

E M Daspin Pro Se

case # 3-16509 date 8/22/23[corrections of my
8/21/23 extension for my
Reconsideration motion of 8/17/23]

Dear Ms. Countryman esq;

I herewith enclose a corrected version of my reconsideration extension motion.I filed it with you on 8/19/23!

PLEASE INFORM THE COMMISSIONERS THAT IF YOU DO NOT PROVIDE ME WITH THEIR AGREEMENT TO HEAR the reconsideration motion of 8/17/23 or agree to settle it by notification from you tomorrow at 3pm when I call you then I will send the Circuit court of appeals an order to show cause why the commission shouldn't pay me the damages outlined in order #8 or agree to settle within 2 weeks by telephonic meetings with me to be finished by 9/4/23!

Otherwise if they don't agree to settle with the payment to me for the damages I sustained as a result of the commissions violation of portions of my bill of rights and for their denying me a fair trial I will ask the court of appeals to find the amount of damages I sustained and to dissolve the DoddFrank acts in house injustice and to also pay me for the civil Rico treble in damages I sustained.

If im forced to file it before the court of appeals then the commissions dirty laundry will become public as they defamed me and the damages to all the other innocent defendants including the list of 41 proceedings dismissed on june 2, 2023 may cost the government billions not \$29.5million.

Remember this [REDACTED] will send my OSC by tomorrow at 4 pm the OSC unless you inform me at 3 in the afternoon that the commission will settle with me more than my initial settlement offer in order #3; Otherwise there is nothing to negotiate.

Respectfully
[REDACTED]

E M Daspin pro se
[REDACTED]

[REDACTED]
[REDACTED]

[TO THE CIRCUIT COURT JUDGES!:I WAS ILL WHEN Mr MAY; at my request sent the below request for an extension of my reconsideration motion! Mr. May copied my draft ;but didn't get some of my intentions in it!!! put those modifications into this letter in brackets[]! As below;

Dear [REDACTED]

Please consider this motion for reconsideration as if attached to my [attached 8/17/23] FINAL ADDENDUM MOTION FOR RECONSIDERATION!

I HAVE FOUND NEW FACTS THAT THE COMMISSION AND ITS THEN COMMISSIONERS['] and with the Chairman [REDACTED] and the 2 other chairmen before [REDACTED] and Ms. [REDACTED] prove] with respect to the inhouse Dodd Frank process and with the co-conspiracy of the then Commissioners[&] their respective enforcement director and assistant Director Enterprise members[']and with the Enforcement Division's [REDACTED] prosecution] Enterprise members['] and with the [REDACTED] Enterprise membersi [omit- with the McGrath Enterprise-], and [with]the MacFarlane Newco Enterprise members'[they all] collectively violated by co- conspiracy to defraud me and [by]concoct[ing] a fable alleg[ing I violated securities fraud;] by the commissions' enterprises' [&] inhouse judges and [they collectively]framed me as a guilty securities fraud wrongdoer[!!!].

The commission committed [omit-of] a series of predicate acts against me including subornation of the investor operators perjury[;] who with malice of forethought while knowing the falsity suborned their perjury to allege that [REDACTED]

[REDACTED]

York Regional headquarters
[at which time the SEC informed all the WMMA/WDI investors' that if they "cooperated by alleging I was a control person the SEC would divide any judgments against me to all the investors].

OMIT At about several weeks] Earlier [,]the SEC Enforcement Division[,] thru its New York regional offices informed [REDACTED] that she was a whistleblower and would be paid a percentage of any judgments gained against me thru an SEC proposed security violations lawsuit. [REDACTED]

[REDACTED]

{The McGrath prosecutor aided by judge [REDACTED] answered my OSC for a TRO in which I requested federal Judge [REDACTED] to order the SEC to file any case against me only in the

federal district court & my OSC also disclosed, in its footnotes, that if my motion was denied I would lose my right to a jury trial!]

