

a timely Response [Dkt. No. 17] to the Receiver's motion, which incorporated a copy of the summary judgment briefing schedule. *Defendant's Response* [Dkt. No. 17] at 3. Therefore, Defendant clearly had notice of the motion pending against him and cannot show "extraordinary circumstances" justifying relief under Fed. R. Civ. P. 60(b)(6). *U.S. v. Orleans Parish Sch. Bd.*, 397 F.3d 334, 337 (5th Cir. 2005).

2. Defendant's motion also appeals to the Receiver to settle this case. *Motion to Vacate Final Judgment* [Dkt. No. 28] at ¶ 14. The Receiver has always made clear his intention to settle this case if Defendant would (1) surrender the Rolex watch and laptop purchased with Sardaukar funds,¹ (2) provide a sworn financial statement showing his current assets, income, and liabilities, and (3) provide the bank records showing how Defendant spent Sardaukar's \$175,000.00. *See, e.g., Plaintiff's Reply Brief* [Dkt. No. 19] at ¶¶ 1-2. In his most recent pleading, however, Defendant states that he is only willing to provide "limited" sworn financial statements and his own testimony to explain how he spent the \$175,000.00. *Motion to Vacate Final Judgment* [Dkt. No. 28] at ¶ 14. Defendant's persistent refusal to produce bank records is suspicious and suggests that he may be lying about hidden assets. The Receiver will, therefore, continue to insist on seeing the underlying account statements from Defendant's bank before settling this case.

3. In short, Defendant's Motion to Vacate Final Judgment is without any basis in law or fact and should be denied. The Court properly entered summary judgment in this case, as demonstrated by the Defendant's most recent admission that he received funds from a *Ponzi* scheme. *See Id.* at ¶ 5. Defendant appears unlikely to prevail on appeal and there is no reason to vacate the Court's judgment at this point.

¹ If Defendant truly discarded the laptop because it was "no longer operable," then the Receiver would have to settle for the Rolex watch, sworn financial statements, and supporting bank records. *See Motion to Vacate Final Judgment* [Dkt. No. 28] at ¶ 14.

