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**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:14-cv-04644-JSR**

**Securities and Exchange Commission v. Payton et al**

**Date Filed:** June 25, 2014  
**Nature of suit:** 850 Securities/Commodities  
**Assigned to:** [Judge Jed S. Rakoff](#)  
**Cause:** 15:78m(a) Securities Exchange Act  
**Jurisdiction:** U.S. Government Plaintiff  
**Jury demand:** Both  
**Related cases:** 1:12-cv-08676-JSR

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**Plaintiff**

**Securities and Exchange Commission**

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**Docket Entries**

[Reverse Entries](#)

Numbers shown are court assigned numbers.

Entry #	Filing Date	Action	Description
			MANUALLY-COLLECTED COMPLAINT
1	June 25, 2014	Request	CIVIL COVER SHEET filed. (jd) (Entered: 06/27/2014)
2	June 25, 2014	View	COMPLAINT against Benjamin Durant, III, Daryl M Payton. Document filed by Securities and Exchange Commission.(jd) (Entered: 06/27/2014)
3	June 25, 2014	View	STATEMENT OF RELATEDNESS re: that this action be filed as related to 12-cv-8676 (JSR). Document filed by Securities and Exchange Commission.(jd) (Entered: 06/27/2014)
	June 25, 2014		SUMMONS ISSUED as to Benjamin Durant, III, Daryl M Payton. (jd) (Entered: 06/27/2014)
	June 25, 2014		CASE REFERRED TO Judge Jed S. Rakoff as possibly related to 1:12-cv-8676. (jd) (Entered: 06/27/2014)
	June 25, 2014		Case Designated ECF. (jd) (Entered: 06/27/2014)
4	June 25, 2014	Request	STANDING ORDER IN RE PILOT PROJECT REGARDING CASE MANAGEMENT TECHNIQUES FOR COMPLEX CIVIL CASES IN THE SOUTHERN DISTRICT OF NEW YORK (See M-10-468 Order filed November 1, 2011). This case is hereby designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the Pilot Project), unless the judge to whom this case is assigned determines otherwise. This case is designated for inclusion in the Pilot Project because it is a class action, an MDL action, or is in one of the following Nature of Suit categories: 160, 245, 315, 355, 365, 385, 410, 830, 840, 850, 893, or 950. The presiding judge in a case that does not otherwise qualify for inclusion in the Pilot Project may nevertheless designate the case for inclusion in the Pilot Project by issuing an order directing that the case be included in the Pilot Project. The description of the Pilot Project, including procedures to be followed, is attached to this Order. (Signed

			by Judge Loretta A. Preska on 10/30/2011) (jd) (Entered: 06/27/2014)
5	June 30, 2014	Request	MOTION for Catherine E. Pappas to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Certificate of Good Standing, # 3 Text of Proposed Order)(Pappas, Catherine) (Entered: 06/30/2014)
	June 30, 2014		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 5 MOTION for Catherine E. Pappas to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 06/30/2014)
	July 2, 2014		CASE ACCEPTED AS RELATED. Create association to 1:12-cv-08676-JSR. Notice of Assignment to follow. (pgu) (Entered: 07/02/2014)
	July 2, 2014		NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 07/02/2014)
	July 2, 2014		Magistrate Judge Ronald L. Ellis is so designated. (pgu) (Entered: 07/02/2014)
6	July 8, 2014	Request	ORDER: Judge Rakoff has determined that this case is not appropriate for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Cases in the Southern District of New York, and, accordingly, the parties should instead proceed in accordance with Judge Rakoff's individual rules and orders. SO ORDERED. (Signed by Judge Jed S. Rakoff on 7/8/2014) (kgo) (Entered: 07/08/2014)
7	July 8, 2014	Request	NOTICE OF COURT CONFERENCE: Initial Conference set for 7/22/2014 at 11:00 AM in Courtroom 14B, 500 Pearl Street, New York, NY 10007 before Judge Jed S. Rakoff. (Signed by Judge Jed S. Rakoff on 7/8/2014) (kgo) (Entered: 07/08/2014)
8	July 11, 2014	Request	ORDER FOR ADMISSION PRO HAC VICE granting 5 Motion for Catherine E. Pappas to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 7/8/2014) (kgo) (Entered: 07/11/2014)
	July 16, 2014		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/16/2014. (Kotowski, Linda) (Entered: 07/21/2014)
9	July 21, 2014	Request	MOTION for G. Jeffrey Boujoukos to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Certificate of Good Standing, # 3 Text

	July 21, 2014		of Proposed Order)(Boujoukos, G.) (Entered: 07/21/2014) >>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 9 MOTION for G. Jeffrey Boujoukos to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/21/2014)
	July 22, 2014		Minute Entry for proceedings held before Judge Jed S. Rakoff: Initial Pretrial Conference held on 7/22/2014. Parties to jointly convene a conference call with chambers on August 18, 2014 at noon. A final pretrial conference will be heard on January 2nd, 2014 at 2:00pm. (Kotowski, Linda) (Entered: 07/29/2014)
10	July 24, 2014	Request	ORDER FOR ADMISSION PRO HAC VICE granting 9 Motion for G. Jeffrey Boujoukos to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 7/22/2014) (kgo) (Entered: 07/24/2014)
11	Aug 5, 2014	Request	MOTION for A. Kristina Littman to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Certificate of Good Standing, # 3 Text of Proposed Order)(Littman, A.) (Entered: 08/05/2014)
	Aug 5, 2014		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 11 MOTION for A. Kristina Littman to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 08/05/2014)
12	Aug 8, 2014	Request	ORDER FOR ADMISSION PRO HAC VICE granting 11 Motion for A. Kristina Littman to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 8/7/2014) (kgo) (Entered: 08/08/2014)
13	Aug 12, 2014	View	SUMMONS RETURNED EXECUTED Summons and Complaint served. Daryl M Payton served on 7/16/2014, answer due 8/6/2014. Service was accepted by Daryl M. Payton. Document filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Service)(Pappas, Catherine) (Entered: 08/12/2014)
14	Aug 12, 2014	View	SUMMONS RETURNED EXECUTED Summons and Complaint served. Benjamin Durant, III served on 7/22/2014, answer due 8/12/2014. Service was accepted by Benjamin Durant, III. Document filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Service)(Pappas, Catherine) (Entered: 08/12/2014)
	Aug 18, 2014		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/18/2014. (Landers, Rigoberto) (Entered: 08/18/2014)