{As spelled out in the Final addendums motion for reconsideration of 8/17/23 ;despite that [redacted] omitted from me & judge [redacted] the in house violations' of the Constitution as spelled out year earlier to the SEC enforcement division which made the Commission aware of the fact that all their inhouse judges were violators of the appointment clause and that the constitution voided any hearings adjudicated by appointment clause violaters' as in Jarskey VS SEC in2014 in the federal district court ,the Commissioners & commission thru its enforcement divisions director permitted the same constitutional inhouse judges including judge [redacted] who was also aware of this fatal flaw, & with malice of forethought & reckless abandon of my civil rights forced me by defrauding the [redacted] court and me and my counsel stealing my litigation funds of a million dollars; putting me into the wrong jurisdiction! Had Judge [redacted] known she would have granted my TRO; but [redacted] showed Dodd Franks granting the SEC the first right of jurisdiction without disclosing that Dodd Frank didn't grant the SEC the right to use appointment clause violaters'. Thereafter judge [redacted] dismissed my TRO because of the fraud perpetrated by [redacted] aided by Judge [redacted] forcing me to litigate in the wrong jurisdiction for 5 years & during that time the facts contained in [redacted]

[I included attachments of the Final addendum the 3 prior motions for reconsideration which commenced on June29.2023.Attached to it is EX B1 which disproved each of judge [redacted] false findings in the first 14 pages of her oct16/2019 initial decision.That EX B1 took me 29pages7since judge [redacted] initial descionwas about 50pages it would have taken me atotalofabout120pages to respond but sufficeit to say that the facts of the Resadjudicateof2014,theCaigsecurities fraudulentinducement againstme dismissed by a federal district judgein Newark New jersey withprejrice as another Res adjudicata &my wells replys Exc theinnocent finding of any securities fraud using the Chamco service contract dated12/31/12 disprovedthe comp,laints allegationandjudgemurrays finding of fact thati disguised the WMMA servicecontracts alleged "investment banking fees to comcewl&circumvent the SEC exchange acts licensing requirements to obtain a fees as the complaintallegedi disguised theWMMA/MKMa service contractsinvestment banking fees as Hr feeses!Fortunaqtly theSEClistedin2016witness ,Mr [redacted] aCPA,MBa,series7/13 sec lisencc holderand WMMQs sr vp corporate governance4 in His brady recantation o which he attached his answers to theOlp hedeclared thathe wrote theentoreWMMA/MKMA servicecontract"used theChamco servicecontract asits template7that federal bankruptcy judgetheodorapert found that using that contrac I wasinnocent of any securities fraqud violations! [redacted] further declaredin hisOIPanswr that theChamco service contract& theWMMA service contracts were almostidentical poving thati didn't disguiseanything in it!Inadditionthe allegationmade nosense as the averageinvewtmentof theWMMA/Wdi investor operators

was \$360,000.00+/_& if an investment banking fee were disguised the Lehman formula of 5% of the first million invested or fraction thereof would give a fee of \$18,000.00 whereas in the service contract the HR fee was the greater of \$25,000.00 or 25% of the first years compensation which was for all investors' \$150,000.00 ; times 25% = \$38,000.00! No one would want to lose \$18,000.00 as a fee and at the same time violate the exchange act unless an idiot!..!]

[Judge [REDACTED] delegated my case to Judge [REDACTED] and Judge [REDACTED] heard my adjournment motion after I had a cardiac even at my first SEC deposition when my blood pressure rose to 220/110! Judge [REDACTED] found as fact: "that I had failed all 7 factor tests' which federal judges use for adjournment motions"[Judge [REDACTED] then granted me a postponement sine die & about 30 days after that protective order Judge [REDACTED] played musical judge chairs' ; switched judges in my case to judge [REDACTED] for no reason stated, 7 both [Judge [REDACTED] & then Judge [REDACTED] when I appealed judge [REDACTED] violation of my protective order by his dissolving it & ordering me to testify in 120 days'] violation of Judge [REDACTED] protective order [as judge [REDACTED] order in effect] staying my participation in case # 3-16509 before Judge [REDACTED] who] found as fact that:

"...if anyone forces Mr Daspin to testify he will be irreparably harmed..."

