



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**

New York Regional Office
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New York, New York 10281-1022

DIVISION OF ENFORCEMENT

Lee A. Greenwood
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January 4, 2019

By ECF

Hon. Steven C. Mannion
United States Magistrate Judge
United States District Court for the
District of New Jersey
Martin Luther King, Jr. Building
50 Walnut Street
Newark, New Jersey 07101

Re: SEC v. Dwayne Edwards, et al. (17 Civ. 393)

Dear Judge Mannion:

We represent plaintiff Securities and Exchange Commission (“Plaintiff” or the “SEC”) in the above-referenced action. We write concerning the applicability to this action of the attached Standing Order No. 18-4, *Stay of Civil Matters Involving the United States as a Party*, which was entered in this District on December 27, 2018 (the “Standing Order”).

Plaintiff notes that, by its terms, the Standing Order covers all civil litigation in which agencies of the United States are parties. Plaintiff further represents that the lapse of congressional appropriations funding the federal government also impacts the SEC. Accordingly, Plaintiff requests that the Court so-order the applicability of the Standing Order to this action.

Specifically, Plaintiff interprets the Standing Order as staying the remaining briefing on Plaintiff’s Motion for Monetary Relief and Turnover of Frozen Funds as to Defendant Dwayne Edwards, which Plaintiff filed on December 18, 2018 (ECF No. 308). Plaintiff does not interpret the Standing Order as applying to, or otherwise modifying, either the ongoing receivership in this action or the Court-appointed receiver’s efforts to recover on potential third-party claims held by the receivership estate.

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We are available to discuss these matters at the Court's convenience.

Respectfully submitted,

/s/ Lee A. Greenwood

Attorney for the Plaintiff

SECURITIES AND EXCHANGE

COMMISSION

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Attachment

Copies to: All counsel of record (by ECF)
Dwayne Edwards (by email)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

In re: :
Stay of Civil Matters Involving :
the United States as a Party : **Standing Order No. 18-4**

This matter is before the Court due to the lapse of congressional appropriations funding the federal government, including the Department of Justice and the United States Attorney's Office for the District of New Jersey (the "United States Attorney's Office"). Absent an appropriation, the United States represents that certain Department of Justice attorneys and employees of the federal government are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Therefore, the lapse in appropriations requires a reduction in the workforce of the United States Attorney's Office and other federal agencies, particularly with respect to prosecution and defense of civil cases. The Court, in response, and with the intent to avoid any default or prejudice to the United States or other civil litigants occasioned by the lapse in funding, enters this Order. As a result of the cited workforce reductions, it is hereby

ORDERED, effective 12/27/18 that all civil litigation, with the exception of *Federal Trade Commission v. Gerber*, Civil Action No. 14-6771(SRC) and all pending Social Security cases, in the United States District Court for the District of New Jersey involving as a party the United States of America, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees), and/or any other party represented by

the Department of Justice or the United States Attorney's Office is immediately suspended, postponed and held in abeyance continuing either (1) until the federal government is funded through congressional appropriation or (2) for a period of thirty (30) days from the date of entry of this Order, whichever comes sooner. The Court may renew or modify this Order depending on developments during the stay period. The Court intends "civil litigation" to include all pending non-criminal cases in which the United States, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees) is in any way a named party and any non-criminal cases in which the United States Attorney's Office or the Department of Justice is counsel of record. This Order includes, without further limitation, all other cases seeking monetary or equitable relief in which the United States is involved as a civil litigant.

This Order suspends and continues, during the stay, any and all events and deadlines in the affected civil litigation (whether established by order, rule, or agreement), including but not limited to any scheduled proceedings, hearings, discovery and pleading dates, and/or compliance and administration of consent orders. No party will be required to take any steps in civil litigation affected until expiration of the stay. The Court warns litigants that this Order does not purport to affect rights to or deadlines concerning appeal from any decision of this Court, which will continue to operate and issue orders in the normal course.

Any litigant affected by this Order may seek relief from the Order by motion. The Court may, in any particular case, vary the effect or operation of this Order by a separate ruling.

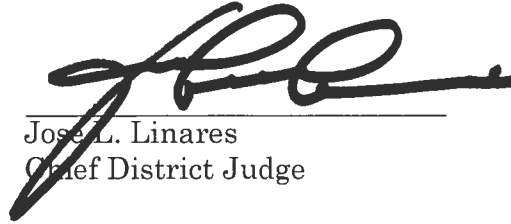
The Court shall distribute this Order:

- (a) by electronic service to all registered CM/ECF users;
- (b) by first-class mail to unregistered civil litigants, including pro se litigants, and to attorneys pending pro hac vice admission; and

(c) by posting the Order on the Court's public website.

The Court shall clarify the status of case schedules upon expiration of the stay and dependent on the timing of the funding resolution.

ENTER:
FOR THE COURT



Jose L. Linares
Chief District Judge

Dated in Newark, New Jersey this 27th day of Dec, 2018