15	Aug 21, 2014	Request	NOTICE OF CHANGE OF ADDRESS by Sharon Blaskey Binger on behalf of Securities and Exchange Commission. New Address: Securities and Exchange Commission, One Penn Center, 1617 JFK Boulevard, Suite 520, Philadelphia, Pennsylvania, USA 19103, (215) 597-3100. (Attachments: # 1 Certificate of Service)(Binger, Sharon) (Entered: 08/21/2014)
16	Sept 24, 2014	Request	TRANSCRIPT of Proceedings re: conference held on 7/22/2014 before Judge Jed S. Rakoff. Court Reporter/Transcriber: Carol Ganley, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/20/2014. Redacted Transcript Deadline set for 10/30/2014. Release of Transcript Restriction set for 12/29/2014.(McGuirk, Kelly) (Entered: 09/24/2014)
17	Sept 24, 2014	Request	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 7/22/2014 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/24/2014)
	Nov 24, 2014		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 11/24/2014. (Kotowski, Linda) (Entered: 12/08/2014)
	Dec 22, 2014		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 12/22/2014. (Kotowski, Linda) (Entered: 12/23/2014)
18	Jan 8, 2015	Request	MOTION for David Lawrence Axelrod to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Text of Proposed Order)(Axelrod, David) (Entered: 01/08/2015)
	Jan 9, 2015		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 18 MOTION for David Lawrence Axelrod to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 01/09/2015)
19	Jan 12, 2015	Request	ORDER FOR ADMISSION PRO HAC VICE: granting 18 Motion for David Lawrence Axelrod to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 1/09/2015) (ama) (Entered: 01/12/2015)

	Jan 20, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/20/2015. (Kotowski, Linda) (Entered: 01/21/2015)
	Jan 26, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/26/2015. (Kotowski, Linda) (Entered: 02/02/2015)
20	Jan 29, 2015	View	ORDER: A telephone conference with the Court was previously set for Tuesday, February 3, 2015 at 2:00 p.m. Instead, the conference will be held at that time in courtroom 14B at the U.S. Courthouse, 500 Pearl Street, New York, NY 10007. Any party not represented by counsel must appear in person, as the Court will be setting a prompt schedule for completion of the case. However, a copy of this Order will be emailed to counsel who have represented the defendants in the parallel criminal case, so that, if either or both defendants are unrepresented in the instant matter, such counsel shall advise them of the need to appear in person. SO ORDERED. Status Conference set for 2/3/2015 at 02:00 PM in Courtroom 14B, 500 Pearl Street, New York, NY 10007 before Judge Jed S. Rakoff. (Signed by Judge Jed S. Rakoff on 1/29/2015) (ajs) (Entered: 01/29/2015)
	Jan 29, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/29/2015. (Kotowski, Linda) (Entered: 02/02/2015)
21	Feb 3, 2015	Request	NOTICE OF APPEARANCE by Robert Craig Morvillo on behalf of Benjamin Durant, III. (Morvillo, Robert) (Entered: 02/03/2015)
22	Feb 3, 2015	Request	NOTICE OF APPEARANCE by Gregory Robert Morvillo on behalf of Benjamin Durant, III. (Morvillo, Gregory) (Entered: 02/03/2015)
23	Feb 3, 2015	Request	CIVIL CASE MANAGEMENT PLAN: Ready for Trial by 9/3/2015. Trial: 9-21-15; Motions To Dismiss: Moving: 2/23; Answering: 3/9; Reply: 3/16; Oral Argument set for 3/23/2015 at 05:00 PM before Judge Jed S. Rakoff. After consultation with counsel for the parties, the following Case Management Plan is Adopted. This plan is also a scheduling order pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure. The case is to be tried to a jury. Amended Pleadings due by 3/2/2015. Deposition due by 7/17/2015. All Discovery due by 7/31/2015. Motions due by 8/10/2015. Responses due by 8/20/2015 Replies due by 8/27/2015. Final pre-trial conference: 9-03-15 at 4:00 p.m. before Judge Jed. S. Rakoff; Oral Argument set for 9/3/2015 at 04:00 PM before Judge Jed S. Rakoff. SO ORDERED. (Signed by Judge Jed S. Rakoff on 2/03/2015) (ama) (Entered: 02/04/2015)
24	Feb 11, 2015	Request	NOTICE OF APPEARANCE by Sean Hecker on behalf of Daryl M Payton. (Hecker, Sean) (Entered: 02/11/2015)

25	Feb 11, 2015	Request	NOTICE OF APPEARANCE by Matthew E. Fishbein on behalf of Daryl M Payton. (Fishbein, Matthew) (Entered: 02/11/2015)
26	Feb 11, 2015	Request	NOTICE OF APPEARANCE by Rushmi Bhaskaran on behalf of Daryl M Payton. (Bhaskaran, Rushmi) (Entered: 02/11/2015)
27	Feb 11, 2015	Request	NOTICE OF APPEARANCE by Noam B Greenspan on behalf of Daryl M Payton. (Greenspan, Noam) (Entered: 02/11/2015)
28	Feb 23, 2015	View	MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III. Document filed by Daryl M Payton.(Fishbein, Matthew) (Entered: 02/23/2015)
29	Feb 23, 2015	View	MEMORANDUM OF LAW in Support re: 28 MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III. . Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 02/23/2015)
30	Feb 25, 2015	Request	MOTION for Ada Fernandez Johnson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-10633551. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Daryl M Payton. (Attachments: # 1 Text of Proposed Order)(Johnson, Ada) (Entered: 02/25/2015)
	Feb 25, 2015		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 30 MOTION for Ada Fernandez Johnson to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-10633551. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (sdi) (Entered: 02/25/2015)
31	Feb 25, 2015	Request	MOTION for Jonathan R. Tuttle to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-10633655. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Daryl M Payton. (Attachments: # 1 Text of Proposed Order)(Tuttle, Jonathan) (Entered: 02/25/2015)
	Feb 25, 2015		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 31 MOTION for Jonathan R. Tuttle to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-10633655. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 02/25/2015)
32	Mar 2, 2015	View	AMENDED COMPLAINT amending 2 Complaint against Benjamin Durant, III, Daryl M Payton with JURY DEMAND.Document filed by Securities and Exchange Commission. Related document: 2 Complaint filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Service)(Pappas, Catherine) (Entered: 03/02/2015)

