IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS

COMMODITY FUTURES TRADING COMMISSION, and

ALABAMA SECURITIES COMMISSION. STATE OF ALASKA, ARIZONA CORPORATION COMMISSION, CALIFORNIA COMMISSIONER OF BUSINESS OVERSIGHT, COLORADO SECURITIES COMMISSIONER, STATE OF DELAWARE, STATE OF FLORIDA, OFFICE OF THE ATTORNEY GENERAL, STATE OF FLORIDA, OFFICE OF FINANCIAL REGULATION, OFFICE OF THE GEORGIA SECRETARY OF STATE, STATE OF HAWAII, SECURITIES ENFORCEMENT BRANCH, IDAHO DEPARTMENT OF FINANCE, INDIANA SECURITIES COMMISSIONER, IOWA INSURANCE COMMISSIONER DOUGLAS M. OMMEN, OFFICE OF THE KANSAS SECURITIES COMMISSIONER, KENTUCKY DEPARTMENT OF FINANCIAL INSTITUTIONS, MAINE SECURITIES ADMINISTRATOR, STATE OF MARYLAND EX REL MARYLAND SECURITIES COMMISSIONER, ATTORNEY GENERAL DANA NESSEL ON BEHALF OF THE PEOPLE OF MICHIGAN, MISSISSIPPI SECRETARY OF STATE, NEBRASKA DEPARTMENT OF BANKING & FINANCE, OFFICE OF THE NEVADA SECRETARY OF STATE, NEW MEXICO SECURITIES DIVISION, THE PEOPLE OF THE STATE OF NEW YORK BY LETITIA JAMES, ATTORNEY GENERAL OF THE STATE OF NEW YORK, OKLAHOMA DEPARTMENT OF SECURITIES, SOUTH CAROLINA ATTORNEY GENERAL, SOUTH CAROLINA SECRETARY OF STATE, SOUTH DAKOTA DEPARTMENT OF LABOR & REGULATION, DIVISION OF

NOTICE TO LIFT SEAL

Case No.:

Judge:

INSURANCE, COMMISSIONER OF THE TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE, STATE OF TEXAS, WASHINGTON STATE DEPARTMENT OF FINANCIAL INSTITUTIONS, WEST VIRGINIA SECURITIES COMMISSION, AND STATE OF WISCONSIN.

Plaintiffs,

v.

TMTE, INC. a/k/a METALS.COM, CHASE METALS, INC., CHASE METALS, LLC, BARRICK CAPITAL, INC., LUCAS THOMAS ERB a/k/a LUCAS ASHER a/k/a LUKE ASHER, and SIMON BATASHVILI,

Defendants;

and

TOWER EQUITY, LLC,

Relief Defendant.

Plaintiffs provide notice to the Court that Plaintiffs have successfully served: Defendants TMTE, Inc., *d/b/a* Metals.com, Chase Metals, LLC, Chase Metals, Inc., Access Unlimited, LLC, and Simon Batashvili.

Pursuant to the Court's Order (Docket Entry # 21): "It is further hereby **ordered** that the seal shall expire upon the earlier of (l) seventy-two hours following the issuance of the *ex parte* restraining order sought by Plaintiffs or (2) Plaintiffs provide the court with Notice that Defendants have been served with the Complaint." (Emphasis in the original).

Therefore, Plaintiffs respectfully request that the Court direct the Clerk of the Court to lift

the seal on the entire docket and make the entire matter public.

Dated: September 24, 2020 Respectfully submitted,

By: /s JonMarc P. Buffa

JONMARC BUFFA <u>jbuffa@cftc.gov</u> California Bar # 217324

RICHARD FOELBER rfoelber@cftc.gov Illinois Bar # 0840904

Attorneys for Plaintiff COMMODITY FUTURES TRADING COMMISSION 1155 21st Street. NW Washington, DC 20580 (202) 418-5000

FOR THE STATE OF ALABAMA

By: /s/ Jeffery A. "Beau" Brown, Jr

JEFFERY A. "BEAU" BROWN, JR., pro hac vice pending
Beau.Brown@asc.alabama.gov
Alabama Bar No. 7258R80B

ANNE GUNTER, pro hac vice pending anne.gunter@asc.alabama.gov Alabama Bar No. 4666N91P

