



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
BROOKFIELD PLACE, 200 VESEY STREET, SUITE 400
NEW YORK, NY 10281-1022

April 23, 2021

VIA ECF

Hon. William H. Pauley III
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: SEC v. Archer, et al.;
No. 16 Civ. 3505 (WHP) (OTW)

Dear Judge Pauley:

Pursuant to the Court's Order, entered October 28, 2020 (DE 262), Plaintiff Securities and Exchange Commission ("Commission") respectfully submits this status report concerning the status of the ongoing criminal proceedings in the parallel action, United States v. Galanis, 16 Cr. 371 (RA) (S.D.N.Y.) ("Criminal Case").

On November 18, 2020, Defendant Michelle Morton was sentenced to 15 months imprisonment and ordered to pay \$43,785,176 in restitution and \$9,391,016 in forfeiture. (Criminal Case DE 948.) The Commission has determined to seek no further relief against Defendant Morton in this action, given her Consent Judgment, entered December 27, 2018, which imposed full injunctive relief. (DE 221.)¹

On December 23, 2020, the Second Circuit denied Defendant Archer's motion for rehearing or rehearing en banc. (See United States v. Archer, 18-3727 (2d Cir. Dec. 23, 2020).) And on January 22, 2021, the Second Circuit denied Archer's motion to stay the mandate, pending his petition for certiorari in the Supreme Court. (Id. (Jan. 22, 2021).) However, Judge Abrams granted Archer's motion to adjourn his sentencing pending resolution of his petition to the Supreme Court. (Criminal Case DE 956.)

Respectfully submitted,

s/ Nancy A. Brown

Nancy A. Brown

¹ On January 6, 2021, the Commission issued an Order Instituting Administrative Proceedings against Morton to determine what, if any, remedial action is appropriate in the public interest against Morton pursuant to Section 203(f) of the Investment Advisers Act of 1940. See IA Rel. No. 5663 (Jan. 6, 2021). That proceeding is ongoing.

Hon. William H. Pauley III

April 23, 2021

Page 2

cc: Matthew L. Schwartz, Esq. via ECF
Counsel for Defendant Devon Archer