33	Mar 9, 2015	View	MEMORANDUM OF LAW in Opposition re: 28 MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III. . Document filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Service, # 2 Text of Proposed Order)(Pappas, Catherine) (Entered: 03/09/2015)
34	Mar 10, 2015	Request	TRANSCRIPT of Proceedings re: CONFERENCE held on 2/3/2015 before Judge Jed S. Rakoff. Court Reporter/Transcriber: Tara Jones, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/3/2015. Redacted Transcript Deadline set for 4/13/2015. Release of Transcript Restriction set for 6/11/2015.(McGuirk, Kelly) (Entered: 03/10/2015)
35	Mar 10, 2015	Request	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 2/3/2015 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 03/10/2015)
	Mar 10, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 3/10/2015. (Kotowski, Linda) (Entered: 03/20/2015)
36	Mar 16, 2015	View	MEMORANDUM OF LAW in Support re: 28 MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III. / Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint and in Further Support of Defendants' Motion to Dismiss the Original Complaint, filed on behalf of Daryl M. Payton and Benjamin Durant III. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 03/16/2015)
37	Mar 20, 2015	Request	REPLY to Response to Motion re: 28 MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III. Sur-Reply in Opposition to Defendants' Motion to Dismiss. Document filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Service)(Axelrod, David) (Entered: 03/20/2015)
	Mar 23, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument held on 3/23/2015 re: 28 MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III. filed by Daryl M Payton. (Kotowski, Linda) (Entered: 03/24/2015)
38	Mar 25, 2015	Request	ORDER FOR ADMISSION PRO HAC VICE: granting 31

			Motion for Jonathan R. Tuttle to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 3/23/2015) (ama) (Entered: 03/25/2015)
39	Mar 25, 2015	Request	ORDER FOR ADMISSION PRO HAC VICE: granting 30 Motion for Ada Fernandez Johnson to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 3/24/2015) (ama) (Entered: 03/25/2015)
40	Apr 2, 2015	Request	TRANSCRIPT of Proceedings re: confernce held on 3/23/2015 before Judge Jed S. Rakoff. Court Reporter/Transcriber: Denise Richards, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/27/2015. Redacted Transcript Deadline set for 5/7/2015. Release of Transcript Restriction set for 7/6/2015.(McGuirk, Kelly) (Entered: 04/02/2015)
41	Apr 2, 2015	Request	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 3/23/15 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 04/02/2015)
42	Apr 6, 2015	View	OPINION AND ORDER #105438 re: 28 MOTION to Dismiss of Defendants Daryl M. Payton and Benjamin Durant III filed by Daryl M Payton. Accordingly, for the foregoing reasons, defendants' motion to dismiss the Amended Complaint is hereby denied. The Clerk of the Court is directed to close docket number 28.SO ORDERED. (Signed by Judge Jed S. Rakoff on 4/06/2015) (ama) Modified on 4/7/2015 (ca). (Entered: 04/06/2015)
43	Apr 20, 2015	Request	ANSWER to 32 Amended Complaint,. Document filed by Daryl M Payton.(Fishbein, Matthew) (Entered: 04/20/2015)
44	Apr 21, 2015	Request	ANSWER to 32 Amended Complaint, with JURY DEMAND. Document filed by Benjamin Durant, III.(Morvillo, Robert) (Entered: 04/21/2015)
45	July 1, 2015	Request	NOTICE OF APPEARANCE by E. Scott Morvillo on behalf of Benjamin Durant, III. (Morvillo, E.) (Entered: 07/01/2015)
	July 1, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/1/2015. (Kotowski, Linda) (Entered: 07/09/2015)
46	July 2, 2015	View	NOTICE of Unopposed Application for the Issuance of a Letter of Request for International Judicial Assistance Pursuant to the Hague Convention of March 18, 1970 on Taking of Evidence in Civil or Commerical Matters.

			Document filed by Securities and Exchange Commission. (Attachments: # 1 Memo of Law in Support, # 2 Letter of Request for International Judicial Assistance, # 3 Certificate of Service)(Littman, A.) (Entered: 07/02/2015)
47	July 7, 2015	View	LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT TO THE HAGUE CONVENTION ON THE TAKING OF EVIDENCE IN CIVIL AND COMMERCIAL MATTERS: re: from the United States District Court for the Southern District of New York to the Judicial Authority in the United Kingdom (As further set forth in this Order). (Signed by Judge Jed S. Rakoff on 7/02/2015) (ama) (Entered: 07/07/2015)
	July 7, 2015		Transmission to Judgments and Orders Clerk. Transmitted re: 47 Order,, to the Judgments and Orders Clerk. (ama) (Entered: 07/07/2015)
	July 8, 2015		LETTERS ROGATORY ISSUED to The Securities and Exchange Commission to be served on Senior Master, Queens Bench Division of the High Court, London, UK. (km) (Entered: 07/08/2015)
48	July 13, 2015	Request	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Appear Pro Hac Vice Scott A. Thompson. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Good Standing, # 2 Certificate of Good Standing, # 3 Certificate of Good Standing, # 4 Text of Proposed Order)(Thompson, Scott) Modified on 7/13/2015 (sdi). (Entered: 07/13/2015)
	July 13, 2015		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 48 MOTION to Appear Pro Hac Vice Scott A. Thompson. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): The PDF of the Text and Proposed Order was changeable.;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (sdi) (Entered: 07/13/2015)
49	July 13, 2015	Request	MOTION to Appear Pro Hac Vice Scott A. Thompson. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Securities and Exchange Commission. (Attachments: # 1 Certificate of Good Standing, # 2 Certificate of Good Standing, # 3 Certificate of Good Standing, # 4 Text of Proposed Order)(Thompson, Scott) (Entered: 07/13/2015)
	July 14, 2015		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 49 MOTION to Appear Pro Hac Vice Scott A. Thompson. Motion and supporting papers to

			be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 07/14/2015)
50	July 16, 2015	Request	ORDER FOR ADMISSION PRO HAC VICE: granting 49 Motion for Scott A. Thompson to Appear Pro Hac Vice. (Signed by Judge Jed S. Rakoff on 7/15/2015) (ama) (Entered: 07/16/2015)
	July 27, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/27/2015. (Kotowski, Linda) (Entered: 07/28/2015)
	July 29, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 7/29/2015. (Kotowski, Linda) (Entered: 07/29/2015)
	Aug 12, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/12/2015. (Kotowski, Linda) (Entered: 08/13/2015)
51	Aug 14, 2015	View	MOTION for Issuance of Letters Rogatory as to non-party witness Michael Dallas in Great Britain . Document filed by Daryl M Payton. (Attachments: # 1 [Proposed] Letter of Request for International Judicial Assistance)(Fishbein, Matthew) (Entered: 08/14/2015)
52	Aug 14, 2015	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: 51 MOTION for Issuance of Letters Rogatory as to non-party witness Michael Dallas in Great Britain . . Document filed by Daryl M Payton. (Fishbein, Matthew) Modified on 8/18/2015 (db). (Entered: 08/14/2015)
53	Aug 14, 2015	View	MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III. Document filed by Daryl M Payton.(Fishbein, Matthew) (Entered: 08/14/2015)
54	Aug 14, 2015	View	MEMORANDUM OF LAW in Support re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III. / Memorandum of Law in Support of Defendants' Motion for Summary Judgment. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 08/14/2015)
55	Aug 14, 2015	Request	DECLARATION of Matthew E. Fishbein in Support re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III.. Document filed by Daryl M Payton. (Attachments: # 1 Exhibit A to Fishbein Declaration - June 1, 2009 text message exchange between Trent Martin and Michael Dallas)(Fishbein, Matthew) (Entered: 08/14/2015)
56	Aug 14, 2015	Request	RULE 56.1 STATEMENT. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 08/14/2015)
57	Aug 15, 2015	Request	DECLARATION of Rushmi Bhaskaran in Support re: 53 MOTION for Summary Judgment / Defendants' Notice of

			Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III.. Document filed by Daryl M Payton. (Attachments: # 1 Exhibit 1 to Bhaskaran Declaration - Excerpts from the transcript of the August 5, 2015 deposition of Michael Dallas, # 2 Exhibit 2 to Bhaskaran Declaration - Excerpts from the transcript of the June 26, 2015 deposition of Trent Martin, # 3 Exhibit 3 to Bhaskaran Declaration - Excerpts from the transcript of the July 17, 2015 deposition of Thomas C. Conradt, # 4 Exhibit 4 to Bhaskaran Declaration - Excerpts from the transcript of the May 8, 2015 deposition of Daryl M. Payton, # 5 Exhibit 5 to Bhaskaran Declaration - Excerpts from the transcript of the May 14, 2015 deposition of Benjamin Durant III)(Bhaskaran, Rushmi) (Entered: 08/15/2015)
	Aug 18, 2015		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Matthew E. Fishbein to RE-FILE Document 52 Memorandum of Law in Support of Motion. ERROR(S): No signature or s/. (db) (Entered: 08/18/2015)
58	Aug 18, 2015	Request	MEMORANDUM OF LAW in Support re: 51 MOTION for Issuance of Letters Rogatory as to non-party witness Michael Dallas in Great Britain . [CORRECTED, RE-FILED TO INCLUDE SIGNATURE]. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 08/18/2015)
59	Aug 18, 2015	Request	NOTICE OF APPEARANCE by Nicole Renee Lloret on behalf of Benjamin Durant, III. (Lloret, Nicole) (Entered: 08/18/2015)
	Aug 20, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 8/20/2015. (Kotowski, Linda) (Entered: 08/27/2015)
60	Aug 24, 2015	Request	RESPONSE in Opposition to Motion re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III. . Document filed by Securities and Exchange Commission. (Attachments: # 1 Text of Proposed Order)(Axelrod, David) (Entered: 08/24/2015)
61	Aug 24, 2015	Request	COUNTER STATEMENT TO 56 Rule 56.1 Statement. Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 08/24/2015)
62	Aug 24, 2015	Request	DECLARATION of A. Kristina Littman in Support re: 60 Response in Opposition to Motion, 61 Counter Statement to Rule 56.1. Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1 (part 1 of 2), # 2 Exhibit 1 (part 2 of 2), # 3 Exhibit 2, # 4 Exhibit 3 (part 1 of 2), # 5 Exhibit 3 (part 2 of 2), # 6 Exhibit 4 (part 1 of 2), # 7 Exhibit 4 (part 2 of 2), # 8 Exhibit 5, # 9 Exhibit 6, # 10 Exhibit 7, # 11 Exhibit 8, # 12 Exhibit 9, # 13 Exhibit 10, # 14 Exhibit 11, # 15 Exhibit 12, # 16 Exhibit 13, # 17 Exhibit 14,

			# 18 Exhibit 15, # 19 Exhibit 16, # 20 Exhibit 17, # 21 Exhibit 18, # 22 Exhibit 19, # 23 Exhibit 20, # 24 Exhibit 21, # 25 Exhibit 22, # 26 Exhibit 23 (part 1 of 2), # 27 Exhibit 23 (part 2 of 2), # 28 Exhibit 24, # 29 Exhibit 25, # 30 Exhibit 26 (part 1 of 3), # 31 Exhibit 26 (part 2 of 3), # 32 Exhibit 26 (part 3 of 3), # 33 Exhibit 27, # 34 Exhibit 28, # 35 Exhibit 29, # 36 Exhibit 30, # 37 Exhibit 31, # 38 Exhibit 32, # 39 Exhibit 33, # 40 Exhibit 34, # 41 Exhibit 35, # 42 Exhibit 36, # 43 Exhibit 37 (part 1 of 2), # 44 Exhibit 37 (part 2 of 2), # 45 Exhibit 38 (part 1 of 2), # 46 Exhibit 38 (part 2 of 2), # 47 Exhibit 39, # 48 Exhibit 40, # 49 Exhibit 41)(Axelrod, David) (Entered: 08/24/2015)
63	Aug 24, 2015	Request	CERTIFICATE OF SERVICE of Response to Defendants Motion for Summary Judgment on 8/24/2015. Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 08/24/2015)
64	Aug 31, 2015	Request	RULE 26 DISCLOSURE.Document filed by Securities and Exchange Commission.(Axelrod, David) (Entered: 08/31/2015)
65	Aug 31, 2015	Request	RULE 26 DISCLOSURE.Document filed by Benjamin Durant, III.(Lloret, Nicole) (Entered: 08/31/2015)
66	Aug 31, 2015	Request	RULE 26 DISCLOSURE.Document filed by Daryl M Payton.(Fishbein, Matthew) (Entered: 08/31/2015)
67	Aug 31, 2015	Request	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - RESPONSE in Support of Motion re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III. And In Response To Plaintiff's Statement re 56.1 Statement. Document filed by Daryl M Payton. (Fishbein, Matthew) Modified on 9/1/2015 (db). (Entered: 08/31/2015)
68	Aug 31, 2015	Request	REPLY MEMORANDUM OF LAW in Support re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III. . Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 08/31/2015)
69	Sept 1, 2015	Request	DECLARATION of NOAM B. GREENSPAN in Support re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III.. Document filed by Daryl M Payton. (Attachments: # 1 Exhibit (A) Excerpt of Michael Dallas 8/5/15 Deposition Transcript, # 2 Exhibit (B) Excerpt of Michael Dallas 8/26/15 Deposition Transcript, # 3 Exhibit (C) Excerpts of Trent Martin 6/26/15 Deposition Transcript, # 4 Exhibit (D) Excerpts of Thomas C. Conradt 6/17/15 Deposition Transcript, # 5 Exhibit (E) Excerpts of Daryl M. Payton 5/8/15 Deposition Transcript, # 6 Exhibit (F) Excerpts of Benjamin Durant III 5/14/15 Deposition

