

THE HONORABLE RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

KIRK SPERRY, and
SPERRY AND SONS CAPITAL INVESTMENTS,
LLC,

Defendants.

Civil Action No. 2:20-cv-01337-RSM

NOTICE OF PARTIAL SETTLEMENT AND
REQUEST TO VACATE PRETRIAL AND
TRIAL DATES

Current Trial Date: July 26, 2021

Pursuant to the Court's Order Setting Trial Date and Related Dates (ECF No. 8), the Parties hereby notify the Court that they have reached a partial resolution of the case and request that the Court vacate the upcoming pre-trial and trial dates.¹

In its complaint, the plaintiff Securities and Exchange Commission (the "Commission") alleged defendants Kirk Sperry and Sperry and Sons Capital Investments, LLC ("Sperry and Sons") (collectively "Defendants") violated the federal securities laws.

¹ The parties also left a message so informing the Court's clerk on April 30, 2021.

1 The Commission sought an order enjoining Defendants from further violations of the federal
2 securities laws, plus monetary relief including ordering disgorgement of any ill-gotten gains
3 plus prejudgment interest and a civil monetary penalty.

4 The Defendants have agreed not to contest liability and have consented to the entry of
5 permanent injunctions. *See* [Proposed] Judgment as to Defendant Kirk Sperry, [Proposed]
6 Judgment as to Defendant Sperry and Sons Capital Investments, LLC, and Consents thereto,
7 to be filed forthwith. Because the Defendants do not contest liability, there is no need for a
8 trial on the merits.

9 The Court shall determine the amounts of the disgorgement and civil penalty upon
10 motion of the Commission. *See* Section III of the [Proposed] Judgments. In the event the
11 Parties are unsuccessful at reaching a resolution on the issue of the monetary terms, the
12 Parties will petition the Court to set a briefing schedule.

13 NOW THEREFORE, the Parties hereby request the Court to vacate the remaining
14 dates and trial date of July 26, 2021.

15
16 Dated: May 3, 2021

17 Respectfully submitted,

18
19 /s/ Silvana Quintanilla
20 Silvana Quintanilla (Conditionally
21 Admitted Pursuant to LCR 83.1(c)(2))
22 Securities and Exchange Commission
23 44 Montgomery Street, Suite 2800
24 San Francisco, CA 94104
25 Telephone: (415) 705-2500
26 Facsimile: (415) 705-2501
27 Email: ocallaghans@sec.gov
28 *Attorney for Plaintiff Securities and
Exchange Commission*

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/s/ Edward P. Weigelt, Jr.
Edward P. Weigelt, Jr., Esq.
Law Offices of Edward P. Weigelt, Jr.
9222 36th Avenue SE
Everett, WA 98208
*Attorney for Defendants Kirk Sperry and Sperry and
Sons Capital Investments, LLC*