Attorneys for Plaintiff STATE OF ALABAMA SECURITIES COMMISSION 445 Dexter Avenue, Suite 12000 Montgomery, AL 36104 Telephone: (334) 322-8586 Fax: (334) 242-0240

FOR THE STATE OF ALASKA

By: /s/ Robert Schmidt

ROBERT SCHMIDT, pro hac vice pending rob.schmidt@alaska.gov Alaska Bar No. 9909048 JOHN HALEY john.haley@alaska.gov Alaska Bar No. 1402010

Attorneys for Plaintiff STATE OF ALASKA OFFICE OF ATTORNEY GENERAL 1031 West Fourth Avenue, Suite 200 Anchorage, Alaska 99501 Telephone: (907) 269-6645

Fax: (907) 276-3697

FOR THE STATE OF ARIZONA

By: <u>/s/ Christopher Nichols</u>

CHRISTOPHER NICHOLS, pro hac vice pending cnichols@azcc.gov Arizona Bar No. 029958

Attorney for Plaintiff ARIZONA CORPORATION COMMISSION 1300 W. Washington St. Phoenix, AZ 85007 Telephone: (602) 542-0639

Fax: (602) 714-8120

FOR THE STATE OF CALIFORNIA

By: /s/ Danielle Stoumbos

MARY ANN SMITH
MaryAnn.Smith@dbo.ca.gov
SEAN ROONEY
Sean.Rooney@dbo.ca.gov
DANIELLE A. STOUMBOS, pro hac vice pending
California Bar No. 264784
Danielle.Stoumbos@dbo.ca.gov

Attorneys for Plaintiff STATE OF CALIFORNIA DEPARTMENT OF BUSINESS OVERSIGHT 320 West Fourth Street, Suite 750 Los Angeles, California 90013 Telephone: (213) 503-2046

Fax: (213) 576-7181

FOR THE STATE OF COLORADO PHILIP J. WEISER Attorney General of the State of Colorado

By: /s/ Janna Fischer

Fax: (720) 508-6037

JANNA FISCHER*, pro hac vice pending janna.fischer@coag.gov Colorado Bar No. 44952 ROBERT FINKE*, pro hac vice pending robert.finke@coag.gov Colorado Bar No. 40756 *Counsel of Record

Attorneys for Plaintiff SECURITIES COMMISSIONER FOR THE STATE OF COLORADO 1300 Broadway, 8th Floor Denver, Colorado 80203 Telephone: (720) 508-6374

FOR THE STATE OF DELAWARE KATHLEEN JENNINGS Attorney General of the State of Delaware

By: /s/ Katherine M. Devanney

KATHERINE M. DEVANNEY, pro hac vice pending
Deputy Attorney General
Delaware Bar No. 6356
Texas Bar No. 24116281
katherine.devanney@delaware.gov
JILLIAN LAZAR
Director of Investor Protection

Delaware Bar No. 6049 jillian.lazar@delaware.gov

Delaware Department of Justice 820 N. French St. Wilmington, DE 19801 Telephone: (302) 577-8356

Fax: (302) 577-6987

Attorneys for Plaintiff the State of Delaware

FOR THE STATE OF FLORIDA ASHLEY MOODY Attorney General for the State of Florida

By: /s/ Victoria Butler

VICTORIA BUTLER, pro hac vice pending Assistant Attorney General Director of Consumer Protection victoria.butler@myfloridalegal.com Florida Bar No. 861250

Attorney for Plaintiff STATE OF FLORIDA OFFICE OF THE ATTORNEY GENERAL Department of Legal Affairs 3507 E Frontage Rd, Suite 325 Tampa, FL 33607-1795 Telephone: (813) 287-7950

Fax: (813) 281-5515

By: /s/ A. Gregory Melchior

A. GREGORY MELCHIOR, pro hac vice pending Assistant General Counsel greg.melchior@flofr.com Florida Bar No. 407290

Attorney for Plaintiff STATE OF FLORIDA OFFICE OF FINANCIAL REGULATION 1313 Tampa Street, Suite 615 Tampa, Florida 33602-3394 Telephone: (813) 218-5327 Fax: (813) 272-2498

