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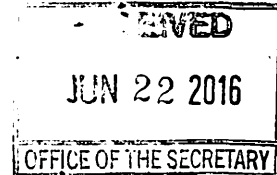
Shreyans H. Desai
7 Ramsey Road
Edison, NJ 08820
Defendant, Pro Se

JUN 22 2016

Office of Administrative
Law Judges

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

Administrative Proceeding File No.: 3-17035



IN THE MATTER OF

SHREYANS DESAI

OPPOSITION

- 1) Please review **Exhibit A**. Just ten days ago, I filed my 30 pages Brief at Hon. Third Circuit. Until the matter is concluded at the Third Circuit, I am not in a position to Defend accurately before Hon. Brenda P. Murray.
- 2) What if District Court's decision is Reversed? There is no 100% guarantee that SEC is going to definitely win at the Third Circuit. We all will find out very soon.
- 3) To me, this whole Administrative Hearing is a shortcut because of no Discovery, no Interrogatory, no Trial, and no Due Process. I would have participated whole heartedly once all of the constitutional litigations are concluded.
- 4) Considering JOBS Act, Exemptions, only six investors, and less than \$300,000 of investment, only a citation was sufficient. Please review **Exhibit B**.
- 5) It is a fundament truth that my 50% partner, Siddharth Patel actively participated at every step. Siddharth Patel formed Shreysiddh Capital and accepted all the responsibilities as a registered agent as well as a 50% partner. Siddharth deposited funds including his own brothers, Nirav Patel. It is a fact that my 50% partner, Siddharth Patel benefited from Shreysiddh Capital; for example, purchasing a luxury car, Audi and take luxury trips around the world. However, because of a Secret Deal between SEC, US Government and my 50% partner, Siddharth Patel, I

have not been allowed to send a simple 15 Questions Interrogatory to Siddharth Patel. It is also a fact that Siddharth Patel 's answers to my Interrogatory would help to solve many problems of this matter. For example, Siddharth Patel never wanted to return the investors their money, however, I did. Therefore, Siddharth Patel is also responsible.

- 6) It is beyond my imagination that why SEC is afraid of making my 50% partner as a party? The truth is it is not I, but it is SEC who is fearful of the Due Process.
- 7) There were no advertisements done by Shreysiddh Capital. There were no prospectuses issued by Shreysiddh Capital. Almost all the participants either attended and/or they reviewed Options Trading Seminars and Material. There were no secrets on any of the Trades. Each and every Trade were approved and registered on Thinkorswim. There was no general solicitation. The relationships with all the investors were not remote.
- 8) I also strong believe that since all of the transactions where short term contracts, Options Trades, SEC does not have the jurisdiction. Again, it is a fact that all the friends/investors, were Accredited Investors. Everyone actively participated and actively attended Options Trading Classes.
- 9) Another Accredited Investor, Urjo Dhyan had met with me every day and sometimes twice a day. Because of Urjo Dhyan's previous speculative experiences, most of the times, Urjo Dhyan made suggestions on how to operate and handle investments. Options are complex Trades. I might not have a 100 Shares of Google, yet, I would sell an Options Contract equivalent of 100 Shares of Google to be sold after 90 days. Before finalizing on any Option Trades or Contracts, lots of thought process and homework would take place. Whenever Urjo Dhyan visited he thought he could master all of these Option Techniques in a short period of time. Urjo Dhyan had told me multiply times that he has the ability to bring in a million dollars plus. So Urjo Dhyan opened up his own separate Thinkorswim account and he would duplicate same Option Trades as of Shreysiddh Capital. What I am trying to say is, there are significant doubts, yet all Due Process defenses are ignored and violated.
- 10) My partner, Siddharth Patel and I spent large amounts of money, over \$60,000 to educate ourselves and applied that education to the best of our abilities. According

to Thinkorswim, we completed our Graduation and they call it "PHD". Thinkorswim encouraged us to seek investments to develop our business, where Thinkorswim would act as the Financial Advisors. While we were studying, none of the instructors had completed Series 7 or Stockbroker License. However, in this action, ONLY I am being separated and being discriminated.

- 11) It is a matter of fact, that Urjo Dhyan wanted to learn all of Options Market Strategies and since we did not help him to learn, our differences started. In my humble opinion, "Exemptions" gives me sufficient benefit of doubts. Therefore, I believe SEC does not have Jurisdiction on Options and on Forex and I strongly believe this is a state civil matter.
- 12) SEC did not make any attempt to establish a jurisdiction and the least SEC could have done was to try to get a simple one-page letter from Thinkorswim. Once again, I respectfully submit that it is not I, it is SEC fearful of Due Process.
- 13) This is a civil matter, this is not a criminal matter, all of the major investors are residing in New Jersey. Therefore, this is a State matter. Not only SEC does not have the jurisdiction, there is no venue for SEC to make any kind of claim.
- 14) SEC has not been able to identify a single unlawful transaction. Except for the wastage of thousands of pages by Ms. McGill, SEC has not produced a single expert witness about the Options Trade. Once again, please allow me to submit that it is not I, it is SEC fearful of the Due Process.
- 15) US Government says, Shreysiddh Capital made money on two Forex Accounts. Is US Government wrong? Please see Exhibit C, where Ms. McGill says that US Government is wrong and Shreysiddh Capital did not make any money on Forex. If SEC had relied on Due Process, then Ms. McGill might not have to make a false statement that US Government is wrong.
- 16) Please review a letter from Ms. McGill, Exhibit D, two pages, her answers to my four questions. I beg Your Honor to please read second paragraph. I reserve the right to file a separate compliant against Ms. McGill for perjury, harassment, and misrepresentations. My point is, if there was a Due Process, I would not have been tempted to file a separate compliant against Ms. McGill.

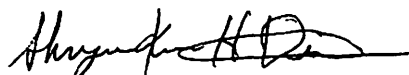
- 17) What if my counsel is ready and successful to vacate the Default Judgment, then their arguments would be based upon a lack of Due Process by SEC.
- 18) I cannot even understand nor can I explain in precise details how much SEC has destroyed my life. From the very beginning SEC has singled me out and ONLY came after me while my 50% partner, Siddharth Patel has enjoyed all the benefits and not even be questioned. When this matter started I was 23 years old and now I am 29. I am totally and unequivocally financial destroyed. Before, I was healthy and now I am handicapped. What I really can't comprehend is that SEC has shown sympathy and compassion to others while I am attacked as if I am a high profile criminal case and this is an economical matter that belongs to state civil. I ask myself every day as I face my family that how far will Ms. McGill go and how much more will I have to sacrifice today until the truth comes out and Due Process is served.
- 19) The heart of my Opposition is that it is not I, it is SEC being gutless for violating my fundamental pre-requisite of Due Process. I reserve the right to start a litigation in a Constitutional Court if Summary Disposition is granted.

Conclusion: Based on the above and based on the attached exhibits, it is that prayer that Summary Disposition not be granted and that this matter be stayed until all the matters are concluded at US Supreme Court and Third Circuit Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

June 15, 2016

Respectfully Submitted By,


Shreyans H. Desai

PROOF OF SERVICE

I certify that on June 03, 2016, I mailed a copy of this brief and all attachments via USPS Mail to the following parties at the addresses listed below:

Attorney Ms. Christina McGill, Securities and Exchange Commission, located at 100 F. Street, N.E., Washington, DC 20549, USPS First Class Mail with Certificate of Mailing.

June 15, 2016

Respectfully Submitted By,

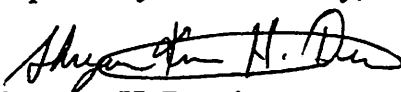

Shreyans H. Desai

Exhibit A

30 Pages

Original

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**



Case Number: 16-1629

Case Name: Securities and Exchange Commission v. Desai, et al

INFORMAL BRIEF

1. **Jurisdiction:** What order(s) of the district court or agency are you appealing?

02/29/2016	<u>142</u>	OPINION AND ORDER denying <u>137</u> Motion for Reconsideration. Signed by Judge William J. Martini on 2/29/16. (gh,) (Entered: 02/29/2016)
11/05/2015	<u>126</u>	ORDER granting <u>105</u> Motion for Summary Judgment; SEC shall submit a proposed order containing its prejudgment interest calculations, etc. Signed by Judge William J. Martini on 11/5/15. (gh,) (Entered: 11/05/2015)
10/28/2013	<u>81</u>	ORDER Temporarily STAYING CASE pending resolution of Defendant's criminal proceedings; that, all pending motions are administratively terminated, without prejudice, pending resolution of Defendant's criminal proceeding, etc. Signed by Magistrate Judge Mark Falk on 10/28/13. (jd,) (Entered: 10/28/2013)
07/26/2012	<u>31</u>	Clerk's ENTRY OF DEFAULT as to ShreySiddh Capital, LLC for failure to plead or otherwise defend. (jd,) (Entered: 07/26/2012)

What is the date of the order(s)? **February 29, 2016**

When did you file your notice of appeal or petition for review? **March 12, 2016**

2. **Statement of the case:** Explain the proceedings in the district court or before the agency (i.e. what the district court or the agency did in deciding your case).

- A) On 09/27/2011, Securities and Exchange Commission (SEC) filed its Complaint. Note: Although the Complaint was Served to my 50% partner, Siddharth Patel, but my partner Siddharth Patel's name was not included on the Complaint.
- B) On 05/07/2013, Document #: 53 on District Court System: SCHEDULING ORDER: Amended Pleadings due by 7/24/2013. Discovery due by 8/7/2013. Joinder of Parties due by 7/24/2013. Dispositive Motions due by 9/7/2013.. Signed by Magistrate Judge Mark Falk on 5/7/13. (jd,) (Entered: 05/07/2013). Note: As allowed, I filed Motions to add party, primarily my 50% partner Siddharth Patel, please see Document # 60 and 65. However, I was discriminated and my Motions to add parties were NEVER processed.
- C) After 22 months, on 07/24/2013, SEC filed an Amended Complaint. Please see Document #: 62 on District Court System. Note: I am a Pro Se, this long gap of almost two years between the Complaint and the Amended Complaint created a tremendous hardship on me. It also shows that SEC was not sure how to handle this matter from the beginning. This time the Amended Complaint was not Served to my 50% partner, Siddharth Patel.
- D) On 10/28/2013, Document #: 81: ORDER Temporarily STAYING CASE pending resolution of Defendant's criminal proceedings; that, all pending motions are administratively terminated, without prejudice, pending resolution of Defendant's criminal proceeding, etc. Signed by Magistrate Judge Mark Falk on 10/28/13. (jd,) (Entered: 10/28/2013). Note: In my humble opinion, it was a Due Process and Constitutional violations to terminate all of the open motions without processing them. My question is: Why was I asked than to file motions if only a month later my motions were going to be terminated?
- E) On 11/08/2013, Document # 82: APPLICATION/PETITION for Reconsideration of Order (doc #81) and Requesting Confirmation of a Stay from Judge Cavanaugh by SHREYANS DESAI. (jd,) (Entered: 11/12/2013). Note: I do not know the statues of my Motion, Document # 82. I did ask the Hon. District Judge to confirm the Stay, but there was no response. I was not allowed to Appeal the Stay, which I consider it as unconstitutional.
- F) On 11/17/2014, Document # 91: ORDER that, by December 1, 2014, the parties submit written status letters regarding the continued stay of this civil action and what next steps are appropriate. Until further order of this Court, the stay entered on October 28, 2013, remains in place. Signed by Magistrate Judge Mark Falk on 11/17/14. (jd,) (Entered: 11/17/2014).

Note: A year after imposing an illegal Stay of 10/8/2013, District Court is asking, “what next steps are appropriate.” If the Securities and Exchange Commission had not filed an Amended Complaint, then all of the confusion could have been avoided.

G) On 01/20/2015, Document # 101: ORDER, the stay of the case is hereby lifted; and it is further ORDERED that, SEC's motion for summary judgment shall be filed by February 20, 2015, etc. Signed by Magistrate Judge Mark Falk on 1/20/15. (js) (Entered: 01/22/2015).

Note: All of a sudden, Motions remained OPEN, no Interrogatories were allowed, no Depositions were allowed, no Trial, my 50% partner Siddharth Patel is not a party, there is no way to reach to the Truth, and an illegal Summary Judgment was filed.

H) On 03/27/2015, Document # 120: APPLICATION/MOTION for permission to send interrogatory to Mr. Urjo Dhyhan by SHREYANS DESAI. (sr,) (Entered: 04/01/2015).

Note: This Motion is still open. Similarly, other two Motions are still open and they are Document # 119 of 03/26/2015 and Document # 118 of 03/23/2015.

This case is full of irregularities and violations. Above is just a partial list of concerns and red flags. While I was incarcerated and while I did not have a full and a complete access to my case file, knowing very well of all of the irregularities, on 02/29/2016, my Motion for Reconsideration was Denied, Document # 142, and I filed an Appeal.

3. Statement of facts: Explain the facts and events that led to the complaint in the district court or the action before the agency.

A) SEC wrongfully jumped to conclusions that Shreysiddh Capital, was a ponzi scheme. US Government, the District Court Judge, and SEC all agreed and confirmed in writing that Shreysiddh Capital was not a ponzi scheme.

B) Based on SEC's hasty and prematurely jumping on the conclusion that Shreysiddh Capital was a ponzi scheme. And in February 2011, FBI, US Government, SEC, and other Agencies, about 40-50 people. came in and forcefully closed Shreysiddh Capital down.

C) After the initial review, in April 2011, Branch Chief Broker-Dealer Inspection Program of SEC, Mr. Terrence Bohan wrote us a letter that Shreysiddh Capital's violations were not server and they had concluded the matter.

- D) SEC's Ms. Christina McGill says that the Branch Chief of SEC, Mr. Terrence Bohan, did not have any authority to write such a letter and it is still a mystery to me that SEC's Ms. McGill and my 50% partner's, Siddharth Patel, attorney made some kind of HIDDEN DEAL to file a Complaint just against me.
- E) The reason we are still litigating this matter after 5+ years is because of Ms. McGill of SEC's biased and prejudiced views towards me. For reasons unknown to me, SEC's Ms. McGill violated my Constitutional Rights and illegally picked only me to file this Complaint. This matter would have resolved in six months or in 2011 if my 50% partner was also named on the Complaint. We cannot reach to the Truth and to the Justice without my 50% partner, Siddharth Patel's Deposition.
- F) Recently, in January 2016, SEC started their internal Administrative Proceedings. Docket # 3-17035. It is my humble belief that if the Administrative Proceedings would have started in 2011, this matter would have concluded amicably and sooner. Initially, SEC claimed that I defrauded two individuals. One being Mr. Urjo Dhyhan for \$90,000 and the another, Mr. Nirav Patel, for \$31,260.
- G) Now in January 2016, Ms. McGill of SEC says that I did not defraud two, but only one individual. So, in September 2011, SEC filed a Compliant and in July 2013 SEC filed an Amended Complaint, and in January 2016 now SEC says that I defrauded only one individual. The point I am trying to make is that if my 50% partner was made a party in this matter, then a considerable amount of tax payers money would have been saved.
- H) SEC claims that I defrauded Mr. Urjo Dhyhan by \$90,000. However, I have not been allowed to Depose, to Cross-examine Mr. Ujo Dhyhan. I have not been allowed to send even a five questions Interrogatory to Mr. Urjo Dhyhan. My Motion of 03/7/2015, Document # 120, is still open. Please see the following:

03/27/2015	<u>120</u>	APPLICATION/MOTION for permission to send interrogatory to Mr. Urjo Dhyhan by SHREYANS DESAI. (sr,) (Entered: 04/01/2015)
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- I) It is my humble belief that considering all of the Due Process violations, considering SEC's changing positions, and considering recent SEC's Administrative Proceedings, the Summary Judgment was NOT warranted, was untimely, and SEC should NOT have filed a Summary Judgment.

- J) SEC claims that I defrauded my 50% partner's brother, Nirav Patel, by \$31,260. However, there is no Affidavit, no Complaint, and no Declaration of Nirav Patel anywhere. Even, a Probation Officer, in her Pre-sentencing Report was not able to confirm with Nirav Patel that I defrauded Nirav Patel.
- K) I completed my 15 months incarceration based on Ms. McGill of SEC's story, theory, and imagination about Nirav Patel.
- L) I believe Ms. McGill of SEC wanted to see that I go to prison and that is why Ms. McGill filed an Amended Complaint. If it was proved that I defrauded by \$90,000 + \$31,206, then according to Federal Guidelines I had to be sent to prison. I was imprisoned on March 30, 2015 and my imprisonment was completed on 04/29/2016.
- M) Due to an auto accident I sustained personal injuries. According to my Doctors, I am presently wheelchair bound. I have applied for Welfare and General Assistances and my life has been completely ruined.
- N) At this time, my Father is not allowed to enter the house and currently, my Father and I have been staying at family member's apartment. At the moment, we are not sure that where we will be living next week. I also do not have an access to my full and complete case file.

4. Statement of related cases: Have you filed an appeal or petition for review in this case before? If so, give title of case and docket number.

Securities and Exchange Commission v. Desai, et al	U.S. Court of Appeals Third Circuit	15-1037
Securities and Exchange Commission v. Desai, et al	U.S. Court of Appeals Third Circuit	15-1436

Do you have any cases related to this case pending in the district court, in the court of appeals or before the agency? If so give title of case and docket number.

Securities and Exchange Commission v. Desai, et al	Administrative Proceeding	3-17035
Securities and Exchange Commission v. Desai, et al	U.S. District Court, District of New Jersey, Newark	2:11-CV-05597 Document # 118, 119, 120

5. Did the district court or the agency incorrectly decide the facts of your case? If so, what facts? YES

- A) The Securities and Exchange Commission wrongfully concluded that Shreysiddh Capital was a ponzi scheme. SEC realized it, yet, since Ms. McGill was biased against me and therefore, she filed a complaint.
- B) Since Shreysidd Capital was not a pozi scheme and not an insider trading, SEC should not have FORCED Shreysiddh Capital to close down.
- C) In order to reach to the Truth, my 50% partner, Siddharth Patel, should have been part of this litigation from the beginning.
- D) SEC thinks that my 50% partner, Siddharth Patel is innocent, then why wasn't he allowed to continue our company Shreysiddh Capital. All of the transactions were Option or Forex Transactions, which are short term contracts. If Shreysiddh Capital was allowed these short term contracts. My partner would have removed all of the loses.
- E) There were no illegal transactions; all of the transactions took place on a Thinkorswim Platform. My partner and myself and all of the investors were familiar with Thinkorswim Platform as well as with Options Trading.
- F) Please note, Thinkorswim encouraged us to invite investors because Thinkorswim acted as a Licensed Stockbroker and as a Financial Adviser.
- G) Please also note that SEC has never obtained any Statement or any Declaration from Thinkorswim. When I requested to make Thinkorswim a party, my request was denied.
- H) I was not allowed to send Interrogatories to Mr. Urjo Dhyan and to Mr. Nirav Patel.
- I) The Summary Judgment is in violation because according to the Federal Rule of Civil Procedure 56, a Summary Judgment should have been filed within 30 days after the conclusion of Discovery.
- J) There was an excessive force by all the authorities and we were put out of business. Our company Shreysiddh Capital, consisting of my partner Siddharth Patel who registered the company, was involved in Forex and in Options Trading. Please note: Forex trading is 20 currencies around the world, where SEC has NO Jurisdiction. Anyone can start Forex without any kind of License with as little as \$50. As of today, Ms. McGill of SEC has never given any explanation that why SEC forced the two Forex accounts of Shreysiddh Capital

to be closed down. The Government confirms that the two Forex accounts of Shreysiddh Capital were making money. If the two Forex accounts were allowed to be traded and continued, then they would not have been any losses and the company would have generated a profit instead.

K) When I asked a question to Ms. McGill about Nirav Patel she admitted that she is not in a possession of any complaints or affidavit by Nirav Patel. Following is my exact question and Ms. McGill's exact answer.

Question 1: "Could you please mail me a copy of Nirav Patel's (NP) complaint against me or a [sic] Nirav Patel's affidavit?"

The Division of Enforcement is not in possession of any complaints or affidavits by Nirav Patel. During the Investigation of this matter, Division attorneys prepared notes concerning an interview of Nirav Patel that reflect their thoughts, opinions and mental impressions. These notes have been withheld from production on grounds of attorney work product, the law enforcement privilege, the investigative files privilege and deliberative process privilege. In addition, during the Investigation, Division attorneys reviewed notes from agents from the Federal Bureau of Investigation. The Division does not possess any of these notes; however, Division attorneys were allowed to review these memoranda at the offices of the United States Attorney for the District of New Jersey and to take notes. These notes reflect the thoughts, opinions, and mental impressions of Division attorneys. These notes have been withheld from production on grounds of attorney work product, the law enforcement privilege, the common interest privilege, the investigative files privilege, and the deliberative process privilege.

6. Did the district court or the agency apply the wrong law (either cases or statutes)? If so, what law do you want applied? YES

STATUTES AND RULES:

Constitutional Violation: The Fifth Amendment

Constitutional Violation: The Sixth Amendment

Constitutional Violation: The Fourteenth Amendment: Equal Protection Clause

JOBS Act

U.S. Constitution and Due Process Violations

A) If my share was 90% and my partner share was 10% I would not have made this point. However, my partner and I are equal partners, 50% each; therefore, my 50% partner, Siddharth Patel, should be a party in this matter to reach to the truth and to the justice.

- B) I am a Pro Se, I have an equal right to Defend. All of the OPEN Motions should have been Heard and Processed. For example, Document # 120, the Motion filed on 03/27/2015 is still open.
- C) It is a Due Process Violation if I am not allowed to send a simple and basic 10 questions Interrogatory to Mr. Urjo Dhyam, to Mr. Nirav Patel, and to Thinkorswim.
- D) I beg for my day in the Court. I beg for the Trial. That is my Constitutional Right.
- E) Summary Judgment was not warranted. SEC wrongfully filed its Motion of Summary Judgment after 5+ years from filing the Complaint in September 2011.
- F) We partners and all of the major investors lived in New Jersey. Actually, this is a State matter.
- G) We were in a process to comply, please review JOBS Act of 2012 where Startup Company are allowed to raise the capital before they are Licensed.
- H) All of the major investors were Accredited. There were only 6 investors and the total investment was less than \$275,000 making Shreysiddh Capital an EXEMPT from Licensing.
- I) Since all of the Transactions took place on Thinkorswim Platform, and since Thinkorswim acted as a Licensed Broker on our behalf, Thinkorswim should have been a party in this matter. It is Securities and Exchange Commission's mistake that without any Due Process jumped on a conclusion that Shreysiddh Capital is a ponzi scheme. Shreysiddh Capital should have been allowed to be operational and SEC should provide the same monetary balances the day Shreysiddh Capital was forcefully closed down.
- J) On February 18, 2016, while I was incarcerated, Hon. Judge Murray held a Pre-Hearing Conference as a part of Administrative Proceedings on SEC's behalf and made a very important comment, which is on the Page 11 of the Transcript, where Judge Murray says, "Plead guilty in the criminal, but the first--the first was a default judgment, right he 10/30/2012?"

7. Are there any other reasons why the district court's judgment or the agency's decision was wrong? If so, briefly state these reasons. YES

- A) This is an economical matter, since it is the same, one District Court Judge for both criminal and civil matter. The civil matter should have been concluded first to protect Due Process.

- B) Since I was allowed to proceed as Pro Se in civil, I should have been allowed to proceed Pro Se in a criminal matter.
- C) Currently, I am not allowed to borrow any money, so it is extremely difficult to put a retainer together for an attorney. However, I am trying my best. Therefore, I should be allowed to Vacate the Default Judgment against Shreysiddh Capital.
- D) SEC's Mr. Paik has not cooperated to prepare and submit the Joint Appendix; that is why I am not able to submit a Joint Appendix herewith. It is my prayer that SEC cooperates and I would be allowed to prepare and to file the Joint Appendix.

8. What action do you want the Court of Appeals to take in this case?

- A) SEC's Summary Judgment was illegal, was untimely, and was in violation; therefore, it is my prayer that SEC's Summary Judgment is not granted and the District Court's Decision is Reversed.
- B) There are several OPEN Motions at the District Court. For example, Document # 120, and I beg that all of the OPEN Motions should have been processed to protect Due Process.
- C) I want my day in a Court. I want to Defend. I want my Constitutional Protections. I want a Trial and I submit that all the STAYS were illegal in the District Court.
- D) In order to reach to the Truth, my 50% partner should have been a party in SEC's Complaint.

June 03, 2016

Respectfully Submitted By,



Shreyans H. Desai

PROOF OF SERVICE

I certify that on June 03, 2016, I mailed a copy of this brief and all attachments via USPS Mail to the following parties at the addresses listed below:

Attorney Mr. Christopher Paik, Securities and Exchange Commission, located at 100 F. Street, N.E., Washington, DC 20549, Certified Mail #:70150640000391943293

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Case Number: 16-1629

June 03, 2016

Brief: Pages 1 to 9

Attachments

Opinion & Order	Pages	11 to 12
Notice of Appeal	Pages	13
District Court Docket Entries	Pages	14 to 21
Example of One OPEN Motion	Pages	22 to 30

10

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**SHREYANS DESAI AND SHREYSIDDH
CAPITAL, LLC,**

Defendants.

Civ. No. 11-5597 (WJM)

OPINION & ORDER

Defendant Shreyans Desai (“Desai”), *pro se*, asks this Court to reconsider its grant of the Securities and Exchange Commission’s (the “Government”) motion for summary judgment. For the reasons set forth below, Desai’s motion for reconsideration is **DENIED**.

Rule 59(e) of the Federal Rules of Civil Procedure (“FRCP”) allows a party to move a district court to reconsider its judgment. A motion for reconsideration may be granted only if: (1) there has been an intervening change in the controlling law; (2) new evidence has become available since the court granted the subject motion; or (3) it is necessary to correct a clear error of law or fact or to prevent manifest injustice. *Max’s Seafood Café by Lou-Ann, Inc. v. Quinteros*, 176 F.3d 669, 677 (3d Cir. 1995) (citing *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). Manifest injustice pertains to situations where a court overlooks some dispositive factual or legal matter that was presented to it. *See In re Rose*, No. 06-1818, 2007 WL 2533894, at *3 (D.N.J. Aug. 30, 2007). A motion for reconsideration is not an appeal, and a “party’s mere disagreement with a decision of the district court should be raised in the ordinary appellate process and is inappropriate on a motion for [reconsideration].” *Morris v. Siemens Components, Inc.*, 938 F. Supp. 277, 278 (D.N.J. 1996).

Desai fails to demonstrate why this Court should reconsider its prior ruling. In his motion for reconsideration, Desai does not allege an intervening change in controlling law and fails to show how this Court overlooked a clear error of law or

fact. Instead, the crux of Desai's argument is that he was unable to complete discovery. This, Desai argues, made both the Government's motion for summary judgment and the Court's subsequent opinion and order pre-mature.¹ However, the Court tackled these arguments in its prior opinion, finding that (i) some of Desai's discovery requests were clearly prohibited by the FRCP, and (ii) that "[p]arties in civil litigation primarily bear the burden of conducting their own discovery" and Desai was provided this opportunity. (See Opinion, ECF No. 125, 5.) Consequently, Desai presents no appropriate basis for why this Court should set aside its prior opinion and order. Accordingly, the Court denies Desai's motion.

Thus, for the above reasons and for good cause shown;

IT IS on this 29th day of February 2016, hereby,

ORDERED that Defendant's motion for reconsideration is **DENIED**.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.

¹ In his reply, Desai asks the Court to disregard the Government's opposition due to its late filing. The Government's opposition papers were due fourteen days prior to the motion day—set for January 19, 2016—and the papers were timely filed on January 5, 2016. See L. Civ. R. 7.1(d)(2).

MARCH 12, 2016, CERTIFIED MAIL # 7015 0640 0003 9194 5279

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Full Caption in District Court:

Docket No.:

(Plaintiff)

Judge:

v.

Notice of Appeal to the
U.S. Court of Appeals for the
Third Circuit

(Defendant)

Notice is hereby given that Shreyans Desai
(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from

[] Judgment, [X] Order, [] Other FILED ON 02/29/16 ATTACHMENTS ARE
(Specify) PART OF THE APPEAL
of the United States District Court, District of New Jersey, entered in this action on

MARCH 12, 2016
(Date)

Shreyans Desai

[REDACTED]

Dated:

Shreyans Desai
Appellant: *Pro se*

[REDACTED]
Shreyans Desai
[REDACTED]
Devens P.O. Box [REDACTED]
AYER, MA [REDACTED]
United States [REDACTED]

Telephone

COPY

- ① U.S. COURT OF APPEALS, THIRD CIRCUIT, CERTIFIED MAIL # 7015 0640 0003 9194 273
- ② MR. STOELTING/SEC. CERTIFIED MAIL # 7015 0640 0003 9194 2777

APPEAL,CLOSED,PROSE,RULE16,SCHEDO

U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:11-cv-05597-WJM-MF

SECURITIES AND EXCHANGE COMMISSION v. DESAI et al
Assigned to: Judge William J. Martini
Referred to: Magistrate Judge Mark Falk
Case in other court: Third Circuit, 15-01037
Third Circuit, 15-01436
Third Circuit, 16-01629
Cause: 15:77 Securities Fraud

Date Filed: 09/27/2011
Date Terminated: 11/05/2015
Jury Demand: None
Nature of Suit: 850 Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Plaintiff

SECURITIES AND EXCHANGE COMMISSION

represented by **CHRISTINA M. MCGILL**
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TERMINATED: 02/07/2012
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V.

Defendant

SHREYANS DESAI

represented by **SHREYANS DESAI**



(14)

732-603-1826
 PRO SE

Defendant

SHREYSIDDH CAPITAL, LLC
 TERMINATED: 10/03/2012

Date Filed	#	Docket Text
09/27/2011	<u>1</u>	COMPLAINT against SHREYANS DESAI, SHREYSIDDH CAPITAL, LLC (Filing fee \$ None Required.) NONE., filed by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Civil Cover Sheet)(ld,) (Entered: 09/27/2011)
09/27/2011	<u>2</u>	SUMMONS ISSUED as to SHREYANS DESAI, SHREYSIDDH CAPITAL, LLC Attached is the official court Summons, please fill out Defendant and Plaintiffs attorney information and serve. Issued By *LEROY DUNBAR* (ld,) (Entered: 09/27/2011)
10/12/2011	<u>3</u>	APPLICATION for extension of time to respond to Complaint by SHREYANS DESAI. (jd,) (Entered: 10/13/2011)
10/18/2011	<u>4</u>	Letter from Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 10/18/2011)
10/18/2011	<u>5</u>	ORDER that deft Shreyans Desai only be granted an additional 45 day extension of time to file his answer, deft Shreyans Desai must file his answer on or before 12/12/11. Signed by Judge Dennis M. Cavanaugh on 10/18/11. (jd,) (Entered: 10/18/2011)
10/21/2011	<u>6</u>	AFFIDAVIT of Service for Summons and Complaint served on Shreyans Desai on 10/14/2011, filed by SECURITIES AND EXCHANGE COMMISSION. (MCGILL, CHRISTINA) (Entered: 10/21/2011)
10/21/2011	<u>7</u>	AFFIDAVIT of Service for Summons and Complaint served on ShreySiddh Capital, LLC on 10/14/2011, filed by SECURITIES AND EXCHANGE COMMISSION. (MCGILL, CHRISTINA) (Entered: 10/21/2011)
10/27/2011	<u>8</u>	AFFIDAVIT of Service for Summons and Complaint served on ShreySiddh Capital, LLC on 10/22/2011, filed by SECURITIES AND EXCHANGE COMMISSION. (MCGILL, CHRISTINA) (Entered: 10/27/2011)
11/15/2011	<u>9</u>	NOTICE of Appearance by CHRISTINA M. MCGILL on behalf of SECURITIES AND EXCHANGE COMMISSION (Attachments: # <u>1</u> Certificate of Service)(MCGILL, CHRISTINA) (Entered: 11/15/2011)
12/12/2011	<u>10</u>	APPLICATION/PETITION for dismissal of complaint by SHREYANS DESAI. (Attachments: # <u>1</u> Exhibit)(jd,) (Entered: 12/13/2011)
12/16/2011	<u>11</u>	Letter from Judge Cavanaugh to Mr. Desai advising him that a corporation must be represented by Counsel, etc. (jd,) (Entered: 12/17/2011)
12/27/2011	<u>12</u>	AFFIDAVIT by Shreyans H. Desai re <u>11</u> Letter. (jd,) (Entered: 12/28/2011)
01/03/2012	<u>13</u>	BRIEF Memorandum of Law in Opposition to Defendant Shreyans Desai's Application Requesting to Dismiss the Complaint filed by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Certificate of Service)(MCGILL, CHRISTINA) (Entered: 01/03/2012)
01/12/2012	<u>14</u>	RESPONSE by Shreyan H. Desai re <u>13</u> Brief. (jd,) (Entered: 01/13/2012)
01/13/2012	<u>15</u>	Letter from Judge Cavanaugh advising Mr. Desai that the corporation must be represented by counsel. Advising that pleadings filed and actions taken by you on behalf of Shreysiddh Capital, LLC may be struck or held to be a nullify or void from the beginning, and potentially, may justify entry of a default judgment agst Shreysiddh Capital, LLC (jd,) (Entered: 01/13/2012)
01/19/2012	<u>16</u>	APPLICATION/PETITION requesting Clarification from SEC by SHREYANS DESAI. (jd,) (Entered: 01/20/2012)
01/30/2012	<u>17</u>	AFFIDAVIT of of Shreyan H. Desai by SHREYANS DESAI. (jd,) (Entered: 01/31/2012)
02/07/2012	<u>18</u>	NOTICE by SECURITIES AND EXCHANGE COMMISSION <i>Of Withdrawal Of Appearance Of Counsel</i> (Attachments: # <u>1</u> Certificate of Service)(MCGILL, CHRISTINA) (Entered: 02/07/2012)
03/02/2012	<u>19</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 03/02/2012)
03/19/2012	<u>20</u>	AFFIDAVIT by SHREYANS DESAI. (jd,) (Entered: 03/19/2012)
04/09/2012	<u>21</u>	AFFIDAVIT of Shreyans Desai by SHREYANS DESAI. (jd,) (Entered: 04/09/2012)
04/26/2012	<u>22</u>	NOTICE of Appearance by DAVID STOELTING on behalf of SECURITIES AND EXCHANGE COMMISSION (STOELTING, DAVID) (Entered: 04/26/2012)
04/30/2012	<u>23</u>	AFFIDAVIT of Shreyans H. Desai in support of request to Dismiss the Complaint by SHREYANS DESAI. (jd,) (Entered: 05/01/2012)
05/25/2012	<u>24</u>	Letter from David Stoelting. (STOELTING, DAVID) (Entered: 05/25/2012)

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05/29/2012	<u>25</u>	AFFIDAVIT of Shreyans H. Desai re <u>24</u> Letter by SHREYANS DESAI. (jd,) (Entered: 05/30/2012)
06/07/2012	<u>26</u>	ORDER, Scheduling Conference set for 7/9/2012 11:00 AM before Magistrate Judge Mark Falk.. Signed by Magistrate Judge Mark Falk on 6/7/12. (jd,) (Entered: 06/08/2012)
06/08/2012	<u>27</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>26</u> Order, Set Deadlines/Hearings (STOELTING, DAVID) (Entered: 06/08/2012)
06/13/2012	<u>28</u>	APPLICATION/PETITION for reconsideration of the 6/7/12 Order by SHREYANS DESAI. (jd,) (Entered: 06/14/2012)
07/02/2012	<u>29</u>	APPLICATION/PETITION for a stay on the Order of 6/7/12, etc. by SHREYANS DESAI. (jd,) (Entered: 07/02/2012)
07/09/2012		Minute Entry for proceedings held before Magistrate Judge Mark Falk: Scheduling Conference held on 7/9/2012. (CD #ECR.) (LM,) (Entered: 07/09/2012)
07/19/2012	<u>30</u>	Request for Default by SECURITIES AND EXCHANGE COMMISSION against ShreySiddh Capital, LLC. (Attachments: # <u>1</u> Exhibit 1-6)(MCGILL, CHRISTINA) (Entered: 07/19/2012)
07/20/2012		Clerk's ENTRY OF DEFAULT as to ShreySiddh Capital, LLC for failure to plead or otherwise defend. (nr,) (Entered: 07/20/2012)
07/26/2012	<u>31</u>	Clerk's ENTRY OF DEFAULT as to ShreySiddh Capital, LLC for failure to plead or otherwise defend. (jd,) (Entered: 07/26/2012)
07/27/2012	<u>32</u>	RESPONSE by Shreyans H. Desai re <u>30</u> Request for Default. (jd,) (Entered: 07/30/2012)
07/30/2012	<u>33</u>	APPLICATION/PETITION for dismissal of complaint by SHREYANS DESAI. (jd,) (Entered: 07/31/2012)
08/06/2012	<u>34</u>	APPLICATION/PETITION for Reconsideration and a Request for Correction, etc by SHREYANS DESAI. (jd,) (Entered: 08/06/2012)
08/08/2012	<u>35</u>	First MOTION for Default Judgment as to <i>ShreySiddh Capital</i> by SECURITIES AND EXCHANGE COMMISSION. Responses due by 8/21/2012 (Attachments: # <u>1</u> Brief Plaintiff's Memorandum of Law in Support of Motion for a Default Judgment Against Defendant ShreySiddh Capital, LLC, # <u>2</u> Declaration of Christina McGill, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Text of Proposed Order, # <u>17</u> Certificate of Service)(MCGILL, CHRISTINA) (Entered: 08/08/2012)
08/08/2012		Set Deadlines as to <u>35</u> First MOTION for Default Judgment as to <i>ShreySiddh Capital</i> . Motion set for 9/4/2012 before Judge Dennis M. Cavanaugh. The motion will be decided on the papers. No appearances required unless notified by the court. (jd,) (Entered: 08/08/2012)
08/13/2012	<u>36</u>	RESPONSE in Opposition filed by SHREYANS DESAI re <u>35</u> First MOTION for Default Judgment as to <i>ShreySiddh Capital</i> (jd,) (Entered: 08/15/2012)
08/15/2012	<u>37</u>	Letter from Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 08/15/2012)
08/16/2012	<u>38</u>	RESPONSE by Shreyans H. Desai re <u>37</u> Letter. (jd,) (Entered: 08/17/2012)
08/22/2012	<u>39</u>	AFFIDAVIT of Shreyans H. Desai in support re <u>33</u> Application/Petition to Dismiss by SHREYANS DESAI. (jd,) (Entered: 08/22/2012)
08/28/2012	<u>40</u>	TEXT ORDER - Court is in receipt of a letter from Defendant requesting that the Court provide him with transcripts of prior proceedings in this case. Defendant is hereby advised that any transcript requests must be made to King Transcription Services, which can be reached at 973-237-6080. Please be guided accordingly. Ordered by Magistrate Judge Mark Falk on 8/28/12. (LM,) (Entered: 08/28/2012)
08/31/2012	<u>41</u>	AFFIDAVIT of Shreyans Desai by SHREYANS DESAI re: Transcript. (jd,) (Entered: 08/31/2012)
09/18/2012	<u>42</u>	Certified Mail Receipt Returned sent to SHREYANS DESAI (jd,) (Entered: 09/19/2012)
10/03/2012	<u>43</u>	DEFAULT JUDGMENT in favor of SECURITIES AND EXCHANGE COMMISSION against SHREYSIDDH CAPITAL, LLC in the sum of \$130,723.62. Signed by Judge Dennis M. Cavanaugh on 10/2/12. (jd,) (Entered: 10/03/2012)
10/10/2012	<u>44</u>	Transcript of Proceedings held on 07/09/2012, before Judge MARK FALK. Court Reporter/Transcriber KING TRANSCRIPTION SERVICES/SARA L. KERN ((973) 237-6080). Tape Number: HEARING. NOTICE REGARDING REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript. Redaction Request due 10/31/2012. Redacted Transcript Deadline set for 11/13/2012. Release of Transcript Restriction set for 1/8/2013. (ma) (Entered: 10/10/2012)
10/16/2012	<u>45</u>	APPLICATION/PETITION for reconsideration re: Default Judgment by SHREYANS DESAI. (jd,) (Entered: 10/17/2012)
10/23/2012	<u>46</u>	NOTICE of Appearance by JOHN J. GRAUBARD on behalf of SECURITIES AND EXCHANGE COMMISSION (GRAUBARD, JOHN) (Entered: 10/23/2012)

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10/23/2012	<u>47</u>	MOTION for Writ of Execution re <i>ShreySiddh Capital, LLC</i> by SECURITIES AND EXCHANGE COMMISSION. (GRAUBARD, JOHN) (Entered: 10/23/2012)
10/24/2012		CLERK'S QUALITY CONTROL MESSAGE - The Writ of Execution <u>47</u> filed by Securities and Exchange Commission on 10/23/12 was submitted incorrectly as a Motion. PLEASE RESUBMIT THE Writ of Execution by mail. PLEASE CONTACT THE CLERK'S OFFICE IF YOU HAVE ANY QUESTIONS. This submission will remain on the docket unless otherwise ordered by the court. (ma) (Entered: 10/24/2012)
03/11/2013	<u>48</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 03/11/2013)
03/26/2013	<u>49</u>	RESPONSE by Shreyans H. Desai re <u>48</u> Letter. (jd,) (Entered: 03/27/2013)
04/02/2013	<u>50</u>	LETTER ORDER pursuant to Rule 16.1. Signed by Magistrate Judge Mark Falk on 4/2/13. (LM,) (Entered: 04/02/2013)
04/23/2013	<u>51</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 04/23/2013)
05/02/2013	<u>52</u>	APPLICATION/PETITION for extension of 90 days to Add Party or to file a Dispositive Motion by SHREYANS DESAI. (jd,) (Entered: 05/02/2013)
05/07/2013	<u>53</u>	SCHEDULING ORDER: Amended Pleadings due by 7/24/2013. Discovery due by 8/7/2013. Joinder of Parties due by 7/24/2013. Dispositive Motions due by 9/7/2013.. Signed by Magistrate Judge Mark Falk on 5/7/13. (jd,) (Entered: 05/07/2013)
06/14/2013	<u>54</u>	Letter from David Stoelting. (STOELTING, DAVID) (Entered: 06/14/2013)
06/17/2013	<u>55</u>	ORDER that, Defendant Shreyans Desai shall file his Answer and provide Plaintiff with his initial disclosures no later than July 8, 2013; if Defendant Shreyans Desai fails to file his Answer and make his initial disclosures by July 8, 2013, Ptf shall promptly move for entry of default and default judgment, etc. Signed by Magistrate Judge Mark Falk on 6/17/13. (jd,) (Entered: 06/18/2013)
06/19/2013	<u>56</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>55</u> Order, (MCGILL, CHRISTINA) (Entered: 06/19/2013)
07/08/2013	<u>57</u>	ANSWER to Complaint by SHREYANS DESAI. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibits)(jd,) (Entered: 07/09/2013)
07/15/2013	<u>58</u>	APPLICATION/PETITION requesting an order allowing Shreyans Desai to submit an interrogatory to attorney William Kerr by SHREYANS DESAI, SHREYSIDDH CAPITAL, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(gmd,) (Entered: 07/18/2013)
07/18/2013	<u>59</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 07/18/2013)
07/18/2013	<u>60</u>	APPLICATION/PETITION to add parties & to reopen Two Thinkorswim Accounts by SHREYANS DESAI. (Attachments: # <u>1</u> Exhibit)(jd,) (Additional attachment(s) added on 5/23/2014: # <u>2</u> envelope) (jd,) (Entered: 07/19/2013)
07/19/2013	<u>61</u>	APPLICATION/PETITION for a stay on two depositions by SEC by SHREYANS DESAI. (Attachments: # <u>1</u> Exhibit)(jd,) (Entered: 07/19/2013)
07/23/2013	<u>63</u>	Letter with exhibits from Harshad H. Desai to Judge Cavanaugh and Judge Falk. (jd,) (Entered: 07/24/2013)
07/24/2013	<u>62</u>	AMENDED COMPLAINT against SHREYANS DESAI, filed by SECURITIES AND EXCHANGE COMMISSION. (Attachments: # <u>1</u> Certificate of Service)(MCGILL, CHRISTINA) (Entered: 07/24/2013)
07/24/2013	<u>64</u>	TEXT ORDER: The Court has received two applications requesting that certain imminently scheduled depositions be stayed, one filed by Defendant Shreyans Desai and the other by an apparent non-party Harshad Desai. Although the applications are somewhat unclear, the stay requests are apparently made due to certain pending criminal proceedings. The SEC should respond to these applications by August 1, 2013. The depositions referred to in the two applications are temporarily stayed pending the SEC's submission of a response to the applications and the Court's consideration of the issue. Counsel for the SEC should notify any impacted party of the entry of this Order. Ordered by Magistrate Judge Mark Falk on 7/24/13. (LM,) (Entered: 07/24/2013)
07/24/2013	<u>65</u>	APPLICATION to add a party by SHREYANS DESAI; a partial response to SEC's Letter dated 7/18/13. (jd,) (Additional attachment(s) added on 5/23/2014: # <u>1</u> envelope) (jd,) (Entered: 07/26/2013)
07/25/2013	<u>66</u>	APPLICATION to add a party by SHREYANS DESAI. (jd,) (Additional attachment(s) added on 5/23/2014: # <u>1</u> envelope) (jd,) (Entered: 07/26/2013)
07/29/2013	<u>67</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 07/29/2013)
07/31/2013	<u>68</u>	Letter/Opposition from Shreyans H. Desai to SEC's Proposed Order. (jd,) (Entered: 07/31/2013)
08/05/2013	<u>69</u>	APPLICATION/PETITION for Permission to Send Interrogatories to Remaining Investors by SHREYANS DESAI. (jd,) (Entered: 08/05/2013)
08/07/2013	<u>70</u>	APPLICATION/PETITION for an Order to SEC to Answer Interrogatories by SHREYANS DESAI. (jd,) (Entered: 08/07/2013)

(17)

08/07/2013	<u>71</u>	APPLICATION/PETITION requesting oral argument by SHREYANS DESAI. (jd,) (Entered: 08/07/2013)
08/07/2013	<u>72</u>	APPLICATION/PETITION for an Order to SEC making any & all Evidences before 4/27/11, inadmissible by SHREYANS DESAI. (jd,) (Entered: 08/07/2013)
09/06/2013	<u>73</u>	APPLICATION/PETITION for Dismissal of the Original & Amended Complaints of the SEC by SHREYANS DESAI. (jd,) (Main Document 73 replaced on 6/27/2014) (jd). (Entered: 09/06/2013)
09/13/2013		Case Reassigned to Magistrate Judge James B. Clark. Magistrate Judge Mark Falk no longer assigned to the case. (amr) (Entered: 09/13/2013)
09/16/2013	<u>74</u>	LETTER ORDER instructing parties to submit a brief joint status letter by 9/25/13, etc. Signed by Magistrate Judge James B. Clark on 9/16/13. (jd,) (Entered: 09/16/2013)
09/23/2013	<u>75</u>	APPLICATION/PETITION for Permission to File a Separate Brief, etc. by SHREYANS DESAI. (jd,) (Entered: 09/23/2013)
09/24/2013	<u>76</u>	Letter ORDER that the Court shall permit the parties to submit separate status letters to the Court and shall grant the parties until October 4, 2013 by which to do so. The Court shall review the parties' submissions and shall conduct a status telephone conference on October 11, 2013 at 12:00 P.M. Signed by Magistrate Judge James B. Clark on 9/24/13. (jd,) (Entered: 09/24/2013)
10/04/2013	<u>77</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 10/04/2013)
10/04/2013	<u>78</u>	APPLICATION/PETITION requesting oral argument instead of Telephone Conference by SHREYANS DESAI. (jd,) (Entered: 10/07/2013)
10/09/2013	<u>79</u>	TEXT ORDER Adjourning the Conference scheduled on 10/11/2013 with no new date. SO ORDERED by Magistrate Judge James B. Clark on 10/9/2013. (mw) (Entered: 10/09/2013)
10/16/2013		Case Reassigned to Magistrate Judge Mark Falk. Magistrate Judge James B. Clark no longer assigned to the case. (ak,) (Entered: 10/16/2013)
10/21/2013	<u>80</u>	AFFIDAVIT of Shreyans H. Desai in support of re <u>73</u> Application/Motion to Dismiss by SHREYANS DESAI. (jd,) (Entered: 10/21/2013)
10/28/2013	<u>81</u>	ORDER Temporarily STAYING CASE pending resolution of Defendant's criminal proceedings; that, all pending motions are administratively terminated, without prejudice, pending resolution of Defendant's criminal proceeding, etc. Signed by Magistrate Judge Mark Falk on 10/28/13. (jd,) (Entered: 10/28/2013)
11/08/2013	<u>82</u>	APPLICATION/PETITION for Reconsideration of Order (doc #81) and Requesting Confirmation of a Stay from Judge Cavanaugh by SHREYANS DESAI. (jd,) (Entered: 11/12/2013)
11/13/2013	<u>83</u>	Letter from Plaintiff Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 11/13/2013)
11/21/2013	<u>84</u>	RESPONSE by Shreyans H. Desai re <u>83</u> Letter; Request for a Confirmation from Judge Cavanaugh regarding the Stay. (jd,) (Entered: 11/21/2013)
03/17/2014	<u>85</u>	ORDER that, by 4/1/14, the parties submit written status letters including their positions on whether a continued stay of this civil action is appropriate. Until further order of this Court, the stay entered on October 28, 2013, remains in place. Signed by Magistrate Judge Mark Falk on 3/14/14. (jd,) (Entered: 03/17/2014)
03/31/2014	<u>86</u>	Letter from Securities and Exchange Commission. (MCGILL, CHRISTINA) (Entered: 03/31/2014)
04/01/2014	<u>87</u>	Letter from SHREYANS DESAI requesting permission to subm. reasons in support that Stay is not warranted (DD,) (Entered: 04/02/2014)
04/08/2014	<u>89</u>	Certified Mail Receipt Returned sent to SHREYANS DESAI (jd,) (Entered: 07/09/2014)
04/11/2014	<u>88</u>	ORDER REASSIGNING CASE. Case reassigned to Judge William J. Martini and Magistrate Judge Mark Falk for all further proceedings. Judge Dennis M. Cavanaugh, Magistrate Judge Mark Falk no longer assigned to case. Signed by Chief Judge Jerome B. Simandle on 4/11/2014. (amr) (Entered: 04/14/2014)
11/07/2014	<u>90</u>	AFFIDAVIT of Shreyans H. Desai by SHREYANS DESAI. (jd,) (Entered: 11/10/2014)
11/17/2014	<u>91</u>	ORDER that, by December 1, 2014, the parties submit written status letters regarding the continued stay of this civil action and what next steps are appropriate. Until further order of this Court, the stay entered on October 28, 2013, remains in place. Signed by Magistrate Judge Mark Falk on 11/17/14. (jd,) (Entered: 11/17/2014)
11/25/2014	<u>92</u>	Letter from Securities and Exchange Commission (Christina McGill). (MCGILL, CHRISTINA) (Entered: 11/25/2014)
11/26/2014	<u>93</u>	ORDER that the Status Report to be filed by 1/9/15. Signed by Magistrate Judge Mark Falk on 11/26/14. (jd,) (Entered: 11/26/2014)
12/01/2014	<u>94</u>	Letter from Shreyans H. Desai. (jd,) (Entered: 12/01/2014)
12/29/2014	<u>95</u>	NOTICE OF APPEAL as to <u>93</u> Order by SHREYANS DESAI. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (ek)

		(Entered: 12/30/2014)
12/29/2014	<u>96</u>	APPLICATION to proceed IN FORMA PAUPERIS by SHREYANS DESAI. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K)(ek) (Entered: 12/30/2014)
01/05/2015	<u>97</u>	TRANSCRIPT REQUEST by SHREYANS DESAI filed on 01/05/2015. (Attachments: # <u>1</u> Letter Order)(ek) (Entered: 01/06/2015)
01/07/2015	<u>98</u>	USCA Case Number 15-1037 for <u>95</u> Notice of Appeal (USCA) filed by SHREYANS DESAI. USCA Case Manager Maria (Document Restricted - Court Only) (ca3kr) (Entered: 01/07/2015)
01/09/2015	<u>99</u>	ORDER that plaintiff's Application to proceed in Forma Pauperis on appeal is granted. Signed by Judge William J. Martini on 1/8/15. (jd,) (Entered: 01/09/2015)
01/09/2015	<u>100</u>	Letter from Securities and Exchange Commission (McGill, Christina). (MCGILL, CHRISTINA) (Entered: 01/09/2015)
01/20/2015	<u>101</u>	ORDER, the stay of the case is hereby lifted; and it is further ORDERED that, SEC's motion for summary judgment shall be filed by February 20, 2015, etc. Signed by Magistrate Judge Mark Falk on 1/20/15. (js) (Entered: 01/22/2015)
01/22/2015	<u>102</u>	AFFIDAVIT of Service for Order dated January 20, 2015 served on Shreyans Desai on 1/22/2015, filed by SECURITIES AND EXCHANGE COMMISSION. (MCGILL, CHRISTINA) (Entered: 01/22/2015)
02/05/2015	<u>104</u>	NOTICE OF APPEAL by SHREYANS DESAI. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (NO IFP OR FEE RECEIVED) (db,) (Entered: 02/13/2015)
02/11/2015	<u>103</u>	USCA LETTER TO DISTRICT COURT CLERK re: forwarding Notice of Appeal on behalf of Shreyans Desai to District Court. (Attachments: # <u>1</u> Supplement)(Davis, Laura) (Entered: 02/11/2015)
02/21/2015	<u>105</u>	MOTION for Summary Judgment by SECURITIES AND EXCHANGE COMMISSION. Responses due by 3/13/2015 (Attachments: # <u>1</u> Brief in Support of Motion for Summary Judgment, # <u>2</u> Statement of Material Facts, # <u>3</u> Appendix to Statement of Material Facts, # <u>4</u> Declaration of George O'Kane, # <u>5</u> Exhibit 1 (O'Kane), # <u>6</u> Exhibit 2 (O'Kane), # <u>7</u> Exhibit 3 (O'Kane), # <u>8</u> Exhibit 4 (O'Kane), # <u>9</u> Exhibit 5 (O'Kane), # <u>10</u> Exhibit 6 (O'Kane), # <u>11</u> Exhibit 7 (O'Kane), # <u>12</u> Exhibit 8 (O'Kane), # <u>13</u> Exhibit 9 (O'Kane), # <u>14</u> Exhibit 10 (O'Kane), # <u>15</u> Exhibit 11 (O'Kane), # <u>16</u> Exhibit 12 (O'Kane), # <u>17</u> Exhibit 13 (O'Kane), # <u>18</u> Exhibit 14 (O'Kane), # <u>19</u> Exhibit 15 (O'Kane), # <u>20</u> Exhibit 16 (O'Kane), # <u>21</u> Exhibit 17 (O'Kane), # <u>22</u> Exhibit 18 (O'Kane), # <u>23</u> Exhibit 19 (O'Kane), # <u>24</u> Exhibit 20 (O'Kane), # <u>25</u> Exhibit 21 (O'Kane), # <u>26</u> Exhibit 22 (O'Kane), # <u>27</u> Exhibit 23 (O'Kane), # <u>28</u> Exhibit 24 (O'Kane), # <u>29</u> Exhibit 25 (O'Kane), # <u>30</u> Exhibit 26 (O'Kane), # <u>31</u> Declaration of Urjo Dhyani, # <u>32</u> Exhibit A (Dhyani), # <u>33</u> Exhibit B (Dhyani), # <u>34</u> Exhibit C (Dhyani), # <u>35</u> Exhibit D (Dhyani), # <u>36</u> Exhibit E (Dhyani), # <u>37</u> Exhibit F (Dhyani), # <u>38</u> Exhibit G (Dhyani), # <u>39</u> Exhibit H (Dhyani), # <u>40</u> Exhibit I (Dhyani), # <u>41</u> Exhibit J (Dhyani), # <u>42</u> Exhibit K (Dhyani), # <u>43</u> Exhibit L (Dhyani), # <u>44</u> Exhibit M (Dhyani), # <u>45</u> Exhibit N (Dhyani), # <u>46</u> Exhibit 3, # <u>47</u> Exhibit 4, # <u>48</u> Exhibit 5, # <u>49</u> Exhibit 6, # <u>50</u> Exhibit 7, # <u>51</u> Exhibit 8, # <u>52</u> Exhibit 9, # <u>53</u> Exhibit 10, # <u>54</u> Exhibit 11, # <u>55</u> Exhibit 12, # <u>56</u> Exhibit 13, # <u>57</u> Exhibit 14, # <u>58</u> Exhibit 15, # <u>59</u> Exhibit 16, # <u>60</u> Exhibit 17, # <u>61</u> Exhibit 18, # <u>62</u> Exhibit 19, # <u>63</u> Text of Proposed Order)(STOELTING, DAVID) (Entered: 02/21/2015)
02/23/2015		Set/Reset Deadlines as to <u>105</u> MOTION for Summary Judgment . Motion set for 3/16/2015 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (sr,) (Entered: 02/23/2015)
02/23/2015	<u>106</u>	USCA Case Number 15-1436 for <u>104</u> Notice of Appeal (USCA), filed by SHREYANS DESAI. USCA Case Manager Maria (Document Restricted - Court Only) (ca3mlb,) (Entered: 02/23/2015)
02/23/2015	<u>107</u>	Letter re <u>105</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Text of Proposed Order)(STOELTING, DAVID) (Entered: 02/23/2015)
02/23/2015	<u>108</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>105</u> MOTION for Summary Judgment (MCGILL, CHRISTINA) (Entered: 02/23/2015)
02/26/2015	<u>109</u>	ORDER, defendant's opposition papers shall be filed by March 20, 2015, and the SEC's reply papers shall be filed by April 3, 2015, etc. Signed by Magistrate Judge Mark Falk on 2/26/15. (js) (Entered: 02/26/2015)
02/26/2015	<u>110</u>	DECLARATION of George O'Kane re <u>105</u> MOTION for Summary Judgment by SECURITIES AND EXCHANGE COMMISSION. (MCGILL, CHRISTINA) (Entered: 02/26/2015)
02/26/2015	<u>111</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>110</u> Declaration, <u>109</u> Order (MCGILL, CHRISTINA) (Entered: 02/26/2015)
02/27/2015	<u>112</u>	RESPONSE in Opposition re <u>105</u> MOTION for Summary Judgment and Application for Stay filed by SHREYANS DESAI. (sr,) (Main Document 112 replaced on 3/6/2015) (DD). (Entered: 03/02/2015)
03/18/2015	<u>113</u>	RESPONSE in Opposition filed by SHREYANS DESAI re <u>105</u> MOTION for Summary Judgment (sr,) (Entered: 03/19/2015)
03/18/2015	<u>114</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by SHREYANS DESAI re <u>109</u> Order (Attachments: # <u>1</u> Affidavit in support, # <u>2</u> Exhibit)(DD,) # <u>3</u> Certificate of Service) (DD). (Entered: 03/20/2015)

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03/20/2015		Set/Reset Deadlines as to <u>114</u> APPEAL OF MAGISTRATE JUDGE DECISION to District Court by SHREYANS DESAI re <u>109</u> Order. Motion set for 4/20/2015 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (DD,) (Entered: 03/20/2015)
03/23/2015	<u>117</u>	RESPONSE in Opposition Part C (FOREX: FOREIGN EXCHANGE) filed by SHREYANS DESAI re <u>105</u> MOTION for Summary Judgment (DD,) (Entered: 03/27/2015)
03/23/2015	<u>118</u>	NOTICE OF REQUEST for permission to contact Mr. Nirav Patel (N.P) by SHREYANS DESAI (DD,) (Entered: 03/27/2015)
03/25/2015	<u>115</u>	ORDER of USCA as to <u>95</u> Notice of Appeal (USCA), filed by SHREYANS DESAI. The appeal is dismissed for lack of appellate jurisdiction. In light of our disposition, Desai's motion to expedite his appeal is denied. (ca3mlb,) (Entered: 03/25/2015)
03/25/2015	<u>116</u>	ORDER of USCA as to <u>104</u> Notice of Appeal (USCA), filed by SHREYANS DESAI. The appeal is dismissed for lack of appellate jurisdiction. In light of our disposition, Desai's motion to expedite his appeal is denied. Desai's requests for sanctions and trial should be Directed to the District Court; in any event, we lack jurisdiction to decide them. (ca3mlb,) (Entered: 03/25/2015)
03/26/2015	<u>119</u>	APPLICATION/PETITION for SANCTIONS by SHREYANS DESAI. (DD,) (Entered: 03/27/2015)
03/27/2015	<u>120</u>	APPLICATION/MOTION for permission to send interrogatory to Mr. Urjo Dhyam by SHREYANS DESAI. (sr,) (Entered: 04/01/2015)
04/03/2015	<u>121</u>	REPLY BRIEF to Opposition to Motion filed by SECURITIES AND EXCHANGE COMMISSION re <u>105</u> MOTION for Summary Judgment <i>and</i> <u>112</u> <u>113</u> <u>117</u> (MCGILL, CHRISTINA) (Entered: 04/03/2015)
04/03/2015	<u>122</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>121</u> Reply Brief to Opposition to Motion (MCGILL, CHRISTINA) (Entered: 04/03/2015)
04/13/2015	<u>123</u>	RESPONSE TO PLAINTIFF'S REPLY TO DEFENDANT'S PETITION FOR SANCTIONS by Shreyans H. Desai re <u>121</u> Reply Brief to Opposition to Motion. (anr) (Entered: 04/15/2015)
11/05/2015	<u>124</u>	OPINION AND ORDER affirming the <u>114</u> Appeal Magistrate Judge Decision to District Court. Signed by Judge William J. Martini on 11/5/15. (gh,) (Entered: 11/05/2015)
11/05/2015	<u>125</u>	OPINION. Signed by Judge William J. Martini on 11/5/15. (gh,) (Entered: 11/05/2015)
11/05/2015	<u>126</u>	ORDER granting <u>105</u> Motion for Summary Judgment; SEC shall submit a proposed order containing its prejudgment interest calculations, etc. Signed by Judge William J. Martini on 11/5/15. (gh,) (Entered: 11/05/2015)
11/05/2015		***Civil Case Terminated. (gh,) (Entered: 11/23/2015)
11/09/2015	<u>127</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION (MCGILL, CHRISTINA) (Entered: 11/09/2015)
11/16/2015	<u>128</u>	Letter from Shreyans Desai. (anr) (Entered: 11/16/2015)
11/18/2015	<u>129</u>	APPLICATION Requesting Reconsideration of <u>124</u> Opinion & Order by SHREYANS DESAI. (anr) (Entered: 11/18/2015)
11/18/2015	<u>130</u>	APPLICATION Requesting Reconsideration of <u>126</u> Order by SHREYANS DESAI. (anr) (Entered: 11/18/2015)
11/24/2015	<u>131</u>	Letter from Securities and Exchange Commission. (Attachments: # <u>1</u> Text of Proposed Order Proposed Final Judgment) (MCGILL, CHRISTINA) (Entered: 11/24/2015)
11/30/2015	<u>132</u>	ORDER denying Defendant's application requesting reconsideration. Signed by Judge William J. Martini on 11/30/15. (gh,) (Entered: 11/30/2015)
11/30/2015	<u>133</u>	FINAL JUDGMENT AS TO DEFENDANT SHREYANS DESAI. Signed by Judge William J. Martini on 11/30/2015. (anr) (Entered: 11/30/2015)
11/30/2015	<u>135</u>	Letter from Shreyans Desai. (anr) (Main Document 135 replaced on 12/1/2015) (anr,) (Entered: 12/01/2015)
12/01/2015	<u>134</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>132</u> Order, <u>133</u> Judgment on Defendant Shreyans Desai (MCGILL, CHRISTINA) (Entered: 12/01/2015)
12/01/2015	<u>136</u>	Letter from Shreyans Desai. (anr) (Entered: 12/01/2015)
12/14/2015	<u>137</u>	MOTION for Reconsideration re <u>133</u> Judgment by SHREYANS DESAI. (anr,) (Entered: 12/15/2015)
12/15/2015		Set/Reset Deadlines as to <u>137</u> MOTION for Reconsideration re <u>133</u> Judgment. Motion set for 1/19/2016 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (anr) (Entered: 12/15/2015)
01/05/2016	<u>138</u>	MEMORANDUM in Opposition filed by SECURITIES AND EXCHANGE COMMISSION re <u>137</u> MOTION for Reconsideration re <u>133</u> Judgment (MCGILL, CHRISTINA) (Entered: 01/05/2016)