			Transcript, # 7 Exhibit (G) Excerpt of 56.1 Statement in OBUS Case, # 8 Exhibit (H) Dallas- MartinText Messages)(Greenspan, Noam) (Entered: 09/01/2015)
	Sept 1, 2015		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney Matthew E. Fishbein to RE-FILE Document 67 Response in Support of Motion. Use the event type Response (non-motion) found under the event list Other Answers. (db) (Entered: 09/01/2015)
70	Sept 1, 2015	View	RESPONSE re: 53 MOTION for Summary Judgment / Defendants' Notice of Motion for Summary Judgment, filed by Daryl M. Payton and Benjamin Durant, III., 61 Counter Statement to Rule 56.1 /DEFENDANTS' RESPONSES TO PLAINTIFF'S ADDITIONAL MATERIAL FACTS PURSUANT TO LOCAL CIVIL RULE 56.1(b). Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 09/01/2015)
71	Sept 11, 2015	View	ORDER denying 53 Motion for Summary Judgment. After considering the parties' submissions and statements at oral argument, defendants' summary judgment motion is hereby denied. However, the Court takes cognizance of the fact that some of the issues the motion presents are a much closer call in light of United States v. Newman, 773 F.3d 438 (2d Cir. 2014), than they would have been otherwise, and that the Department of Justice is now seeking certiorari in Newman. Accordingly, if any of the parties here would like to adjourn the trial of this case until after that certiorari petition is resolved, the Court, contrary to its normal practice, is willing to entertain such an application, provided it is made, in writing, no later than September 14, 2015. Otherwise, the trial will proceed as scheduled beginning on September 21, 2015. (Signed by Judge Jed S. Rakoff on 9/10/2015) (kl) (Entered: 09/11/2015)
	Sept 11, 2015		Set/Reset Deadlines: Motions due by 9/14/2015. (kl) (Entered: 09/11/2015)
72	Sept 11, 2015	View	ORDER: In response to the Court's order of September 10, 2015, defendants have requested that the trial of the instant case, currently scheduled for September 21, 2015, be adjourned until the Supreme Court resolves the pending certiorari petition in United States v. Newman, 773 F.3d 438 (2d Cir. 2014), either by denying certiorari, or, if certiorari is granted, by resolving the case. In a joint telephone conference with the Court this afternoon, plaintiff Securities and Exchange Commission indicated that it did not oppose defendants' request. Accordingly, the trial of this case is hereby adjourned until the Supreme Court resolves the pending certiorari petition in Newman, provided such resolution occurs before the end of the Court's current Term. Counsel are directed to closely monitor the status of the Newman certiorari petition and to convene a joint

			conference call with the Court within no more than two business days after the Newman certiorari petition is resolved, so that the Court can then schedule the prompt trial of the case. (Signed by Judge Jed S. Rakoff on 9/11/2015) (kl) (Entered: 09/11/2015)
73	Sept 17, 2015	View	TRANSCRIPT of Proceedings re: Conference held on 9/8/2015 before Judge Jed S. Rakoff. Court Reporter/Transcriber: Tara Jones, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/13/2015. Redacted Transcript Deadline set for 10/22/2015. Release of Transcript Restriction set for 12/21/2015.(McGuirk, Kelly) (Entered: 09/17/2015)
74	Sept 17, 2015	Request	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/8/2015 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/17/2015)
75	Oct 6, 2015	Request	ORDER: On September 11, 2015, the Court issued an order indicating that the trial of the instant case would be adjourned until the Supreme Court resolved the certiorari petition then pending in United States v. Newman, 773 F.3d 438 (2d Cir. 2014). On October 5, 2015, the Supreme Court denied certiorari in Newman, and so the instant case will now move forward to trial. After consultation with counsel and in order to accommodate counsel's preferences, the trial of the instant case is hereby firmly set to commence on February 16, 2016. SO ORDERED. (Signed by Judge Jed S. Rakoff on 10/6/2015) (ajs) (Entered: 10/07/2015)
	Oct 6, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 10/6/2015. (Kotowski, Linda) (Entered: 11/05/2015)
	Dec 21, 2015		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 12/21/2015. (Kotowski, Linda) (Entered: 12/22/2015)
76	Dec 28, 2015	View	OPINION: The Court, by Order dated September 10, 2015, denied the defendants' summary judgment motion. (As further set forth in this Order.) (Signed by Judge Jed S. Rakoff on 12/28/2015) (spo) (Entered: 12/28/2015)
77	Jan 6, 2016	Request	NOTICE OF CHANGE OF ADDRESS by Ada Fernandez Johnson on behalf of Daryl M Payton. New Address: Debevoise & Plimpton LLP, 801 Pennsylvania Avenue NW,

