

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

**UNOPPOSED MOTION TO EXTEND DEADLINE FOR DEFENDANTS AND RELIEF  
DEFENDANTS TO FILE ANSWER OR OTHER RESPONSIVE PLEADING**

TO THE HONORABLE COURT:

Defendant Robert J. Mueller (“**Mueller**”) files this Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading, as follows:

1. On August 20, 2021, Plaintiff Securities and Exchange Commission (the “**SEC**”) filed its Complaint (ECF No. 1).

2. The Complaint named Mueller, Deeproot Funds LLC (a/k/a dprrt Funds, LLC), and Policy Services, Inc. as Defendants. It named 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, solely in their capacities as Co-Trustees of the MB Hale Ohana Revocable Trust, as Relief Defendants. Mueller is the sole owner of each of the entities named as a Defendant or Relief Defendant.

3. On October 13, 2021, the Court granted Mueller's first Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading (ECF No. 17), which extended the deadline for all Defendants and Relief Defendants to file an answer or other responsive pleading to November 19, 2021.

4. On October 29, 2021, the Court granted (ECF No. 21) the parties' Joint Motion to Amend Order on Preliminary Injunction and Asset Free Regarding Pre-Petition Fees and Expenses (ECF No. 20), which authorized the use of certain funds to preserve certain assets and to facilitate the efficient administration of a bankruptcy filing for the Entity Defendants and Relief Defendants.

5. On November 15, 2021, the Court granted Mueller's Second Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading (ECF No. 24), which extended the deadline for all Defendants and Relief Defendants to file an answer or other responsive pleading to December 20, 2021.

6. On December 9, 2021, Defendant deeproot Funds, LLC, Defendant Policy Services, Inc., Relief Defendant deeproot Tech, LLC, Relief Defendant deeproot Pinball, LLC, and Relief Defendant deeproot Studios, LLC filed Chapter 7 petitions in the U.S. Bankruptcy Court for the Western District of Texas.

7. On December 17, 2021, the Court granted Mueller's Third Unopposed Motion to Extend the Deadline for All Defendants and Relief Defendants to File an Answer or Other Responsive Pleading (ECF No. 31), which extended the deadline for all Defendants and Relief Defendants to file an answer or other responsive pleading to January 24, 2022.

8. In the time since the Court most recent order extending the deadlines, counsel for Mueller and counsel for the SEC have engaged in discussions regarding a potential resolution of this dispute. Those discussions have not yet reached a resolution.

9. On January 10, 2022, Mueller filed his Motion to Stay (ECF No. 34), which requests that the Court stay this case for six months due to the ongoing criminal investigation. The SEC filed its response in opposition to the Motion to Stay on January 14, 2022 (ECF No. 36). Mueller intends to file his reply brief regarding the Motion to Stay contemporaneously with this motion.

10. To provide the Court with sufficient time to consider the Motion to Stay and related briefing, Mueller requests that the Court extend the deadline for all Defendants and Relief Defendants to file an answer or other responsive pleading to the Complaint by two weeks, to **February 7, 2022**.

11. The undersigned counsel for Mueller has also conferred with counsel for the SEC, who stated that the SEC does not oppose a two-week extension of the time for Defendants and Relief Defendants to file an answer or other responsive pleading to give the Court time to consider the Motion to Stay.

12. The undersigned counsel has also conferred with counsel for the Bankruptcy Trustee responsible for the above-referenced Defendants and Relief Defendants and counsel for

Jeffrey L. Mueller and Belinda G. Breen, co-trustees of Relief Defendant MB Hale Ohana Revocable Trust, who are not opposed to the relief sought in this motion.

Mueller therefore respectfully requests that the Court enter an order granting the agreed extension and extending Defendants' and Relief Defendants' deadline to file an answer or other responsive pleading to the Complaint through and until February 7, 2022.

Dated: January 19, 2022

Respectfully submitted,

**DAVIS & SANTOS, PLLC.**

By: /s/ H. 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, counsel for Jeffrey L. Mueller and Belinda G. Breen, and counsel for the Bankruptcy Trustee, who indicated that they did not oppose an extension of the time for Defendants and Relief Defendants to file an answer or other pleadings in response to the Complaint to February 7, 2022.

/s/ H. Jay Hulings  
H. Jay Hulings

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2022, the foregoing document was served on counsel of record via the Court's ECF system.

/s/ H. Jay Hulings  
H. Jay Hulings