

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Administrative Proceedings Rulings
Release No. 5189 / October 19, 2017

Administrative Proceeding
File No. 3-17157

In the Matter of

**Steven Zoernack, and
EquityStar Capital Management,
LLC**

**Order Lifting Stay and
Directing the Parties to Hold a
Prehearing Conference**

On August 23, 2016, I stayed this proceeding pursuant to Rule of Practice 210(c)(3), 17 C.F.R. § 201.210(c)(3), at the request of the U.S. Attorney for the Middle District of Florida pending the resolution of a related criminal matter involving Respondents. Yesterday, the U.S. Attorney submitted a final status report stating that Respondent Steven Zoernack was sentenced on October 17, 2017, resolving the criminal case. Because the potential prejudice arising from the simultaneous prosecution of the administrative and criminal matters no longer exists, the stay is LIFTED, and the prehearing conference scheduled for October 23, 2017, to assess whether the stay should continue is CANCELED.

Before this proceeding was stayed, Respondents filed an answer and I entered a scheduling order. That schedule has become obsolete, and, in the intervening period, the Rules of Practice have changed. Because this case was stayed on September 27, 2016, when the Amendments to the Commission's Rules of Practice, 81 Fed. Reg. 50,212 (July 29, 2016), became effective, all of the new rules apply, including those governing depositions, the timing of proceedings, and dispositive motions. *See id.* at 50,212, 50,229-30.

I therefore ORDER the parties to hold a prehearing conference without the hearing officer by November 2, 2017, to discuss each numbered item in Rule 221(c), 17 C.F.R. § 201.221(c), including whether either party intends to seek leave to file a motion for summary disposition under Rule 250(c), 17 C.F.R. § 201.250(c), and, if so, a proposed briefing schedule for any such dispositive motions. By November 6, 2017, the parties shall file a joint

prehearing conference statement addressing the numbered items in Rule 221(c) and proposing new due dates when applicable. The parties may denote an item “not applicable” in the prehearing conference statement.

Jason S. Patil
Administrative Law Judge