			Suite 500, Washington, DC, USA 20004, (202) 383-8000. (Johnson, Ada) (Entered: 01/06/2016)
78	Jan 8, 2016	Request	NOTICE OF CHANGE OF ADDRESS by Jonathan Rosser Tuttle on behalf of Daryl M Payton. New Address: Debevoise & Plimpton LLP, 801 Pennsylvania Avenue NW, Suite 500, Washington, DC, USA 20004, (202) 383-8000. (Tuttle, Jonathan) (Entered: 01/08/2016)
79	Jan 11, 2016	Request	NOTICE OF CHANGE OF ADDRESS by Noam B Greenspan on behalf of Daryl M Payton. New Address: Petrillo Klein & Boxer LLP, 655 Third Avenue, 22nd Floor, New York, New York, United States of America 10017, 212-370-0337. (Greenspan, Noam) (Entered: 01/11/2016)
80	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION in Limine . Document filed by Securities and Exchange Commission. (Attachments: # 1 Supplement Memo, # 2 Text of Proposed Order)(Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
81	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION in Limine . Document filed by Securities and Exchange Commission. (Attachments: # 1 Supplement Memo, # 2 Text of Proposed Order)(Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
82	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION in Limine . Document filed by Securities and Exchange Commission. (Attachments: # 1 Supplement Memo, # 2 Text of Proposed Order)(Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
83	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION in Limine . Document filed by Securities and Exchange Commission. (Attachments: # 1 Supplement Memo, # 2 Text of Proposed Order)(Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
84	Jan 15, 2016	Request	FILING ERROR - DEFICIENT DOCKET ENTRY - AFFIDAVIT of Kristina Littman in Support re: 82 MOTION in Limine ., 81 MOTION in Limine ., 80 MOTION in Limine ., 83 MOTION in Limine .. Document filed by Securities and Exchange Commission. (Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
85	Jan 15, 2016	Request	NOTICE of Certificate of Service re: 82 MOTION in Limine ., 81 MOTION in Limine ., 80 MOTION in Limine ., 84 Affidavit in Support of Motion, 83 MOTION in Limine .. Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/15/2016)
86	Jan 15, 2016	View	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU - MOTION in Limine Opposition. Document filed by Securities and Exchange Commission.(Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
87	Jan 15, 2016	Request	FILING ERROR - WRONG EVENT TYPE SELECTED

			FROM MENU - MOTION in Limine Declaration in Opposition. Document filed by Securities and Exchange Commission.(Axelrod, David) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
88	Jan 15, 2016	Request	NOTICE of Certificate of Service re: 87 MOTION in Limine Declaration in Opposition., 86 MOTION in Limine Opposition.. Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/15/2016)
89	Jan 15, 2016	Request	NOTICE OF APPEARANCE by Laura Emily O'Neill on behalf of Daryl M Payton. (O'Neill, Laura) (Entered: 01/15/2016)
90	Jan 15, 2016	Request	NOTICE OF APPEARANCE by Kaitlin Teresa Farrell on behalf of Daryl M Payton. (Farrell, Kaitlin) (Entered: 01/15/2016)
91	Jan 15, 2016	View	MOTION in Limine / Notice of Defendants' Motions in Limine. Document filed by Daryl M Payton. (Attachments: # 1 [Proposed] Order)(Fishbein, Matthew) (Entered: 01/15/2016)
92	Jan 15, 2016	View	MEMORANDUM OF LAW in Support re: 91 MOTION in Limine / Notice of Defendants' Motions in Limine. / Memorandum of Law in Support of Defendants' Omnibus Motions in Limine. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 01/15/2016)
93	Jan 15, 2016	Request	DECLARATION of Kaitlin T. Farrell in Support re: 91 MOTION in Limine / Notice of Defendants' Motions in Limine.. Document filed by Daryl M Payton. (Attachments: # 1 Exhibit 1 - June 1 Text, # 2 Exhibit 2 - Martin Transcript - Excerpted, # 3 Exhibit 3 - Dallas Transcript - Excerpted, # 4 Exhibit 4 - The Pepsi Text, # 5 Exhibit 5 - The Genentech Text, # 6 Exhibit 6 - Greenspan Declaration, # 7 Exhibit 7 - FBI Interview with Trent Martin, FD-302, # 8 Exhibit 8 - Conradt Transcript - Excerpted, # 9 Exhibit 9 - In re Gregory T. Bolan, Jr. and Joseph C. Ruggieri, # 10 Exhibit 10 - Emails regarding rent reduction, # 11 Exhibit 11 - Memorandum in Support of Daryl Payton Motion to Vacate his Guilty Plea, # 12 Exhibit 12 - Payton Transcript - Excerpted, # 13 Exhibit 13 - United States v. Payton, # 14 Exhibit 14 - Order U.S. v. Conradt, # 15 Exhibit 15 - July 2 Text, # 16 Exhibit 16 - Durant Transcript - Excerpted, # 17 Exhibit 17 - U.S. v. Conradt - Weishaus Final Judgment, # 18 Exhibit 18 - U.S. v. Weishaus, No. 12-cr-00887 Transcript of Plea)(Farrell, Kaitlin) (Entered: 01/15/2016)
94	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Opposition re: 80 MOTION in Limine . / Memorandum of Law in Opposition to the Securities and Exchange Commission's Motion in Limine to Preclude Admission of Allegedly Irrelevant, Inadmissible, and Unduly Prejudicial Evidence. Document filed by Daryl M

			Payton. (Fishbein, Matthew) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
95	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Opposition re: 81 MOTION in Limine . / Defendants' Memorandum of Law in Opposition to the Securities and Exchange Commission's Motion in Limine Respecting the Testimony of Defendant Daryl M. Payton. Document filed by Daryl M Payton. (Fishbein, Matthew) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
96	Jan 15, 2016	View	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Opposition re: 82 MOTION in Limine ., 83 MOTION in Limine . / Defendants' Memorandum of Law in Opposition to the SEC's Motion in Limine to Admit David Weishaus's and Matthew Lehrer's Fifth Amendment Assertion, Requests for an Adverse Inference Instruction, and Weishaus's Statements Against Interest. Document filed by Daryl M Payton. (Fishbein, Matthew) Modified on 1/20/2016 (db). (Entered: 01/15/2016)
	Jan 20, 2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney David Lawrence Axelrod to RE-FILE Document 82 MOTION in Limine . 80 MOTION in Limine . 81 MOTION in Limine . 83 MOTION in Limine . ERROR(S): Supporting Documents are filed separately, each receiving their own document #. (db) (Entered: 01/20/2016)
	Jan 20, 2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney David Lawrence Axelrod to RE-FILE Document 84 Affidavit in Support of Motion. ERROR(S): Document(s) Linked to Filing Error. (db) (Entered: 01/20/2016)
	Jan 20, 2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney David Lawrence Axelrod to RE-FILE Document 86 MOTION in Limine Opposition. Use the event type Memorandum in Opposition to Motion found under the event list Replies, Opposition and Supporting Documents. (db) (Entered: 01/20/2016)
	Jan 20, 2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Notice to Attorney David Lawrence Axelrod to RE-FILE Document 87 MOTION in Limine Declaration in Opposition. Use the event type Declaration in Opposition to Motion found under the event list Replies, Opposition and Supporting Documents. (db) (Entered: 01/20/2016)
	Jan 20, 2016		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Matthew E. Fishbein to RE-FILE Document 96 Memorandum of Law in Opposition to Motion,, 94 Memorandum of Law in Opposition to Motion, 95

