

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

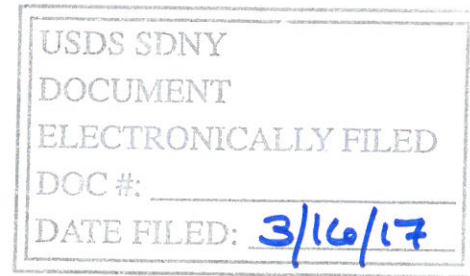
THE SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

ELEK STRAUB, TAMAS MORVAI, *and*
ANDRAS BALOGH,

Defendants.



No. 11-cv-9645 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On August 30, 2016, the Court ordered that trial in this 2011 action would commence on May 8, 2017. (Doc. No. 258.) On October 6, 2016, the Court ordered the parties to file motions *in limine* by February 10, 2017, with responses due by March 10, 2017 and replies due by March 24, 2017. (Doc. No. 263.) On March 10, 2017 – the day on which responses to motions *in limine* were due – the SEC and Defendant Straub advised the Court that they had reached an agreement in principle and requested that the schedule for motions *in limine* be stayed pending the SEC’s approval of the settlement, which was expected to take “about six weeks.” (Doc. No. 301.) The Court denied the request, noting that while the parties may choose not to respond to motions *in limine* if they are confident that the agreement in principle will be approved by the SEC, the original scheduling order remained intact. (Doc. No. 316.) The Court is now in receipt of another request from the SEC, this time requesting permission to file its opposition to Defendant Straub’s motions *in limine* out of time, on the grounds that the SEC’s formal approval of the settlement, which it now expects to be done by March 24, 2017, will “render the pending motions *in limine* moot.” (Doc. No. 318.) The request, which was submitted five days after the due date of the responsive filings, is itself untimely and in violation of the Court’s individual practices. Moreover,

the fact that the parties have reached a potential settlement more than six years after the commencement of this action does not justify the scuttling of the pretrial order that was issued many months ago. Accordingly, the SEC's motion for leave to file its opposition out of time is DENIED, and Straub's motions *in limine* will be deemed unopposed. All other deadlines set forth in the Court's October 6, 2016 order remain in effect.

SO ORDERED.

Dated: March 16, 2017
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE