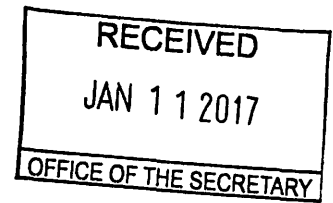


UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING
File No. 3-17342

In the Matter of

RD LEGAL CAPITAL, LLC and
RONI DERSOVITZ,

Respondents.

DIVISION OF ENFORCEMENT'S RESPONSE TO STEVEN MIZEL'S APPLICATION
TO QUASH OR MODIFY SUBPOENA TO PRODUCE DOCUMENTS

The Division of Enforcement ("Division") submits this Response to Steven Mizel's January 10, 2017 Application to Quash or Modify Subpoena to Produce Documents. Mr. Mizel's motion is based primarily on (i) his assertion that the documents sought in the December 28, 2016 subpoena issued by this Court to Mr. Mizel ("Mizel Subpoena") are more easily obtainable from Respondents in this matter, and (ii) a concern that a protective order in Mr. Mizel's private litigation against Respondents may restrict Mr. Mizel's ability to share certain materials.

As set forth in Mr. Mizel's Application, the Mizel Subpoena calls for a discrete set of materials that are easy to produce. Namely, all deposition transcripts in the Mizel litigation, any exhibits thereto, and interrogatories and responses in the same litigation. The Division does not care from what party it receives these materials. Accordingly, earlier today, the Division submitted a request for a subpoena to Respondents calling for, *inter alia*, the documents requested in the Subpoena to Mr. Mizel. Should the Court issue that subpoena, the Division does not oppose Mr. Mizel's Application. Rather, the Division asks that the Court order Mr. Mizel to simply confirm,

at such time that Respondents presumably comply with a subpoena issued to them, that Respondents' production comprises all documents in Mr. Mizel's possession or control that he believes to be responsive to the Mizel Subpoena.

If for some reason the Court denies the Division's application for a subpoena requesting the documents at issue from Respondents, the Division asks this Court to deny Mr. Mizel's Application and order him to produce all documents responsive to the Mizel Subpoena. As Mr. Mizel notes, the Protective Order in his case makes clear that the court in that matter "does not intend to preclude another court from finding that information may be relevant and subject to disclosure in another case." (See Ex. B to Mizel Application, Protective Order, at ¶ 19.) Based on the close identity of issues raised in this matter and Mr. Mizel's litigation, the Division has reason to believe information sought by the Mizel Subpoena "may be relevant" in this case. See Mizel complaint, attached hereto as Ex. A, ¶ 1 (charging same defendants, among others, with a failure to disclose material facts concerning the same RD Legal fund at the center of the matter before this Court). Indeed, Mr. Mizel does not contend such materials are irrelevant, and Respondents—who were served with a copy of the Mizel Subpoena on December 28, 2016—have not submitted to this Court any objection to that Subpoena on relevance grounds or any other basis.¹

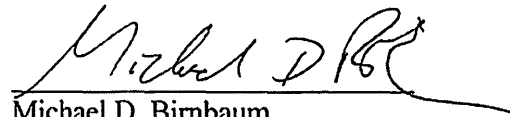
Finally, the Division notes that it intends to respect fully the possible confidential nature of any documents responsive to the Mizel Subpoena. Should Respondents have any concern that

¹ Should Respondents argue that any responsive materials are irrelevant to this litigation, the Division requests that Respondents submit such documents to the Court for an *in camera* review.

portions of the requested documents warrant confidential treatment, the Division would not object to an appropriate protective order as contemplated by Commission Rule of Practice 322.

Respectfully submitted,

Dated: January 10, 2017
New York, NY 10281



Michael D. Birnbaum
Jorge Tenreiro
Victor Suthammanont
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SECURITIES AND EXCHANGE
COMMISSION
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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

-----X		
STEVEN M. MIZEL, On Behalf	:	
Of The Steven M. Mizel Roth IRA,	:	
and PALMETTO PARTNERS LP,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No.
	:	
RONI DERSOVITZ, RD LEGAL	:	
FUNDING PARTNERS L.P., and	:	
RD LEGAL CAPITAL LLC,	:	JURY TRIAL DEMANDED
	:	
Defendants.	:	
-----X		

COMPLAINT

Plaintiffs, by their attorneys, allege as follows:

INTRODUCTION

1. This action arises from defendants’ fraudulent failure to inform plaintiffs of information material to plaintiffs’ contemplated purchase of limited partnership interests in RD Legal Funding Partners LP (“RDLFP”), specifically that RDLFP was currently experiencing liquidity problems and had suspended withdrawals. Defendants’ conduct violated Section 10(b) (“Section 10(b)”) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §78j(b), and Rule 10b-5 of the Securities and Exchange Commission (“SEC”) prescribed thereunder, 17 C.F.R. §240.10b-5, and the California Corporations Code, and constitutes fraud entitling plaintiffs to relief under applicable state law.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. §78aa, and 28 U.S.C. §1331.

