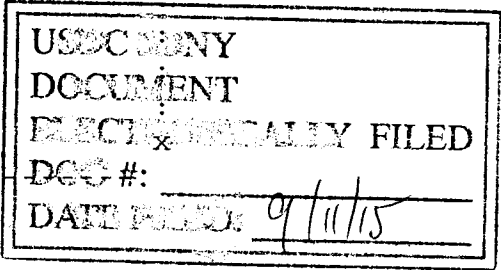


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
SECURITIES AND EXCHANGE COMMISSION, :
 :
Plaintiff, : 14 Civ. 4644 (JSR)
 :
-v- : ORDER
 :

DARYL M. PAYTON, and
BENJAMIN DURANT, III,

Defendants.



JED S. RAKOFF, U.S.D.J.

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.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
September 11, 2015