiver for the Defendants in the above-styled action, Plaintiff Securities and Exchange Commission, and Intervenor Clovis Capital Ventures, LLC (“Clovis”) and Philip E. Gaucher, and pursuant to agreements between the parties (see **Exhibit A** attached hereto), move the Court to amend the Ancillary Scheduling Order (Doc. 149) as follows:

- (1) The Receiver, Clovis and Gaucher shall complete the production of documents consistent with **Exhibit A** on or before 5:00 p.m. CST January 8, 2015;
- (2) Clovis shall conduct its previously noticed deposition of the Receiver on January 21, 2015;
- (3) The parties shall file their written briefs in this matter on or before February 5, 2015;

- (4) The hearing in this matter shall be RESET to February 12, 2015 at 8:30 a.m. in Courtroom No. 8, on the Seventh Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas 78701; and
- (5) The parties shall comply with the applicable bench trial provisions of Local Rule CV-16(e) – (g) of the Local Rules of the Western District of Texas with respect to the above date of the hearing reset in this matter.

Dated: January 7, 2015

THE TAYLOR LAW OFFICES, P.C.

By:  /s/ Andrew M. Goforth

Andrew M. Goforth  
Texas State Bar: 24076405  
*goforth@ltaylorlaw.com*

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Houston, Texas 77027  
Tel: 713.626.5300  
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COUNSEL FOR RECEIVER

By:  /s/ Chris Davis

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U.S. Securities and Exchange Commission  
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Fort Worth, Texas 76102

NEXSEN PRUET, PLLC

By:  /s/ Charles G. Miller

William Terpening  
Admitted *Pro Hac Vice*  
Charles G. Miller  
Admitted *Pro Hac Vice*  
Texas Bar No. 14061810

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Attorneys for Intervenors  
Clovis Capital Ventures, LLC and  
Philip Gaucher

Telephone: (817) 900-2638(cd)  
Telephone: (817) 978-6453(tm)  
FAX: (817) 978-4927

For Plaintiff

**CERTIFICATE OF SERVICE**

On January 7, 2015, I electronically submitted the foregoing document with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the CM/ECF electronic filing system. All counsel of record and *pro se* parties have been served electronically via CM/ECF notice, or by other means as listed below consistent with the Federal Rules of Civil Procedure.

***Via Email, with permission:***

Deven Sellers  
*devensellers@gmail.com*

Roland Barrera  
*barrera.roland@gmail.com*

William Barlow; Global Capital Ventures, LLC  
Relief Defendants  
*sgtgiwillie@aol.com*

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Andrew M. Goforth

# **Exhibit A**

**THE TAYLOR LAW OFFICES**  
A PROFESSIONAL CORPORATION

January 6, 2015

VIA EMAIL

William R. Terpening  
Charles Miller  
Nexsen Pruet, PLLC  
227 West Trade Street, Suite 1500  
Charlotte, NC 28202  
*wterpening@nexsenpruet.com*  
*cmiller@nexsenpruet.com*

Re: *SEC v. Robert A. Helms, et al.*; Civil Action No. 1:13-cv-01036-ML, in the  
United States District Court for the Western District of Texas, Austin Division

Messrs. Terpening and Miller,

This letter addresses the agreement between Receiver Thomas L. Taylor III (“Receiver”), and Intervenor Clovis Capital Ventures LLC (“Clovis”) and Philip Gaucher (“Gaucher”) (collectively the “Parties”) with respect to the discovery disputes asserted and relief sought in the Parties’ respective Motions to Compel (Docs. 160 and 162), the responses thereto (Docs. 165, 166-1, 169) (the “Responses”) and Gaucher’s Motion to Intervene (Doc. 166). The Parties agree to proceed as follows:

(1) The Receiver will conduct searches of electronically stored Receivership records using the below agreed upon search terms. The Receiver will produce the documents resulting from such searches no later than 5 p.m. CST on Thursday January 8, 2015. The agreed upon search terms are:

- a. amegy
- b. energynet
- c. PPM
- d. “private placement memorandum”
- e. collateral
- f. “subscription agreement”
- g. “agreement of limited partnership of vendetta royalty partners, ltd.”
- h. “limited partnership agreement”
- i. “agreement of limited partnership”
- j. priority
- k. security
- l. secured
- m. assign
- n. overriding
- o. “mineral interests”
- p. “mineral deed”

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**THE TAYLOR LAW OFFICES**  
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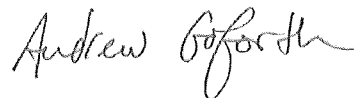
- q. “contrib AND capital”
- (2) Counsel for Clovis and Gaucher will promptly execute the Receiver’s letter agreement previously transmitted on December 11, 2014 (attachment to email located at Doc. 162-7, p. 4) and produce to the Receiver all documents listed on the Clovis and Gaucher “Privilege Logs” (Doc. 162-2) (excluding communications between Clovis and its members and Joseph Kahn, Mark Bender and Will Terpening). Clovis and Gaucher will produce these documents to the Receiver no later than 5 p.m. CST on Thursday January 8, 2015.
- (3) Subject to items (1) and (2) above, each of the Parties withdraws all requests for relief in their respective Motions to Compel and/or Responses.
- (4) The Receiver will appear for his previously noticed telephonic deposition at 9:00 a.m. on January 13, 2015 in Houston, Texas at The Taylor Law Offices, PC. Clovis will promptly serve an Amended Notice of Deposition to this effect.
- (5) The Parties further agree to seek the amendment of the Ancillary Scheduling Order (Doc. 149) with respect to the dates below, subject to the schedule of the Court:
- a. The Parties shall file written briefs on or before Wednesday January 21, 2015;
  - b. The Parties shall comply with the applicable bench trial provisions of Local Rule CV-16(e), (g) of the Local Rules of the Western District of Texas on or before Tuesday January 20, 2015;
  - c. The Parties shall comply with the applicable bench trial provisions of Local Rule CV-16(f) of the Local Rules of the Western District of Texas on or before Friday January 23, 2015;
  - d. The hearing in this matter shall be **RESET** to Tuesday January 27, 2015 at 8:30 a.m. in Courtroom No. 8, on the Seventh Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas 78701.

Please confirm your agreement to the above terms by signing below and returning a copy of the executed letter to me by email.

**THE TAYLOR LAW OFFICES**  
A PROFESSIONAL CORPORATION

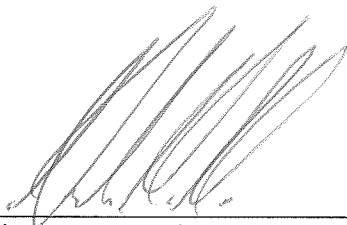
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Very truly yours,



Andrew M. Goforth

COUNSEL FOR RECEIVER



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William R. Terpening  
Charles Miller

COUNSEL FOR CLOVIS CAPITAL VENTURES, LLC AND  
PHILIP GAUCHER

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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WILLIAM L. BARLOW AND GLOBAL CAPITAL VENTURES, LLC,	§	
<i>Relief Defendants, solely for the purposes of equitable relief.</i>	§	
	§	

**AMENDED ANCILLARY SCHEDULING ORDER**

CAME ON THIS DAY to be considered, the Joint Motion to Amend Ancillary Scheduling Order (Doc. 176) (the “Motion”), filed by Thomas L. Taylor III (“Receiver”), solely in his capacity as Court-appointed Receiver for the Defendants in the above-styled action, Plaintiff Securities and Exchange Commission, and Intervenor Clovis Capital Ventures, LLC (“Clovis”) and Philip E. Gaucher. The Court is of the opinion that the Motion should be GRANTED in all respects. The Court hereby AMENDS the Ancillary Scheduling Order (Doc. 149) as follows:

- (1) The Receiver, Clovis and Gaucher shall complete the production of documents (consistent with **Exhibit A** to the Motion) on or before 5:00 p.m. CST January 8, 2015;
- (2) Clovis shall conduct its previously noticed deposition of the Receiver on January 21, 2015;



- (3) The parties shall file their written briefs in this matter on or before February 5, 2015;
- (4) The hearing in this matter shall be **RESET** to February 12, 2015 at 8:30 a.m. in Courtroom No. 8, on the Seventh Floor of the United States Courthouse, 501 West Fifth Street, Austin, Texas 78701; and
- (5) The parties shall comply with the applicable bench trial provisions of Local Rule CV-16(e) – (g) of the Local Rules of the Western District of Texas with respect to the above date of the hearing reset in this matter.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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MARK LANE  
UNITED STATES MAGISTRATE JUDGE