IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

COMMODITY FUTURES TRADING)
COMMISSION,)
Plaintiff,)
v.) Case No. 1-22-CV-02465
) Hon. Mary M. Rowland
SAM IKKURTY A/K/A SREENIV ASI) Magistanta Judga Jaffany Cumminga
RAO, RAVISHANKAR AVADHANAM, AND JAFIA LLC,) Magistrate Judge Jeffrey Cummings)
)
Defendants,)
)
IKKURTY CAPITAL, LLC D/B/A ROSE)
CITY INCOME FUND, ROSE CITY)
INCOME FUND II LLP, AND SENECA)
VENTURES, LLC,)
)
Relief Defendants.)

DEFENDANTS' STATUS REPORT ON THE COURT'S ORDER TO PRODUCE

Now come Norton Rose Fulbright US LLP ("NRF" or "Movants"), attorneys of record for Defendants Sam Ikkurty ("Mr. Ikkurty") and Jafia LLC ("Jafia") (together, "Defendants"), and file this Status Report related to the Court's October 24, 2023 Order (the "Court's Order"), and in support thereof would show the following:

- 1. NRF intends to file a Motion to Withdraw as counsel before the day's end.
- 2. At the October 24, 2023 hearing, the Court ordered Mr. Ikkurty to turn over keys,

passwords, recovery phrases, and cold wallets. Mr. Ikkurty has instructed us to inform the Court that his position is that subject matter jurisdiction be decided before Defendants are required to address the Court's Order.

Case: 1:22-cv-02465 Document #: 287 Filed: 10/26/23 Page 2 of 2 PageID #:4800

3. In the event Court disagrees with that position, we understand that Mr. Ikkurty currently intends to invoke his Fifth Amendment right against self-incrimination in response to the Court's Order in accordance with the Act of Production Doctrine. *See Fisher v. United States*, 425 U.S. 391, 409-411 (1976) (recognizing the Act of Production Doctrine and reasoning that implicitly admitting the existence and possession of certain documents rises to the level of testimony within the protection of the Fifth Amendment).

Dated: October 26, 2023

Respectfully Submitted,

By: /s/ Ronald D. Smith Ronald D. Smith Kevin Harnisch Daniel Jackson Mary Kathryn Curry NORTON ROSE FULBRIGHT US LLP 2200 Ross Avenue Suite 3600 Dallas, TX 75201 Telephone: (214) 855-8000 ron.smith@nortonrosefulbright.com kevin.harnisch@nortonrosefulbright.com daniel.jackson@nortonrosefulbright.com

Counsel for Defendants Sam Ikkurty and Jafia, LLC

CERTIFICATE OF SERVICE

This pleading was served on all counsel of record via the Court's CM/ECF service in compliance with Rule 5 of the Federal Rules of Civil Procedure on October 26, 2023.

/s/ Ronald D. Smith

Ronald D. Smith