[omit all as previously stated up to the next [!]] I had filed an OSC for a TRO the day before the SEC served me with its threatened complaint informing my lawyers that if the SEC selected their house process, I requested [omit of] Federal District New York Judge [REDACTED] that the sole jurisdiction to be in the Federal District Court, because of my medical illnesses and that I couldn't take the stress of a maximum 12 month trial. [REDACTED] [REDACTED] In the TRO's footnote I also informed Judge [REDACTED] that if she denied my motion I would lose my Constitutional right to a jury trial.}

The Enforcement Divisions, the Commissioner's Chief Counsel as well as the Commissioners collectively knew that at the time they filed the inhouse complaint that all the inhouse judges were Constitutional violators of the Appointment Clause and as a result any legal costs by this defendant would be stolen from me as they knew that the Constitution voids any judgments made by non-Article 2 of the 2nd Amendments' appointment clause!

[OMMIT THE NEXT 2 PARAGRAPHS AS REPETITIOUS] The McGrath Enterprise members, aided by Judge [REDACTED] defrauded Judge [REDACTED] by their omission of that material fact and they used Dodd Frank's first right of jurisdiction to the SEC to defraud Judge [REDACTED] and me by pointing to that first right without disclosing that Dodd Frank didn't give the SEC that right if it's inhouse judges were Appointment Clause violators!

McGrath aided by Judge [REDACTED] information to him to inform Judge [REDACTED] that if Judge Bachman dismissed my TRO, Judge [REDACTED] had selected an inhouse judge AND MY CASE WOULD BE OVER IN ONE YEAR SINCE THE PROSECUTION INFORMED THE COURT IT WAS

PREPARED TO SUBMIT THE SEC COMPLAINT against me that afternoon!] RESTART
HEARAFTER PLEASE]

Judge [REDACTED] delegated Judge [REDACTED] to hear my case and that judge found as fact that I'mr failed all 7 factors that federal judges use for adjournment motions. In addition, Judge [REDACTED] found as fact:

"...that if anyone forced Mr. Daspin to testify he will be irreparably harmed..."

About 30 days after Judge [REDACTED] Postponement Sine D, Judge [REDACTED] for no reason stated switched judges in my case after the prosecution failed to appeal Judge [REDACTED] findings of fact and protective order in a timely manner. Judge [REDACTED] initially stated that the current orders in my case will continue, but after 2 weeks, all of a sudden he dissolved my protective order while admitting that he read it and knew I would be irreparably harmed if he dissolved it, but ordered me to testify in 120 days which his dissolution order also ordered! Judge [REDACTED] reason was that "...I didn't like the OIP allegations of wrongdoing against Mr. Daspin...". Then after I objected, as those allegations hadn't yet been adjudicated, he reason then used rule 300, which disfavored adjournments despite the fact that Judge [REDACTED] had already taken that rule into consideration before she signed the protective order, based on the [REDACTED] I'd be irreparably harmed! I motioned Judge [REDACTED] to reverse Judge [REDACTED] dissolution and she not only denied it, but on the interim my law firm [disgussed]-[DISGUSTED] with Judge [REDACTED] violation of my civil rights {7} violation of my protective order and playing musical judge chairs. They also motioned to be dismissed from my case since they had used up my litigation fund of \$1 million. I fought it as both New York and NJ laws demonstrated that despite a client running out of money for defense, if the hearing was eminent the law firm couldn't be dismissed! My law firm had learned the entire case using 3 lawyers at \$350/hour, so they were prepaid to defend me. Judge [REDACTED] dismissed my law firm forcing me to be a pro se. [The SEC rules permitting hearsay evidence, dismissing law firms prepaid to learn the entire case when a client runs out of money just before the hearing is unjust & when I motioned for 60 days to replace the law firm after judge [REDACTED] refused to reverse judge [REDACTED] dismissal of my law firm judge [REDACTED] also refused giving me time to find a law firm to replace the dismissed firm ,on a contingency to represent me while Judge [REDACTED] & judge [REDACTED] both knew I was to ill to testify let alone act as a Pro Se!]