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01/07/2016	<u>139</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION on <i>Defendant Shreyans Desai</i> (MCGILL, CHRISTINA) (Entered: 01/07/2016)
01/13/2016	<u>140</u>	REPLY to MEMORANDUM in Opposition filed by SECURITIES AND EXCHANGE COMMISSION re <u>137</u> MOTION for Reconsideration re <u>133</u> Judgment (anr) (Entered: 01/14/2016)
02/16/2016	<u>141</u>	MEMORANDUM submitted by Shreyans Desai about possible violations by Chief Administrative Judge of SEC. (seb) (Entered: 02/18/2016)
02/29/2016	<u>142</u>	OPINION AND ORDER denying <u>137</u> Motion for Reconsideration. Signed by Judge William J. Martini on 2/29/16. (gh,) (Entered: 02/29/2016)
03/02/2016	<u>143</u>	CERTIFICATE OF SERVICE by SECURITIES AND EXCHANGE COMMISSION re <u>142</u> Order on Motion for Reconsideration (MCGILL, CHRISTINA) (Entered: 03/02/2016)
03/04/2016	<u>144</u>	Letter from Shreyans H. Desai. (seb) (Entered: 03/07/2016)
03/14/2016	<u>145</u>	NOTICE OF APPEAL as to <u>142</u> Order on Motion for Reconsideration by SHREYANS DESAI. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (Attachments: # <u>1</u> Exhibit)(ek) (Entered: 03/16/2016)
03/24/2016	<u>146</u>	USCA Case Number 16-1629 for <u>145</u> Notice of Appeal (USCA), filed by SHREYANS DESAI. USCA Case Manager James (Document Restricted - Court Only) (ca3jk,) (Entered: 03/24/2016)
03/28/2016	<u>147</u>	TRANSCRIPT REQUEST by SHREYANS DESAI. (ek) (Entered: 03/30/2016)

PACER Service Center			
Transaction Receipt			
06/02/2016 14:16:51			
PACER Login:	omnamo99:4853241:0	Client Code:	
Description:	Docket Report	Search Criteria:	2:11-cv-05597-WJM-MF Start date: 1/1/1970 End date: 6/2/2016
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MAR 27 2015

AT 8:30 2:27pm M
WILLIAM T. WALSH, CLERK

Shreyans H. Desai

Edison, NJ

Original Filing

UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY
District Case Number: 2:11-CV-05597

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff

v.

**SHREYANS DESAI and
SHREYSIDDH CAPITAL, LLC,**
Defendants,

**Motion Requesting For
Permission To Send Interrogatory
To Mr. Urjo Dhyan**

I, Shreyans H. Desai of full age and a US Born Natural Citizen respectfully asks Hon. District Court's permission to allow me to submit my Application Requesting for permission to send Interrogatory to Mr. Urjo Dhyan.

In support of my Application, I certify to the following:

- 1) For the first time during last 4 years, Securities And Exchange Commission has included Mr. Urjo Dhyan (U.D.)'s Declaration in their 510 pages Motion for Summary Judgment. Mr. Urjo Dhyan's Declaration is attached herewith as Exhibit A, four pages. I respectfully submit that I absolutely do not agree with 16 out of 18 points Declaration.
- 2) The main reason why I do not agree with Mr. Urjo Dhyan's Declaration is because there was a Settlement Agreement Drafted and Finalized by two Attorneys, namely: Mr. William Kerr and Mr. Thomas Clark.
- 3) It is my humble belief that both of these Attorneys Statements should have been part of this Litigation because Mr. Urjo Dhyan did accept \$60,000 as a part of the settlement contract and as a consideration finalized by two Attorneys.
- 4) The main reason why I submit this Application is because SEC is relying heavily on the criminal proceedings as a part of the Summary Judgment, but SEC has failed to mention that the criminal matter is under Appeal at Hon. Third Circuit, Docket Number: 15-1105.
- 5) I submit there are genuine issues and the Motion for Summary Judgment was not warranted. Since the criminal part is under Appeal, I have a right to ask a few questions to Mr. Urjo Dhyan to complete the Due Process as well as to complete my Defense according to our Constitution.

6) Attached herewith are a 10 questions Interrogatory for Mr. Urjo Dhyan. It is my prayer to the Hon. Court for permission to send Mr. Urjo Dhyan the following 10 questions Interrogatory. I should be allowed to follow-up with 10 more questions making it a total of 20 questions Interrogatory.

Question 1

Did you have a prior experience of Forex Trading prior to your meeting with Shreysiddh Capital?

Please Answer: Yes or No:

Question 2

Did you have prior Stock Market experience prior to your meeting with Shreysiddh Capital?

Please Answer: Yes or No:

Question 3

Have you ever lost money in the Stock Market and/or any Investment Market prior to your meeting with Shreysiddh Capital?

Please Answer: Yes or No:

Question 4

Did you recommend Trades and/or Investment Strategies and participated in Investment related discussions?

Please Answer: Yes or No:

Question 5

Did you ask Shreysiddh Capital to register and setup Cambridge Consultancies for you?

Please Answer: Yes or No:

Question 6

Have you ever opened up a Thinkorswim personal account?

Please Answer: Yes or No:

Question 7

Did your attorney, Mr. William Kerr, Draft and Finalize a Settlement Contract with Shreysiddh Capital?

Please Answer: Yes or No:

Question 8

Did you accept \$60,000 as a part of the Settlement Contract, which was finalized by your Attorney, Mr. William Kerr?

Please Answer: Yes or No:

Question 9

Did you inform Shreyans Desai that you were having problems with IRS, Social Security, and/or Labor Department?

Please Answer: Yes or No:

Question 10

During the 10 months relationship with Shreysiddh Capital, did you visit Shreysiddh Capital's office located at 33 Wood Ave. South, Iselin, NJ 08830 at least 100+ times and make multiple phone calls every day?

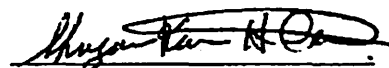
Please Answer: Yes or No:

Conclusion: While the criminal matter has been Appealed, SEC should not have made criminal proceedings as a part of their Motion for Summary Judgment. I was denied on multiple times to send a single Interrogatory to Mr. Urjo Dhyan and to his Attorney, Mr. William Kerr. I beg that I be granted a permission to send my interrogatory to Mr. Urjo Dhyan

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

March 27, 2015

Respectfully Submitted by



Shreyans H. Desai
Pro Se Defendant

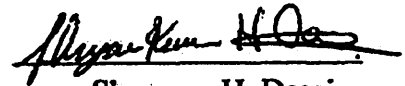
CERTIFICATION OF SERVICE

I hereby certify that I am mailing a complete set of this document to:

- 1) Attorney David Stoelting, SEC at 3 World Financial Center, Suite 400, New York, NY 10281, via USPS Certified Mail Number: 70131090000146487171, on March 28, 2015.

March 27, 2015

Respectfully Submitted by



Shreyans H. Desai
Pro Se Defendant

Exhibit A

4 Pages

DECLARATION OF URJO N. DHYAN

I, Urjo N. Dhyan, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am 37 years old and reside in Edison, New Jersey. This declaration is based on my personal knowledge, information and belief.
2. I met Shreyans Desai and his father, Harshad Desai, in early 2010 through an acquaintance. This acquaintance told me that he had invested with Shreyans and that his investment of \$40,000 had grown to approximately \$130,000.
3. The first time we met, Shreyans told me that he had a securities brokerage license and that money invested with his company, Shreysiddh Capital, LLC, would be insured. Shreyans told me that he had worked as a day trader for two years and his performance had been extraordinary. Shreyans also told me that he had been in the Air Force.
4. Shreyans and I then exchanged e-mails about setting up another meeting at Shreysiddh's offices. Copies of e-mails that Shreyans and I exchanged are attached as Exhibit A.
5. I met with Shreyans and his father Harshad in Shreysiddh's offices in Iselin, New Jersey in March 2010. While I was there, Shreyans showed me account statements for several investors on a computer screen. One of the accounts Shreyans showed me belonged to my acquaintance, and, while I don't remember the exact stated value of the account, I recall the value was approximately \$130,000. Shreyans also told me that my money would be kept separate from other investors and that he would take 50% of any profit in my account as compensation. Harshad further assured me that the investment would be safe and insured.
6. Shreyans provided me with an Account Application and Client Agreement. Copies of these documents are attached as Exhibits B and C.
7. In March 2010, I gave Shreyans \$50,000 to invest.

