

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

-against-

ROBERT J. MUELLER, DEEPROOT FUNDS  
LLC (a/k/a dprt Funds, LLC), AND POLICY  
SERVICES INC.,

Defendants,

-and-

DEEPROOT TECH LLC, DEEPROOT  
PINBALL LLC, DEEPROOT STUDIOS LLC,  
DEEPROOT SPORTS & ENTERTAINMENT  
LLC, DEEPROOT RE 12621 SILICON DR LLC,  
AND ROBERT J. MUELLER, JEFFREY L.  
MUELLER, AND BELINDA G. BREEN, AS CO-  
TRUSTEES OF THE MB HALE OHANA  
REVOCABLE TRUST,

Relief Defendants.

Civil Action No.: 5:21-cv-785-XR

**SECOND UNOPPOSED MOTION TO AMEND ORDER AND FOR PERMISSION**

TO THE HONORABLE COURT:

Defendant Robert J. Mueller (“**Mueller**”) files this Second Unopposed Motion to Amend Order and for Permission, as follows:

1. On August 20, 2021, Plaintiff Securities and Exchange Commission (the “**SEC**”) filed its Complaint (ECF No. 1).
2. On September 23, 2021, the parties filed a Joint Motion for an Asset Freeze, Accounting, and Preliminary Injunction (ECF No. 6).

3. On November 5, 2021, the Court entered its Order Maintaining Freeze of Certain Assets and Allowing the Use of Limited Funds to Pay for Living Expenses and Criminal Defense Counsel (ECF 23) (the “**Order on Use of Funds**”). The Order on Use of Funds ordered that:

Defendant Mueller shall be permitted, between the date of this Order and February 13, 2022, to use no more than \$20,000 of MB Hale Ohana Revocable Trust funds in defense counsel’s IOLTA Trust Account to pay for fees and expenses associated with criminal defense representation.

Order on Use of Funds at 4.

4. As noted in previous motions, the undersigned counsel has segregated such funds in a separate account, consistent with the Order on Use of Funds.

5. On April 19, 2022, the Court entered its Order Granting Unopposed Motion to Amend Orders and For Permission (ECF 56) (the “**April 19 Order**”), which permitted Mueller to use the segregated funds to pay for fees and expenses associated with criminal defense representation “that are incurred before July 15, 2022.”

6. Consistent with the April 19 Order, counsel has used certain of the funds previously segregated pursuant to the Order on Use of Funds to pay for fees and expenses associated with the criminal defense that were incurred before July 15, 2022.

7. Since July 15, 2022, counsel has incurred additional fees and expenses associated with the criminal defense but has not yet used the funds segregated pursuant to the Order on Use of Funds to pay for such fees. The total amount of fees associated with the criminal defense (including those paid before July 15, 2022 and those incurred after that date) remains less than the \$20,000 segregated pursuant to the Order on Use of Funds.

8. Mueller hereby seeks permission to use the currently segregated funds to pay for fees and expenses associated with the criminal defense that were incurred after July 15, 2022.

Mueller is not currently seeking an increase in the amount of currently frozen funds that may be used for his criminal defense.

9. The undersigned counsel for Mueller has conferred with counsel for the SEC, who stated that the SEC does not oppose the relief sought through this Motion. Counsel has also conferred with counsel for Relief Defendants Jeffrey Mueller and Belinda Breen, who also indicated that they are not opposed to the relief sought in this Motion.

Mueller therefore respectfully requests that the Court enter an order amending the Order on Use of Funds to state that the funds permitted to be used for Mueller's criminal defense by the Order on Use of Funds may be used to pay for legal fees and expenses incurred after July 15, 2022.

Dated: October 12, 2022

Respectfully submitted,

**DAVIS & SANTOS, PLLC**

By: /s/ Jay Hulings

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***Counsel for Defendant Robert Mueller***

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for the undersigned counsel for Mueller conferred with counsel for the SEC and counsel for Jeffrey L. Mueller and Belinda G. Breen, who indicated that they did not oppose the relief sought in this Motion.

/s/ Jay Hulings  
H. Jay Hulings

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2022, the foregoing document was served on counsel of record via the Court's ECF system.

/s/ Jay Hulings  
H. Jay Hulings