FOR THE STATE OF GEORGIA

By: /s/ Logan B. Winkles

LOGAN B. WINKLES, pro hac vice pending Georgia Bar No. 136906 lwinkles@law.ga.gov RONALD J. STAY, pro hac vice pending Georgia Bar No. 621732 rstay@law.ga.gov

Attorneys for Plaintiff OFFICE OF THE GEORGIA SECRETARY OF STATE Georgia Department of Law 40 Capitol Square SW Atlanta, GA 30334 Telephone: (404) 458-3434

Fax: (404) 657-3239

FOR THE STATE OF HAWAII

By: /s/ Rayni M. Nakamura-Watanabe

RAYNI M. NAKAMURA-WATANABE, pro hac vice pending Hawaii Bar No. 9032-0 RNakamur@dcca.hawaii.gov PATRICIA J. MOY Hawaii Bar No. 5845-0 PMoy@dcca.hawaii.gov

Attorneys for Plaintiff STATE OF HAWAII SECURITIES ENFORCEMENT BRANCH 335 Merchant Street, Suite 205 Honolulu, Hawaii 96813 Telephone: (808) 586-2740

Fax: (808) 586-3977

FOR THE STATE OF IDAHO OFFICE OF THE ATTORNEY GENERAL

STATE OF IDAHO LAWRENCE G. WASDEN

By: /s/ Loren Messerly

LOREN MESSERLY, pro hac vice pending Deputy Attorney General loren.messerly@finance.idaho.gov Idaho Bar No. 7434

Attorney for Plaintiff STATE OF IDAHO IDAHO DEPARTMENT OF FINANCE P.O. Box 83720 Boise, ID 83720-0031

Telephone: (208) 332-8093 Fax: (208) 332-8099

FOR THE STATE OF INDIANA
OFFICE OF THE INDIANA ATTORNEY
GENERAL
Patricia Orloff Erdmann
Chief Counsel of Litigation

By: /s/ Jefferson S. Garn

JEFFERSON S. GARN, pro hac vice pending Deputy Attorney General Jefferson.Garn@atg.in.gov Indiana Bar No. 29921-49

Attorney for Plaintiff
STATE OF INDIANA
INDIANA SECURITIES COMMISSIONER
302 W. Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
Fax: (317) 232-7979

FOR THE STATE OF KANSAS

By: <u>/s/ Thomas E. Knutzen</u>

THOMAS E. KNUTZEN, pro hac vice pending

Special Assistant Attorney General tom.knutzen@ks.gov Kansas Bar No. 24471

Attorney for Plaintiff
OFFICE OF THE KANSAS SECURITIES
COMMISSIONER
1300 SW Arrowhead Road
Topeka, KS 66604

Telephone: (785) 296-7890 Fax: (785) 296-6872

FOR THE STATE OF KENTUCKY

By: /s/ Gary Stephens

GARY STEPHENS, pro hac vice pending Gary.stephens@ky.gov Kentucky Bar No. 87740 CATHERINE FALCONER Catherine.falconer@ky.gov

Attorneys for Plaintiff
STATE OF KENTUCKY
DEPARTMENT OF FINANCIAL INSTITUITONS
500 Mero St. 2SW19
Frankfort, KY 40601
Telephone: (502) 782-9052

Fax: (502) 573-8787

FOR THE STATE OF MAINE

By: /s/ Gregg D. Bernstein

GREGG D. BERNSTEIN, pro hac vice pending gregg.bernstein@maine.gov Maine Bar No. 8424

Attorney for Plaintiff
STATE OF MAINE SECURITIES
ADMINISTRATOR
6 State House Station
Augusta, Maine 04333
Telephone: (207) 626-8800

Fax: (207) 626-8828

FOR THE STATE OF MARYLAND

BRIAN E. FROSH ATTORNEY GENERAL OF THE STATE OF MARYLAND

By: /s/ Max F. Brauer

MAX F. BRAUER, pro hac vice pending Assistant Attorney General mbrauer@oag.state.md.us Maryland State Does Not Use Bar Numbers

Attorney for Plaintiff STATE OF MARYLAND EX REL MARYLAND SECURITIES COMMISSIONER 200 Saint Paul Place Baltimore, MD 21202 Telephone: (410) 576-6950

