

Respondent's Request for Judicial Notice of Further Evidence Only Now Available to this Court to (1) Support Motion for Sanctions Against Enforcement Senior Prosecutor and Dismiss from Proceedings, and (2) to Find Against Summary Disposition in Favor of Enforcement re: Mark Feathers 3-15755

On 8-31-20 Enforcement submitted to this administrative law forum its "DIVISION OF ENFORCEMENT'S REPLY MEMORANDUM IN SUPPORT OF RENEWED MOTION FOR SUMMARY DISPOSITION". Respondent asks this court to take judicial notice of same.

This court is well aware that Respondent has not offered, yet, to this court, any materials (evidence, declarations, etc.) to support his Steadman Factors defenses as to why it is not in the public interest "to bar Feathers from the securities industry". The time is not ripe for that. Respondent has presented to this court a motion to sanction, and remove from these proceedings, Enforcement's senior counsel. Now, in its latest motion, Enforcement states as to the Stalker Report that "the court apparently did not find it persuasive and granted the receiver's motion to terminate the receivership". Enforcement's counsel switches issues from the adverse summary judgement and a permanent injunction against Respondent - *the very basis for Enforcement's OIP* - to a new argument about "persuasiveness" being absent from the Stalker Report such that it was a basis to terminate the receivership placed onto Respondent's companies by district court. Here, Enforcement brings forth a non-relevant issue to this court. Enforcement tries to infer that the report was neither persuasive, and also that this court has prior find the report to be "irrelevant", while not presenting to this court even a single statement from district court to support its statement.

In his motion for sanctions and in his response to Enforcement's reply to that motion Respondent has laid out arguments and evidence to support the motion. Now, to this, Respondent requests this court also consider that Enforcement's senior counsel, with his latest filing with the court, continues, on appearance, a pattern of false statements, red herrings, and material omissions during these proceedings. This court has been presented evidence to it, during the course of these proceedings, that District court did not rule on the findings of the "Stalker Report" because it determined that it did not hold jurisdiction on the matter of legal fees (held in reserve by the Receiver for Respondent) requested by Respondent for his criminal case, to which the Stalker forensic accounting of Respondent's investment funds was attached¹. Enforcement's continued argument that the report needed a "signature" or that it was "preliminary" were not arguments that Enforcement can show that it prior raised in district court, nor that district court raised, either.

Resp.



Mark Feathers, *pro se*

¹Enforcement presents its nonsensical arguments for summary disposition while omitting any mention to this court of additional material considerations for this court. Enforcement omits the knowledge of all parties involved here, who by now hold awareness that the Ninth Circuit has calendared appeal proceedings on the admissibility of the Stalker Report, and that district court has calendared a Rule 60 Motion to consider overturning Respondent's prior adverse summary judgment, and that the Stalker Report is part of the evidentiary material to that motion hearing.