At the time [I filed my 6/29/23 reconsideration motion] I did not know of the 10 day [SEC] reconsideration motion rule, when the federal rules of civil procedure permit 30 days. In this matter, I received this Commission's dismissal of proceedings dated June 2, 2023 on June 10/2023 and my first reconsideration motion was filed on June 29, 2023.

[Since I received no answer so I added [on 8/1/23] a supplemental motion for reconsideration, [7] again after receiving no answer I filed the 8/17/23 reconsideration motion which using the inductive method of reasoning taught me that the commission & some of its commissioner chairs' & some of its enforcement division leaders & some of its

fraud analyst stated that I, CBI, and MKMA collectively only received \$240,000 in fees. The books also proved that CBI and MKMA collectively capitalized WMMA with \$4,460,000.

Despite the SEC's negative spin using my 4 decade old felony in which I spent 6 months in federal prison, the SEC had to admit that prior to any investors investing in WMMA, I voluntarily disclosed my felony and prison term on my Website, daspinandco.com up since 2006 till now where I disclosed my felony and 6 months prison term disproving that I waited until the 11th hour prior to an investor's investment to [disclose] my felony!!! Despite the foregoing denial of my right to a fair trial and violations of 4 of my bill of rights, I still want to keep the SEC crimes against me for this Commission to either sign order #8 or settle while keeping this motion confidential.

If you do not agree to an extension by 8/24/23 then I will seek an OSC for a TRO from a Circuit Court as unless I hear by the extension I ask for the case is marked dismissed, but I believe what the SEC and its Enterprise Divisions and their respective members perpetrated against me should be heard as the reasons for my late filing is:

- 1) The SEC defrauded me and Judge [REDACTED] to violate my right to a Federal District Court thereby causing the theft of my million dollar litigation fund.
- 2) My age and my illness as Judge [REDACTED] protective order found caused me to need an extended period of time as my first motion for reconsideration was filed 19 days after I received the Dismissal of the proceedings dated June 2, but which I received on June 10, 2023. Therefore, I was 9 days late with my initial reconsideration motion because I was also forced to be a pro se, because of the [REDACTED] ALJs disregard and violation of my protective order, dismissal of my law firm [then finding my guilt in a default judgement] while I was hospitalized and then I sustained a default judgment. Then Judge [REDACTED] violated the Res Adjudicata of Federal Bankruptcy Judge [REDACTED] who found "I committed no wrongdoing at WMMA" 5 years earlier.
- 3) Judge [REDACTED] found I committed scienter when she used the evidence of what she knew were perjured investors' testimony. At the same time another case had been dismissed with prejudice when [REDACTED] sued WMMA, me, and [REDACTED] for securities fraud. [A federal district judge dismissed his securities fraudulent inducement case without merit & dismissed it with prejudice]
- 4) The SEC has stamped the WMMA PPMs as exempt securities, so in reality the SEC had no jurisdiction in the WMMA case at all.

The SEC violated my Constitutional rights and denied me a fair trial and as a parting gift didn't have the decency to find "I committed no wrongdoing at WMMA".

If this Commission doesn't grant me my extension request as of 8/23/2023, I will call your Secretary on 8/23/2023 to find if the extension is granted and if not, or I find my case on the dismissal is still of record on that date, I'll ask for the relief I asked this Commission to give

me elsewhere based on an OSC for TRO for this Commission to Commission to show cause why they shouldn't pay me for the damages attributable to the violations of some of my Constitutional Amendment rights and denying me a fair trial.

Respectfully,



Edwalo M. Daspin



pro se

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