			Memorandum of Law in Opposition to Motion,. ERROR(S): Document(s) Linked to Filing Error. (db) (Entered: 01/20/2016)
97	Jan 20, 2016	Request	MOTION in Limine to Preclude Admission of Irrelevant, Inadmissible, and Unduly Prejudicial Evidence. Document filed by Securities and Exchange Commission. (Attachments: # 1 Text of Proposed Order)(Axelrod, David) (Entered: 01/20/2016)
98	Jan 20, 2016	Request	MEMORANDUM OF LAW in Support re: 97 MOTION in Limine to Preclude Admission of Irrelevant, Inadmissible, and Unduly Prejudicial Evidence. . Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
99	Jan 20, 2016	Request	MOTION in Limine to Question Defendant Payton Regarding Statements in His Guilty Plea Colloquy and to Estop Payton from Offering Contradictory Testimony or Argument. Document filed by Securities and Exchange Commission. (Attachments: # 1 Text of Proposed Order)(Axelrod, David) (Entered: 01/20/2016)
100	Jan 20, 2016	Request	MEMORANDUM OF LAW in Support re: 99 MOTION in Limine to Question Defendant Payton Regarding Statements in His Guilty Plea Colloquy and to Estop Payton from Offering Contradictory Testimony or Argument. . Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
101	Jan 20, 2016	Request	MOTION in Limine to Admit Matthew Lehrer's Fifth Amendment Assertion and Request for Adverse Inference Instruction. Document filed by Securities and Exchange Commission. (Attachments: # 1 Text of Proposed Order)(Axelrod, David) (Entered: 01/20/2016)
102	Jan 20, 2016	Request	MEMORANDUM OF LAW in Support re: 101 MOTION in Limine to Admit Matthew Lehrer's Fifth Amendment Assertion and Request for Adverse Inference Instruction. . Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
103	Jan 20, 2016	Request	MOTION in Limine to Admit David Weishaus's Fifth Amendment Assertion and His Statements Against Interest, and Request for an Adverse Inference Instruction. Document filed by Securities and Exchange Commission. (Attachments: # 1 Text of Proposed Order)(Axelrod, David) (Entered: 01/20/2016)
104	Jan 20, 2016	Request	MEMORANDUM OF LAW in Support re: 103 MOTION in Limine to Admit David Weishaus's Fifth Amendment Assertion and His Statements Against Interest, and Request for an Adverse Inference Instruction. . Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
105	Jan 20, 2016	Request	DECLARATION of A. Kristina Littman re: 100 Memorandum

			of Law in Support of Motion, 98 Memorandum of Law in Support of Motion, 101 MOTION in Limine to Admit Matthew Lehrer's Fifth Amendment Assertion and Request for Adverse Inference Instruction., 102 Memorandum of Law in Support of Motion, 103 MOTION in Limine to Admit David Weishaus's Fifth Amendment Assertion and His Statements Against Interest, and Request for an Adverse Inference Instruction., 99 MOTION in Limine to Question Defendant Payton Regarding Statements in His Guilty Plea Colloquy and to Estop Payton from Offering Contradictory Testimony or Argument., 97 MOTION in Limine to Preclude Admission of Irrelevant, Inadmissible, and Unduly Prejudicial Evidence., 104 Memorandum of Law in Support of Motion, . Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19)(Axelrod, David) (Entered: 01/20/2016)
106	Jan 20, 2016	Request	CERTIFICATE OF SERVICE of Motions in Limine and Supporting Documents served on Counsel for Daryl M. Payton and Benjamin Durant, III on 1/15/2016. Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
107	Jan 20, 2016	Request	RESPONSE in Opposition to Motion re: 91 MOTION in Limine / Notice of Defendants' Motions in Limine. . Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
108	Jan 20, 2016	Request	DECLARATION of Scott A. Thompson re: 107 Response in Opposition to Motion . Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 20, # 2 Exhibit 21, # 3 Exhibit 22, # 4 Exhibit 23, # 5 Exhibit 24, # 6 Exhibit 25, # 7 Exhibit 26, # 8 Exhibit 27, # 9 Exhibit 28, # 10 Exhibit 29)(Axelrod, David) (Entered: 01/20/2016)
109	Jan 20, 2016	Request	CERTIFICATE OF SERVICE of Response in Opposition to Defendants' Motions in Limine served on Counsel for Daryl M. Payton and Benjamin Durant, III on 1/15/2016. Document filed by Securities and Exchange Commission. (Axelrod, David) (Entered: 01/20/2016)
110	Jan 20, 2016	Request	MEMORANDUM OF LAW in Opposition re: 97 MOTION in Limine to Preclude Admission of Irrelevant, Inadmissible, and Unduly Prejudicial Evidence. / Memorandum of Law in Opposition to the Securities and Exchange Commission's Motion in Limine to Preclude Admission of Allegedly Irrelevant, Inadmissible, and Unduly Prejudicial Evidence. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 01/20/2016)