8. About two months later, on May 6, 2010, Shreyans called me and said that he had achieved a 100% return on my investment. When I visited Shreysiddh's offices on May 7, 2010, however, Shreyans told me that the market had since crashed and asked for more money so that he would not be forced to liquidate positions in my account. Several weeks later, I gave Shreyans \$100,000: three checks totaling \$71,000 and \$29,000 in cash.

9. Shortly after my second investment, Harshad came to my office and gave me two letters on SSC letterhead signed by Shreyans. According to these letters, my investment of \$150,000 had grown to a value of almost \$260,000. They also showed that I had been charged \$50,000 in "commissions and fees," resulting in a "net cash liquid" value of \$204,928.44. Copies of those letters are attached as Exhibit D.

10. From July 2010 to November 2010, I received additional statements from Shreyans by e-mail stating that the net value of my account increased from just over \$200,000 in July 2010 to just over \$410,000 by November 2010). Those statements are attached as Exhibits E to J.

11. For example, on October 29, 2010, Shreyans e-mailed me that he was attaching a statement "from the time when the account was opened t[i]ll now." The attached statement showed the "net liquidating value" of my account as \$417,210.18. (Ex. H).

12. On November 27, 2010, Shreyans e-mailed me a statement showing the "net liquidating value" to be \$411,665.84. (Ex. J).

13. In November 2010, Shreyans told me that he needed cash for personal reasons. I gave Shreyans him the \$10,000 he requested as an advance of the compensation Shreyans told me he had earned on the account, but only on the condition that he liquidate my securities account by year-end and return all funds to me.

14. On November 28, 2010, Shreyans e-mailed me a document showing that my \$160,000 investment had a "net liquidating value" of \$441,471.83, but that I owed Shreyans \$131,891.03 in commissions. According to the document, the "net liquidating value" of my account after the payment of commissions was \$309,580.79. A copy of this e-mail is attached as Exhibit K.

15. At some point during my investment with Shreyans I realized that an investor using Thinkorswim (the platform Shreyans was using) could download a statement in a matter of minutes and that these statements appeared to be different from the statements Shreyans was e-mailing to me. When I asked Shreyans to provide me with direct electronic access to my account, Shreyans refused, which concerned me.

16. By December 2010, I became increasingly concerned that Shreyans was deceiving me, and I requested that Shreyans close my account. A copy of a letter I sent to Shreyans on December 1, 2010 requesting that Shreyans close my account is attached as Exhibit L. I also met with Shreyans and Harshad on December 2, 2010 and requested that Shreyans close my account and provide me with the \$309,000 account value. At this meeting Shreyans offered to make payments in two installments of approximately \$183,000 and \$126,000, with the first payment due approximately one week later. Unfortunately, neither payment was ever made.

17. In January 2011, Shreyans and I entered into a settlement agreement. The agreement provided that Shreysiddh Capital would pay me \$349,000 in a series of installments. A copy of the settlement agreement is attached as Exhibit M. Shreyans made only the first two installment payments, both due in January 2011, totaling \$60,000. I did not receive any subsequent payments from Shreyans or Shreysiddh Capital. I lost \$100,000 through my investments with Shreyans.

18. In January 2013, I filed a lawsuit against Shreyans, Harshad, Shreysiddh Capital, Shreyans' business partner Siddharth Patel, and the acquaintance who introduced me to Shreyans (Dhyan et al. v. Desai et al., Docket No. Mid L-007997-12). In this action, I accused Shreyans with defrauding me in connection with the investments I made with him. A copy of the Amended Verified Complaint is attached as Exhibit N. The case was scheduled for trial in December of 2014, but did not go forward due to an appeal filed by Harshad, which has since been dismissed by the appellate court. My case is now awaiting a trial date.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 20 in Feb 2015



Urjo N. Dhyan

Exhibit B

1 Page



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER
ROOM 400
NEW YORK, NY 10281-1022

TERRENCE P. BOHAN
WRITER'S DIRECT DIAL
TELEPHONE: (212) 336-0428
BohanT@sec.gov

April 27, 2011

Via UPS

ShreySiddh Capital, LLC
Shreyans Desai, President
7 Ramsey Road
Iselin, NJ 08820

Dear Mr. Desai:

This letter serves to inform you that the examination staff has concluded its inquiry of ShreySiddh Capital, LLC ("ShreySiddh"). At this time, we will not be requesting any additional documents. Thank you for your voluntary cooperation in this matter. Please note that although the inquiry has been concluded, and the fact that we make no comments, this letter should not be construed as any indication that ShreySiddh's activities comply with the federal securities laws or other applicable rules and regulations.

Please feel free to contact me at (212) 336-0428, or via e-mail at bohant@sec.gov if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. P. Bohan", written over a horizontal line.

Terrence P. Bohan
Branch Chief
Broker-Dealer Inspection Program

Exhibit C

1 Page

Fourth, Desai argues that he should have been “allowed to Depose and/or to Cross-examine” one of the investors that he defrauded. Desai, however, failed to conduct any discovery of his own despite the opportunity to do so. Instead, Desai failed to comply with his own discovery obligations. Dkt. 54 and 59 (SEC letters to the Court concerning Desai’s failures to file an answer, make initial disclosures, and produce responsive documents); Dkt. 61 (Desai’s motion asking Court to stay the depositions of himself and of a non-party).

Fifth, Desai argues that the motion is time-barred because it was not filed “within 30 days after the discoveries.” 3/18/15 Opp., Ex. C ¶ 12. However, the SEC filed its motion in a timely manner pursuant to this Court’s scheduling order. Dkt. 109.

Sixth, Desai claims that he should be given a “credit” of \$30,000: 15,000 for profits that Desai believes he earned and \$15,000 for profits that Desai believes he might have earned if he had continued trading. 3/23/15 Opp. ¶¶ 6-10.³ There is no evidence that Desai did or would have earned these profits and, in fact, the unauthenticated documentary “evidence” on which Desai relies reports overall losses in two accounts. 3/23/15 Opp. Ex. D. Even if there had been profits in some of the accounts Desai used, the SEC correctly calculated disgorgement by determining Desai’s ill-gotten gains as a result of his fraudulent conduct.⁴

³ Desai’s March 23, 2015 Opposition was filed after the March 20 filing deadline set by the Court. The SEC has addressed arguments made in this submission in the event the Court decides to consider them.

⁴ The closest Desai comes to responding to any of the facts in the SMF is asserting in an exhibit to one of his filings that “the dispute on the loss/gain has been the center part and the genuine issue in this action. . . . there have been several documents filed just on the loss and the gain amounts alone.” 3/18/15 Opp., Ex. C ¶ 13. However, this falls far short of any conceivably acceptable response under the rules as Desai does not dispute or respond to the facts in the SMF concerning Desai’s misappropriation of investor funds, does not explain what the purported “dispute” is, and fails to address the well-established evidence of Desai’s receipt of ill-gotten gains. See SMF ¶ 60.

Exhibit D

2 Pages



**UNITED STATES
SECURITIES AND EXCHANGE COMMISSION**
100 F Street, NE
Washington, D.C. 20549

DIVISION OF ENFORCEMENT

April 5, 2016

BY CERTIFIED MAIL

Mr. Shreyans Desai

Reg. No. [REDACTED]

RRM New York

**[REDACTED]
Brooklyn, NY [REDACTED]**

Mr. Shreyans Desai

**[REDACTED]
Edison, NJ [REDACTED]**

Re: In the Matter of Shreyans Desai, AP File No. 3-17035

Dear Mr. Desai:

We write in response to the four questions raised in your letter dated March 23, 2016.

Question 1: "Could you please mail me a copy of Nirav Patel's (NP) complaint against me or a [sic] Nirav Patel's affidavit?"

The Division of Enforcement is not in possession of any complaints or affidavits by Nirav Patel. During the Investigation of this matter, Division attorneys prepared notes concerning an interview of Nirav Patel that reflect their thoughts, opinions and mental impressions. These notes have been withheld from production on grounds of attorney work product, the law enforcement privilege, the investigative files privilege and deliberative process privilege. In addition, during the Investigation, Division attorneys reviewed notes from agents from the Federal Bureau of Investigation. The Division does not possess any of these notes; however, Division attorneys were allowed to review these memoranda at the offices of the United States Attorney for the District of New Jersey and to take notes. These notes reflect the thoughts, opinions, and mental impressions of Division attorneys. These notes have been withheld from production on grounds of attorney work product, the law enforcement privilege, the common interest privilege, the investigative files privilege, and the deliberative process privilege.

Question 2: "Does the Securities and Exchange Commission have Jurisdiction on Forex Trading?"

As set forth by Chief Administrative Law Judge Brenda P. Murray during the February 18, 2016 prehearing conference, this is a follow-on administrative proceeding based solely on the judgments against you entered in criminal and civil proceedings. The purpose of these proceedings is not to examine "court findings and determin[e] whether the court findings were right or wrong" (Tr. 4) but simply to determine whether you were in fact enjoined from violating the federal securities laws in the civil action and whether you were convicted in the parallel criminal action, and, if so, to determine appropriate administrative remedies. Given the nature and scope of this proceeding, issues that may have been relevant to the civil action against you (e.g., jurisdiction) are not at relevant to this proceeding.

Question 3: "Can you please give me an explanation as to why there wasn't [an] administrative proceeding conducted before you filed your complaint against me on 09/27/2011?"

As set forth in the response to Question 2, this administrative proceeding is based on the judgments entered against you in civil and criminal proceedings, and, as such, was filed after the entry of those judgments.

Question 4: "Do you think this current administrative proceeding would be fair and just without my 50% partner Siddharth Patel, Nirav Patel, and Urjo Dhyam's participation?"

As Chief Judge Murray explained during the prehearing conference, the involvement of third parties has no bearing on the follow-on administrative proceeding entered against you. (See Tr. 5-6, 13).

Sincerely,



Christina M. McGill
Division of Enforcement