



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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**DIVISION OF
ENFORCEMENT**

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February 13, 2019

VIA ECF & FIRST CLASS MAIL

The Honorable Richard M. Berman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Courtroom 17B
New York, NY 10007-1312
(212) 805-6735

**Re: *SEC v. Waldman, et al.* 17-cv-02088-RMB-KNF; Notice of
Settlement in Principle and Joint Request to Adjourn Trial
Date**

Dear Judge Berman:

Plaintiff United States Securities and Exchange Commission (“SEC”) submits this notice to inform the Court that Defendant Amir Waldman has made an offer of settlement that SEC counsel intends to recommend that the Commission accept. This potential settlement is still subject to a) the parties agreeing to appropriate documentation and b) approval by the Commissioners of the SEC. The parties are currently drafting documents to effectuate the settlement and will work diligently to have those prepared and agreed to promptly.

The SEC consists of five Commissioners, appointed by the President with the advice and consent of the Senate. *See* 15 U.S.C. § 78d(a). Only the Commissioners themselves have authority to settle an action. SEC counsel has begun the process of preparing a detailed written

memorandum for review and consideration by the Commission. This process typically takes six to eight weeks.

The tentative settlement will resolve all remaining claims in this action. To effectuate one purpose of the anticipated settlement—to avoid the burden and expense to prepare for trial for both the Commission and the Defense when an agreement in principle has been reached, subject to approval of the Commission—and also allow time for the offer of settlement to be accepted, the parties respectfully request that the Court adjourn *sine die* the trial date of March 16, 2020, and its related deadlines and conference dates, including the deadline for the parties to submit the pretrial order on February 18, 2020 and the pretrial conference set for March 9, 2020.

Counsel for the Commission and Dr. Waldman are happy to respond to any questions that the Court may have.

Respectfully submitted,

/s/ Terry R. Miller

Terry R. Miller (*pro hac vice*)

Stephen C. McKenna (*pro hac vice*)

cc: Counsel of Record