Fax: (410) 576-6532

FOR THE PEOPLE OF MICHIGAN

By: /s/ Aaron W. Levin

PEOPLE OF THE STATE OF MICHIGAN, by DANA NESSEL ATTORNEY GENERAL

Aaron W. Levin, *pro hac vice pending* Assistant Attorney General levina@michigan.gov Michigan Bar No. P81310

Attorney for Plaintiff
Michigan Department of Attorney General
525 W. Ottawa Street,
P.O. Box 30736
Lansing, MI 48909
Telephone: (517) 335-7632

Fax: (517) 335-7632

FOR THE STATE OF MISSISSIPPI

By: /s/ Seth Shannon

SETH SHANNON, pro hac vice pending seth.shannon@ago.ms.gov Mississippi Bar No. 103466 CRYSTAL UTLEY SECOY crystal.utley@ago.ms.gov

Attorneys for Plaintiff
STATE OF MISSISSIPPI
OFFICE OF THE ATTORNEY GENERAL
P.O. Box 220
Jackson, MS 39205
Telephore (770) 227 (400)

Telephone: (769) 237-6406

Fax: (601) 359-4231

FOR THE STATE OF NEBRASKA L. JAY BARTEL Bureau Chief Legal Services Bureau

By: /s/ Joshua R. Shasserre

JOSHUA R. SHASSERRE, pro hac vice pending Assistant Attorney General Nebraska Bar No. 23885 joshua.shasserre@nebraska.gov

Attorney for Plaintiff STATE OF NEBRASKA 2115 State Capitol Lincoln, NE 68509 Telephone: (402) 471-3888

Fax: (402) 471-388

FOR THE STATE OF NEVADA

By: /s/ Erin M. Houston

ERIN M. HOUSTON, pro hac vice pending Deputy Secretary of State, Securities Administrator Nevada Bar No. 11814 ehouston@sos.nv.gov Attorney for Plaintiff STATE OF NEVADA Office of the Nevada Secretary of State Securities Division 2250 North Las Vegas Blvd., Suite 400 North Las Vegas, NV 89030 Telephone: (702) 486-2440

Fax: (702) 486-2452

FOR THE STATE OF NEW MEXICO

By: /s/ Alissa N. Berger

ALISSA N. BERGER, pro hac vice pending Securities Enforcement Prosecutor New Mexico Securities Division New Mexico Bar No. 21769 Alissa.Berger@state.nm.us

Attorney for Plaintiff
STATE OF NEW MEXICO
New Mexico Securities Division
New Mexico Regulation and Licensing Department
5500 San Antonio Rd NE
Albuquerque, New Mexico 87109
Telephone: (505) 503-5987

Fax: (505) 222-9848

FOR THE STATE OF NEW YORK LETITIA JAMES ATTORNEY GENERAL OF THE STATE OF NEW YORK

By: <u>/s/ Tatyana Trakht</u>

TATYANA "TANYA" TRAKHT, pro hac vice pending
Assistant Attorney General
tanya.trakht@ag.ny.gov
New York State Does Not Use Bar Numbers
PETER POPE
Chief, Investor Protection Bureau
peter.pope@ag.ny.gov

Attorneys for Plaintiff
ATTORNEY GENERAL FOR THE STATE OF
NEW YORK
28 Liberty Street, 21st Floor
New York, New York 10005
Telephone: (212) 416-8457

Fax: (212) 416-8816

FOR THE STATE OF OKLAHOMA

By: /s/ Robert Fagnant

ROBERT FAGNANT, pro hac vice pending rfagnant@securities.ok.gov Oklahoma Bar No. 30548

Attorney for Plaintiff
OKLAHOMA DEPARTMENT OF SECURITIES
204 N. Robinson Avenue, Suite 400
Oklahoma City, OK 73102
Telephone: (405) 280-7718

Fax: (405) 280-7742

FOR THE STATE OF SOUTH CAROLINA

By: /s/ Jonathan Williams

JONATHAN WILLIAMS, pro hac vice pending jwilliams@scag.gov South Carolina Bar No. 72509

Attorney for Plaintiff
STATE OF SOUTH CAROLINA
OFFICE OF ATTORNEY GENERAL
P.O. Box 11549
Columbia, SC 29211
Telephones (802) 724, 7208

