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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF ARIZONA**
10

11 United States Securities and Exchange
Commission,

12 Plaintiff,

13 v.

14 Jonathan Larmore, *et al.*,

15 Defendants, and

16 Michelle Larmore; Marcia Larmore; CSL
17 Investments, LLC; Spike Holdings, LLC;
18 and JMMAL Investments, LLC,

19 Relief Defendants.
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Case No. 2:23-cv-02470-DLR

**RELIEF DEFENDANT MARCIA
LARMORE'S MOTION TO STRIKE
EXHIBIT A TO RECEIVER'S
REPLY AND "CORRECTED"
REPLY [ECF NOS. 375-1 AND 377-1]**

21 On April 10, 2025, the Receiver filed a Motion for an Order Designating Additional
22 Receivership Entities [ECF No. 332]. On April 24, 2025, Relief Defendant Marcia Larmore
23 filed a Limited Opposition [ECF No. 335]. On three separate occasions, the Receiver
24 requested an extension of time to file a reply brief, and each time counsel consented [ECF
25 Nos. 343, 353, & 365]. Thus, while the Receiver's reply was initially due on May 1, 2025,
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28 ¹ Admitted *pro hac vice*.

² Admitted *pro hac vice*.

1 the Receiver did not file it until June 5, 2025 [ECF No. 375 (initial) & ECF No. 377
2 (corrected)].

3 Apparently the saying holds true that “no good deed goes unpunished,” because the
4 Receiver took the 6-weeks that it was granted to draft and impermissibly attach a 164-page
5 declaration containing new allegations, arguments, and evidence that could have been—but
6 were not—included in the Receiver’s opening Motion. When denying Jonathan Larmore
7 and Relief Defendant Marcia Larmore’s Motion to Remove StoneTurn Group, LLC as
8 Receiver, this Court held:

9 Jonathan and Marcia attach four new exhibits to their reply brief.
10 (Doc. 177-1.) The Court will not consider these exhibits
11 because it is improper to attach new evidence to a reply
12 brief. See *MJG Enterprises, Inc. v. Cloyd*, No. CV-10-0086-
13 PHX-MHM, 2010 WL 3842222, at *6 n.1 (D. Ariz. Sept. 27,
14 2010) (“The Ninth Circuit has consistently held that where new
15 arguments and new evidence is submitted for the first time in a
16 reply brief, the arguments and evidence may be stricken.”).

17 ECF No. 225 at 1 (emphasis added).

18 A motion to strike may be filed if it seeks to strike any part of a filing or submission
19 on the ground that it is prohibited or not authorized by statute, rule, or court order. *Lewis v.*
20 *Unum Life Ins. Co. of Am.*, 569 F. Supp. 3d 983, 1000 (D. Ariz. 2021) (citing LRCiv.7.2(m)).

21 This Court’s Order makes it patently clear that “it is improper to attach new evidence
22 to a reply brief.” (ECF No. 225 at 1.) The Receiver is not entitled to special treatment, and
23 should be held to the same standard as Relief Defendant. Accordingly, the Court should
24 strike the 164-page Declaration that the Receiver attached for the first time to its Reply and
25 Corrected Reply [ECF Nos. 375-1 & 377-1].
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1 Dated: June 9, 2025

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