

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 8/13/14

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SECURITIES AND EXCHANGE COMMISSION, :  
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 :  
 Applicant, :  
 :  
 - against - :  
 :  
 JOSEPH D. STILWELL, :  
 :  
 :  
 Respondent. :  
-----X

Case No. 14 misc 257  
ECF CASE

~~PROPOSED~~ ORDER TO SHOW CAUSE

WHEREAS, the Securities and Exchange Commission (“Commission”) has applied for an order directing Joseph D. Stilwell (“Respondent”) to show cause why he should not be ordered to appear and provide sworn testimony at the Commission’s New York Regional Office, Brookfield Place, 200 Vesey Street, New York, New York 10281 as called for by the Commission’s investigative subpoena, dated June 18, 2014 (the “Subpoena”);

WHEREAS, the Court has considered the application filed by the Commission and the memorandum of law and declaration, with exhibits, filed in support of the application;

WHEREAS, based upon these documents, the Court is satisfied that the Commission has made a sufficient and proper showing in support of the relief sought in its application, and therefore:

I.

Judge Carter, who is the assignee, Part I Judge,

IT IS HEREBY ORDERED that Respondent shall appear before ~~this Court~~ at 10 a.m. on September 9, 2014 in Room 1306 of the United States Courthouse, 40 Foley Square, New York, New York 10007, to show cause why the Court should not issue an Order:

- (a) directing Respondent to appear for sworn testimony no later than September 23, 2014
- (b) directing that, in the event that Respondent does not appear for sworn testimony:
  - (i) the Commission will have established a prima facie case of civil contempt against Respondent for his failure to comply with the Order;
  - (ii) that Respondent may be held in civil contempt for failure to comply with that Order without further notice or hearing; and
- (c) granting the relief in paragraphs (a) and (b) in the event that Respondent fails to appear before this Court at the date and time set forth above.

II.

IT IS FURTHER ORDERED that a copy of this Order and the papers supporting the Commission's application be served upon Respondent by mailing the papers on or before 5:00pm August 15, 2014 using United Parcel Service overnight delivery or any other overnight delivery service.

III.


IT IS FURTHER ORDERED that Respondent shall file and serve any opposing papers in response to the application no later than August 25, 2014. Service shall be made by delivering the papers by that date to Alexander Janghorbani, Esq., at the Commission's New

York Regional Office via email at JanghorbaniA@sec.gov. The Commission shall have until

September 2, 2014 to serve any reply papers on Respondent by mailing the papers on or before that date using United Parcel Service overnight delivery or any other overnight delivery service.

**SO ORDERED.**

Dated: August 13, 2014  
New York, New York

  
UNITED STATES DISTRICT JUDGE *gn*