3. Venue in this case is proper in the District of Delaware pursuant to Section 15 U.S.C. §78aa, and 28 U.S.C. §1391(b) and (c).

4. In connection with the acts, conduct and wrongs alleged in this Complaint, the defendants, directly and indirectly, used the means and instrumentalities of interstate commerce, including telephone communication and email.

THE PARTIES

5. Plaintiff Steven M. Mizel (“Mr. Mizel”) is a citizen and resident of California. He is the controlling person and primary beneficiary of The Steven M. Mizel Roth IRA (“IRA”), and makes all investment decisions for the IRA.

6. Plaintiff Palmetto Partners LP (“Palmetto”) is a Delaware limited partnership. Mr. Mizel is the President of Palmetto’s corporate general partner. Mr. Mizel conducts Palmetto’s business, including making decisions for Palmetto with regard to investments and the initiation and conduct of litigation. “Plaintiffs” refers to Mr. Mizel and Palmetto together.

7. Defendant RDLFP is a Delaware limited partnership. RD Legal Capital LLC (“RD Legal LLC”), a Delaware limited liability company, is RDLFP’s General Partner.

8. Roni Dersovitz, an attorney licensed to practice law in New York and New Jersey, is the principal and managing member of RD Legal LLC, and thereby the controlling person of RDLFP.

9. The principal place of business of RDLFP, RD Legal LLC and Mr. Dersovitz is in New Jersey.

10. RDLFP is an investment limited partnership which solicits from investors throughout the United States capital commitments in the minimum amount of \$1 million per limited partnership interest, and invests the funds thereby raised in accounts receivable purchased at a discount from law firms and plaintiffs, and in loans and other capital provided to law firms.

FACTS

11. RDLFP's Limited Partnership Agreement ("Agreement") permits limited partners to withdraw all or a part of the balance in the limited partner's capital account in the manner and to the extent specified in the Agreement.

12. Section 8.07 of the Agreement permits the General Partner, in its sole discretion, to suspend the right of limited partners to withdraw capital "during any period when:

(a) There exists any state of affairs that constitutes a state of emergency or period of extreme volatility or illiquidity as a result of which (i) disposal of investments of the Partnership would not be reasonably practicable or cannot be completed in a timely fashion to meet withdrawal requirements and might seriously prejudice the Limited Partners or (ii) it is not reasonably practicable for the Partnership to determine fairly the value of its net assets; or

(b) There is a breakdown in the means of communication normally employed in determining the prices of a substantial part of the investments of the Partnership.”

13. In or about December, 2014, at Mr. Mizel’s direction, the IRA and another entity Mr. Mizel controls had invested in RD Legal Special Opportunities Offshore Fund I, Ltd., (“RD Offshore”) an entity with an investment thesis similar to RDLFP and which Mr. Dersovitz also manages. In or about the latter half of April 2015, Mr. Mizel considered an investment in RDLFP. He received by email a copy of the Agreement and a Confidential Private Offering Memorandum (“POM”). While in California, Mr. Mizel had telephone conversations with Mr. Dersovitz concerning the prospective investment. Mr. Mizel also met with Mr. Dersovitz in Los Angeles, and met with an in-house RD Legal LLC attorney in an office RD Legal LLC maintains in Riverside, California. Mr. Mizel decided that the IRA and Palmetto would each invest \$1 million in RDLFP. He and a custodian he engaged, Provident Trust Group (“Provident”), completed certain documents to facilitate the investment.

14. On May 1, 2015, at Mr. Mizel’s direction, \$1 million was wired to RDLFP on behalf of the IRA.

15. On May 4, 2015, at Mr. Mizel’s direction, \$1 million was wired to RDLFP on behalf of Palmetto.

16. On or about June 1, 2015, *The Wall Street Journal* published an article about Mr. Dersovitz and RD Legal LLC (“WSJ Article”). Among other things, the WSJ Article reported that a fund managed by Mr. Dersovitz and RD

Legal LLC was experiencing liquidity problems, that earlier in 2015 the fund had suspended investor withdrawals, and that Mr. Dersovitz had sent a letter to investors dated April 30, 2015 stating that his firm could not provide its investors any assurance as to when redemption requests would be paid. The WSJ Article further reported that RD Legal LLC's valuation committee had increased the value of claims the fund had previously purchased which had allowed the fund to book gains on the investments ahead of any certainty as to the collection of the claims. According to the WSJ Article, this practice allowed RD Legal LLC to collect its share of profits and cash out ahead of investors, who had now been restricted from doing the same. The WSJ Article asserted that in 2014 RD Legal LLC's ownership had cashed out more than \$11 million of their own gains, and that the onshore fund RD Legal LLC manages (which is RDLFP) had shortly thereafter begun telling investors that it did not have sufficient money to satisfy redemption requests.

17. Prior to the WSJ Article, neither Mr. Mizel nor Provident was aware that RDLFP had current liquidity problems and had suspended withdrawals, and neither had received the letter the WSJ Article described. The POM, which was dated June 2013, did not mention any current liquidity problems or suspension of withdrawals. In their telephone conversations and meeting, Mr. Dersovitz had not told Mr. Mizel that RDLFP had current liquidity problems and had suspended withdrawals. The RD Legal LLC attorney with whom Mr. Mizel met also did not convey this information.