111	Jan 20, 2016	Request	MEMORANDUM OF LAW in Opposition re: 99 MOTION in Limine to Question Defendant Payton Regarding Statements in His Guilty Plea Colloquy and to Estop Payton from Offering Contradictory Testimony or Argument. / Defendants' Memorandum of Law in Opposition to the Securities and Exchange Commission's Motion in Limine Respecting the Testimony of Defendant Daryl M. Payton. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 01/20/2016)
112	Jan 20, 2016	Request	MEMORANDUM OF LAW in Opposition re: 101 MOTION in Limine to Admit Matthew Lehrer's Fifth Amendment Assertion and Request for Adverse Inference Instruction., 103 MOTION in Limine to Admit David Weishaus's Fifth Amendment Assertion and His Statements Against Interest, and Request for an Adverse Inference Instruction. / Defendants' Memorandum of Law in Opposition to the SEC's Motion in Limine to Admit David Weishaus's and Matthew Lehrer's Fifth Amendment Assertion, Requests for an Adverse Inference Instruction, and Weishaus's Statements Against Interest. Document filed by Daryl M Payton. (Fishbein, Matthew) (Entered: 01/20/2016)
	Jan 21, 2016		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 1/21/2016. (Kotowski, Linda) (Entered: 01/21/2016)
113	Jan 25, 2016	Request	NOTICE OF APPEARANCE by Peter Simpson Ross on behalf of Daryl M Payton. (Ross, Peter) (Entered: 01/25/2016)
114	Jan 26, 2016	Request	ORDER: Accordingly, the Court hereby denies defendants' motion for a stay of the trial. Counsel are reminded that the trial will commence promptly at 9 a.m. on Tuesday, February 16, 2016. The Clerk of Court is directed to close the docket entries associated with the letters docketed contemporaneously with this Order. (As further set forth in this Order.) (Jury Trial set for 2/16/2016 at 09:00 AM before Judge Jed S. Rakoff.) (Signed by Judge Jed S. Rakoff on 1/25/2016) (tro) (Entered: 01/26/2016)
115	Jan 26, 2016	Request	RULE 26 DISCLOSURE.Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit List)(Pappas, Catherine) (Entered: 01/26/2016)
116	Jan 26, 2016	Request	CERTIFICATE OF SERVICE of Supplemental Rule 26(a)(3) Disclosures served on Counsel for Defendants Daryl M. Payton and Benjamin Durant, III on 1/26/2016. Document filed by Securities and Exchange Commission. (Pappas, Catherine) (Entered: 01/26/2016)
117	Jan 26, 2016	Request	RULE 26 DISCLOSURE.Document filed by Benjamin Durant, III, Daryl M Payton.(Fishbein, Matthew) (Entered: 01/26/2016)
	Jan 29, 2016		Minute Entry for proceedings held before Judge Jed S.

	Feb 1, 2016		Rakoff: Telephone Conference held on 1/29/2016. (Kotowski, Linda) (Entered: 02/01/2016) Minute Entry for proceedings held before Judge Jed S. Rakoff: Oral Argument held on 2/1/2016 re: 97 MOTION in Limine to Preclude Admission of Irrelevant, Inadmissible, and Unduly Prejudicial Evidence. filed by Securities and Exchange Commission, 91 MOTION in Limine / Notice of Defendants' Motions in Limine. filed by Daryl M Payton, 103 MOTION in Limine to Admit David Weishaus's Fifth Amendment Assertion and His Statements Against Interest, and Request for an Adverse Inference Instruction. filed by Securities and Exchange Commission. (Kotowski, Linda) (Entered: 02/29/2016)
118	Feb 9, 2016	Request	ORDER denying 99 Motion in Limine. The Court hereby denies the SEC's motion to use such statements for impeachment purposes. See Fed. R. Evid. 410. The Clerk of Court is directed to close docket entry 99. SO ORDERED. (Signed by Judge Jed S. Rakoff on 2/04/2016) (ama) (Entered: 02/09/2016)
119	Feb 9, 2016	View	PROPOSED JURY INSTRUCTIONS. Document filed by Securities and Exchange Commission.(Thompson, Scott) (Entered: 02/09/2016)
120	Feb 9, 2016	Request	DECLARATION of Scott A. Thompson re: 119 Proposed Jury Instructions . Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Thompson, Scott) (Entered: 02/09/2016)
121	Feb 9, 2016	Request	CERTIFICATE OF SERVICE of Proposed Jury Instructions and Declaration with Exhibits served on Counsel for Defendants Daryl M. Payton and Benjamin Durant, III on 2/9/2016. Document filed by Securities and Exchange Commission. (Thompson, Scott) (Entered: 02/09/2016)
122	Feb 9, 2016	View	PROPOSED VOIR DIRE QUESTIONS. Document filed by Daryl M Payton.(Fishbein, Matthew) (Entered: 02/09/2016)
123	Feb 9, 2016	View	JOINT PRETRIAL STATEMENT (Consent Order). Document filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit A)(Pappas, Catherine) (Entered: 02/09/2016)
124	Feb 9, 2016	View	PROPOSED JURY INSTRUCTIONS. Document filed by Daryl M Payton.(Fishbein, Matthew) (Entered: 02/09/2016)
	Feb 9, 2016		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/9/2016. (Kotowski, Linda) (Entered: 02/29/2016)
125	Feb 10, 2016	Request	TRANSCRIPT of Proceedings re: ARGUMENT held on 2/1/2016 before Judge Jed S. Rakoff. Court Reporter/Transcriber: Khristine Sellin, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before

			the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/7/2016. Redacted Transcript Deadline set for 3/17/2016. Release of Transcript Restriction set for 5/13/2016.(McGuirk, Kelly) (Entered: 02/10/2016)
126	Feb 10, 2016	Request	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a ARGUMENT proceeding held on 2/1/16 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 02/10/2016)
127	Feb 10, 2016	Request	AFFIDAVIT OF SERVICE of Subpoena to Appear and Testify at a Hearing or Trial in a Civil Action served on David J. Weishaus on 2/8/2016. Service was accepted by David J. Weishaus. Document filed by Securities and Exchange Commission. (Pappas, Catherine) (Entered: 02/10/2016)
128	Feb 10, 2016	Request	PROPOSED VOIR DIRE QUESTIONS. Document filed by Securities and Exchange Commission.(Thompson, Scott) (Entered: 02/10/2016)
129	Feb 10, 2016	Request	CERTIFICATE OF SERVICE of Plaintiff's Proposed Voir Dire served on Counsel for Defendants Daryl M. Payton and Benjamin Durant, III on 2/10/2016. Document filed by Securities and Exchange Commission. (Thompson, Scott) (Entered: 02/10/2016)
130	Feb 12, 2016	Request	NOTICE OF APPEARANCE by Eugene Edward Ingoglia on behalf of Benjamin Durant, III. (Ingoglia, Eugene) (Entered: 02/12/2016)
	Feb 12, 2016		Minute Entry for proceedings held before Judge Jed S. Rakoff: Telephone Conference held on 2/12/2016. (Kotowski, Linda) (Entered: 02/16/2016)
131	Feb 17, 2016	View	COURT EXHIBIT 1: PRELIMINARY JURY INSTRUCTION. (tn) (Entered: 02/17/2016)
132	Feb 24, 2016	Request	SEALED DOCUMENT placed in vault.(mps) (Entered: 02/24/2016)