UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Parker Pelham v. VBit Technologies Corp., VBit Mining LLC, Advanced Mining Group, Danh Cong Vo a/k/a Don Vo, Phuong D Vo a/k/a Katie Vo, Sean Tu, Jin Gao, Lillian Zhao, John Doe Individuals 1-10, and ABC Companies 1-10

Parker Pelham v. VBit Technologies Corp., et al., Civil Action No. 23-162-JLH-SRF (D. Del. Apr. 1, 2026) · No. Civil Action No. 23-162-JLH-SRF · Decided April 1, 2026

SUMMARY

The court grants pro se Defendant Sean Tu's motion to compel responses to interrogatories in a putative class action involving alleged unregistered Bitcoin-mining investment contracts. The court finds good cause to permit the three-day delay in serving the interrogatories and concludes that requiring substantive responses will not prejudice Plaintiff. Plaintiff must respond to Interrogatories Nos. 4, 5, 6, 7, and 11 by April 15, 2026.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Sherry R. Fallon, United States Magistrate Judge
JURISDICTION	United States District Court for the District of Delaware
DECIDED	April 1, 2026
DOCKET	Civil Action No. 23-162-JLH-SRF
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Sean Tu moved to compel responses to interrogatories served three days after the close of fact discovery. The court treated the motion as requiring modification or reopening of the discovery schedule under Federal Rule of Civil Procedure 16(b)(4), granted the motion, and ordered substantive responses.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 16(b)(4), modification of a scheduling order requires good cause and the judge's consent. The movant must show that more diligent discovery was impossible, and the court may consider prejudice to the opposing party.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

discovery dispute · civil procedure · commercial litigation · commercial · class actions

PRACTICE AREAS

civil procedure · securities litigation · discovery

QUESTIONS PRESENTED

1. Whether Defendant Tu established good cause under Federal Rule of Civil Procedure 16(b)(4) to modify or reopen the fact-discovery deadline so that his interrogatories served three days late could be enforced.
2. Whether the requested interrogatory information was irrelevant because of a presumption of reliance under the Securities Exchange Act of 1934 or because Defendant Tu allegedly already possessed personal knowledge of the information.

HOLDINGS

1. Good cause existed under Federal Rule of Civil Procedure 16(b)(4) to permit Defendant Tu to pursue interrogatories served three days after the fact-discovery deadline.
2. The information sought by Defendant Tu was not rendered irrelevant by the Exchange Act's reliance doctrine or by Tu's alleged personal knowledge, and Plaintiff was required to provide substantive responses.

KEY QUOTATIONS

> *"A schedule may be modified only for good cause and with the judge's consent."* (¶ 3)

> *"Given the delays by both sides, the court finds that, on balance, good cause exists for Defendant Tu's three-day delay in serving the interrogatories under Fed, R. Civ. P. 16(b)(4)."* (¶ 5)

FACTUAL BACKGROUND

The action concerns allegations that Defendants sold unregistered securities in the form of Bitcoin-mining investment contracts and operated a fraudulent Ponzi scheme. The scheduling order closed fact discovery on November 17, 2025. Defendant Sean Tu served the disputed interrogatories on November 19, 2025, while the parties were addressing related litigation deadlines and a planned mediation. Plaintiff requested an extension to respond, but later opposed the motion to compel on the grounds that good cause was lacking and the requested information was irrelevant.

PROCEDURAL HISTORY

Plaintiff filed a putative class action asserting claims under the Securities Act of 1933 and the Securities Exchange Act of 1934. The operative scheduling order set November 17, 2025, as the deadline for fact discovery. Defendant Tu served Interrogatories Nos. 4, 5, 6, 7, and 11 on November 19, 2025, and later moved to compel responses. The court granted the motion, finding good cause for the three-day delay and no prejudice to Plaintiff, and canceled a scheduled discovery-dispute teleconference.

DISPOSITION

other

CASES CITED

- McGoveran v. Amazon Web Servs., Inc., No. 1:20-cv-01399-SB, 2024 WL 4533598, at *3 (D. Del. Oct. 18, 2024)
- Xcoal Energy & Res. v. Bluestone Energy Sales Corp., C.A. No. 18-819-LPS, 2020 WL 5369109, at *6 (D. Del. Sept. 8, 2020)
- Lehman Bros. Holdings v. Gateway Funding Diversified Mortg. Servs., L.P., 785 F.3d 96, 102 (3d Cir. 2015)
- Hewlett v. Davis, 844 F.2d 109, 113 (3d Cir. 1988)
- Dow Chem. Canada Inc. v. HRD Corp., 287 F.R.D. 268, 270 (D. Del. 2012), aff'd, 587 F. App'x 741 (3d Cir. 2014)
- Cyrus v. Hogsten, No. 3:06-CV-02265, 2007 WL 88745, at *6 (M.D. Pa. Jan. 9, 2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Cordance Corp. v. Amazon.com, Inc., 255 F.R.D. 366, 371 (D. Del. 2009)
- Affiliated Ute Citizens of Utah v. United States, 406 U.S. 128, 155 (1972)
- United States v. Article of Drug Consisting of 30 Individually Cartoned Jars, More or Less, Labeled in Part: "Ahead Hair Restorer for New Hair Growth," 43 F.R.D. 181, 189 (D. Del. 1967)

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