

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	No. 12 Civ. 7728 (GBD)
Plaintiff,	:	
	:	
-against-	:	ECF CASE
	:	
YORKVILLE ADVISORS, LLC, MARK	:	
ANGELO and EDWARD SCHINIK,	:	
	:	
Defendants.	:	
-----X	:	

**Notice of Defendants’ Motion to Preclude Testimony  
of the SEC’s Proposed Expert, Mark L. Berenblut**

Please take notice: Upon the accompanying Memorandum of Law in Support of Defendants’ Motion to Preclude Testimony of the SEC’s Proposed Expert, Mark L. Berenblut; the Declaration of Patrick J. Smith in Support of Defendants’ Motion to Preclude Testimony of the SEC’s Proposed Expert, Mark L. Berenblut; and the exhibits to that declaration, defendants Yorkville Advisors, LLC, Mark Angelo, and Edward Schinik will move this Court before the Honorable George B. Daniels, United States District Judge, at the United States Courthouse located at 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an order, pursuant to Federal Rules of Evidence 702 and 403, for the following relief:

1. Precluding, in its entirety, the testimony of the SEC’s proposed expert Mark L. Berenblut; or
2. At a minimum, limiting Berenblut’s testimony in the following ways:
  - a. precluding Berenblut from offering any testimony on the fact or amount of any alleged overstatement of the value of Yorkville’s investments;

- b. precluding Berenblut from testifying that Yorkville's valuations were unreasonable, inadequately supported, or otherwise lacking a reasonable basis; and/or
  - c. precluding Berenblut from offering any testimony about Yorkville's investments in six oil-and-gas companies (Falcon Natural Gas Corp., BlueCreek Energy Inc., KD Resources LLC, Striker Oil & Gas Inc., Westport Energy LLC, and Wentworth Energy Inc.); and
3. Granting such other relief as the court deems just and proper.

Dated: July 28, 2017

*s/ Patrick J. Smith*

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