Telephone: (803) 734-7208

Fax: (803) 734-7208

By: /s/ Shannon A. Wiley

SHANNON A. WILEY, pro hac vice pending swiley@sos.sc.gov South Carolina Bar No. 69806 Attorney for Plaintiff STATE OF SOUTH CAROLINA OFFICE OF THE SECRETARY OF STATE 1205 Pendleton Street, Suite 525 Columbia, SC 29201

Telephone: (803) 734-0246

Fax: (803) 734-1661

FOR THE STATE OF SOUTH DAKOTA

By: /s/ Clayton Grueb

CLAYTON GRUEB, pro hac vice pending South Dakota Bar No. 4642 Clayton.grueb@state.sd.us

Attorney for Plaintiff
South Dakota Department of Labor & Regulation,
Division of Insurance
2330 N. Maple Ave, Suite 1
Rapid City, SD 57701
Telephone: (605) 773-3563

Fax: (605) 773-5369

FOR THE STATE OF TENNESSEE HERBERT H. SLATERY III Attorney General and Reporter for the State of Tennessee

By: /s/ James P. Urban

JAMES P. URBAN, pro hac vice pending Deputy Attorney General TN B.P.R. No. 033599 james.urban@ag.tn.gov

Office of Tennessee Attorney General Financial Division P.O. Box 20207 Nashville, TN 37202-0207 Telephone: (615) 741-3739

Fax: (615) 532-8223

Attorney for Plaintiff

Commissioner of the Tennessee Department of Commerce and Insurance

FOR THE STATE OF TEXAS KEN PAXTON Attorney General of Texas

JEFFREY C. MATEER First Assistant Attorney General

RYAN L. BANGERT Deputy First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil Litigation

JOSHUA R. GODBEY Division Chief Financial Litigation and Charitable Trusts Division

By: /s/ Christina Cella

CHRISTINA CELLA

Assistant Attorney General State Bar No. 24106199 christina.cella@oag.texas.gov LEA N. BRIGTSEN Assistant Attorney General State Bar No. 24054504 lea.brigtsen@oag.texas.gov

Financial Litigation and Charitable Trusts Division P.O. Box 12548 Austin, Texas 78711-2548 Telephone: (512) 475-2952

Fax: (512) 477-2348

Attorneys for Plaintiff the State of Texas

FOR THE STATE OF WASHINGTON

By: /s/ Ian S. McDonald

IAN S. MCDONALD, pro hac vice pending Washington Bar No. 41403 Ian.McDonald@atg.wa.gov

Telephone: (360) 586-3264

Fax: (360) 664-0229

Attorney for Plaintiff
Washington State Department of Financial
Institutions, Securities Division
150 Israel Rd. SW
Tumwater, WA 98501
Telephone: (360) 902-8700

Fax: (360) 902-0524

FOR THE STATE OF WEST VIRGINIA

By: /s/ Michael Nusbaum

MICHAEL NUSBAUM, pro hac vice pending michael.nusbaum@wvsao.gov West Virginia Bar No. 12708

Attorney for Plaintiff
STATE OF WEST VIRGINIA
WEST VIRGINIA SECURITIES COMMISSION
1900 Kanawha Boulevard, East
Building 1, Room W-100
Charleston, WV 25305
Telephone: (304) 558-2251

Fax: (304) 558-4211

FOR THE STATE OF WISCONSIN JOSHUA L. KAUL Attorney General State of Wisconsin Wisconsin Department of Justice

By: /s/ Shannon A. Conlin

SHANNON A. CONLIN, pro hac vice pending Assistant Attorney General Wisconsin Bar No. 1089101 Conlinsa@doj.state.wi.us

WISCONSIN DEPARTMENT OF JUSTICE Post Office Box 7857 Madison, WI 53707-7857

Telephone: (608) 266-1677

Fax: (608) 267-2779

Attorney for Plaintiff State of Wisconsin

FOR THE IOWA INSURANCE COMMISSIONER DOUGLAS M. OMMEN

By: /s/ Adam J. Kenworthy
ADAM KENWORTHY* pro hac vice pending
Iowa Bar No. AT0012137
Enforcement Attorney
adam.kenworthy@iid.iowa.gov

Attorney for Plaintiff IOWA INSURANCE DIVISION 1963 Bell Ave, Ste 100 Des Moines, IA 50315 Telephone: (515) 654-6562

Fax: (515)-654-6500