

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:23-cv-24903-CMA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RISHI KAPOOR, *et al.*,

Defendants.

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
UNOPPOSED MOTION TO RESCHEDULE MEDIATION**

Plaintiff Securities and Exchange Commission (the "Commission") files its Unopposed Motion to Reschedule Mediation (the "Motion"), and states:

1. As reflected in the Commission Unopposed Motion for Entry of Consent Judgment (ECF No. 295), the Commission and Defendant Rishi Kapoor ("Kapoor") have reached a settlement as to liability, and Kapoor has consented to the entry of a proposed Judgment granting the Commission's request for permanent injunctive relief and barring Kapoor, for a period of five years, from serving as an officer or director of any company that has a class of securities registered with the Commission pursuant to Section 12 of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78l], or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

2. The Court's entry of the proposed Judgment will resolve issues of liability and provide for entry of non-monetary relief against Kapoor. If entered by the Court, the Commission's only remaining issues in this case would be its claims for disgorgement with prejudgment interest and civil penalties against Kapoor which, pursuant to the terms of the proposed Judgment, would

be determined by the Court upon the Commission's motion.

3. On February 14, 2024, the Court entered an Order Scheduling Mediation on November 14, 2024.

4. Subject to Court approval, the parties have agreed to reschedule mediation to March 31, 2025, to allow the parties to conduct discovery as to the issue of disgorgement in advance of the new mediation date.

5. The Commission's request is made in good faith and not for the purpose of delay, and no party will be prejudiced by the requested relief.

WHEREFORE, the Commission respectfully requests that the Court enter an Order rescheduling mediation in this case for March 31, 2025.

LOCAL RULE 7.1(a)(3) CERTIFICATION OF PRE-FILING CONFERENCE

The Commission has conferred with counsel for Defendant Rishi Kapoor and counsel for the Receiver, who have no objection to the Motion.

Dated: November 13, 2024

Respectfully submitted,

By: Russell R. O'Brien

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**Attorney for Plaintiff Securities and
Exchange Commission**

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AGREED ORDER RESCHEDULING MEDIATION

THIS CAUSE came before the Court upon the Plaintiff Securities and Exchange Commission's Unopposed Motion to Reschedule Mediation (the "Motion"). The Court, having considered the Motion and being advised of the agreement of the parties, it is hereby **ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The mediation conference in this matter shall be held with Glenn J. Waldman on March 31, 2025, at 10:00 a.m. at Securities and Exchange Commission, Miami Regional Office, 801 Brickell Avenue, Suite 1950, in Miami, Florida. The parties shall file a report of their mediation within seven (7) days thereafter.

DONE AND ORDERED in Miami, Florida this ____ day of November 2024.

**JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE**

Copies furnished to counsel of record.