18. The day after publication of the WSJ Article, on June 2, 2015, Mr. Mizel requested from RDLFP the April 30, 2015 letter the WSJ Article mentioned. In response, RDLFP provided two letters signed by Mr. Dersovitz.

19. One of the letters, which was undated, stated that RDLFP had insufficient liquidity to fully satisfy redemption requests with an effective date of March 30, 2015, and that withdrawals would be suspended “because it would not be reasonably practicable to dispose of the Fund’s assets in a timely fashion to fully satisfy redemptions without prejudicing other investors.”

20. The other letter was dated May 29, 2015, referred to a prior letter “dated April 30, 2015” (which apparently was the undated letter described in Paragraph 19), and stated that approximately 45% of the redemption requests effective on March 31, 2015 had been satisfied and the remainder of such redemption requests would be satisfied over an unspecified period of time “by distributing assets into a liquidating account. . . .” With regard to redemption requests received after March 31, 2015, the May letter said the General Partner “presently expects to continue the liquidating account process to satisfy redemptions.”

21. On June 9, 2015, Mr. Mizel sent Mr. Dersovitz an email demanding return of the IRA’s and Palmetto’s investments in RDLFP. Mr. Dersovitz replied by email that he would “waive the hard lock of the year” and instruct his staff to place Mr. Mizel’s request “in redemption que.”

22. By email dated June 15, 2015, RDLFP requested certain documentation from Palmetto and the IRA, in order to complete the investment process. To date, Mr. Mizel has not responded to this email.

COUNT I
(Against All Defendants For Violation Of Section 10(b)
Of The Exchange Act And SEC Rule 10b-5)

23. Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 22 above.

24. Defendants violated Section 10(b) of the Exchange Act and SEC Rule 10b-5 by employing a device, scheme or artifice to defraud; omitting to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and engaging in acts, practices and a course of business that operated as a fraud or deceit upon Plaintiffs.

25. If Mr. Mizel had known of RDLFP's current liquidity problems and/or suspension of withdrawals, he would not have authorized the IRA's and Palmetto's conveyance of funds to RDLFP.

26. Defendants' wrongful conduct fraudulently induced Plaintiffs to convey funds to RDLFP for the purchase of limited partnership interests in RDLFP.

COUNT II
(Against RD Legal LLC And Dersovitz For Violation
Of Section 20(a) Of The Exchange Act, 15 U.S.C. §78t(a))

27. Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 26 above.

28. RD Legal LLC and Mr. Dersovitz are the controlling persons of RDLFP within the meaning of Section 20(a) of the Exchange Act, 15 U.S.C. §79t(a).

29. As set forth above, RDLFP violated Section 10(b) and Rule 10b-5 by the acts and omissions alleged. By virtue of their controlling positions, RD Legal LLC and Mr. Dersovitz are liable pursuant to Section 20(a) of the Exchange Act.

COUNT III
(Against All Defendants For Misrepresentation)

30. Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 22 above.

31. Defendants fraudulently induced Mr. Mizel to effect the Plaintiffs' conveyance of funds to RDLFP by failing to disclose that RDLFP had current liquidity problems and had suspended withdrawals.

32. Defendants knew:

a. that disclosure of RDLFP's current liquidity problems and/or suspension of withdrawals was necessary to prevent assertions in the POM from being misrepresentations;

b. that disclosure of RDLFP's current liquidity problems and/or suspension of withdrawals would correct Mr. Mizel's mistake as to a basic assumption on which he was making the investment, and non-disclosure of RDLFP's current liquidity problems and suspension of withdrawals amounts to a failure to act in good faith and in accordance with reasonable standards of fair dealing;

c. that disclosure of RDLFP's current liquidity problems and/or suspension of withdrawals would correct Mr. Mizel's mistake as to the contents or effects of the POM; and

d. through the prior investments in RD Offshore, a relation of trust and confidence existence between Mr. Mizel and defendants.

33. If Mr. Mizel had known of RDLFP's current liquidity problems and/or suspension of withdrawals, he would not have authorized the IRA's and Palmetto's conveyance of funds to RDLFP.

34. Plaintiffs are entitled to rescission of any agreement(s) with Defendants and restitution of their money from Defendants.

COUNT IV
(Against All Defendants For Fraud)

35. Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 22 above by reference.

36. Defendants fraudulently induced Mr. Mizel to effect the Plaintiffs' conveyance of funds to RDLFP by failing to disclose the RDLFP had current

liquidity problems and had suspended withdrawals. Defendants knew that disclosure of those facts likely would cause Mr. Mizel not to proceed with investments in RDLFP.

37. Defendants were under a duty to exercise reasonable care to disclose RDLFP's current liquidity problems and suspension of withdrawals to Mr. Mizel because:

(a) Mr. Mizel was entitled to know those facts as a result of the relationship of trust and confidence between him and defendants result from the prior investment in RD Offshore;

(b) they knew such disclosure to be necessary to prevent prior statements from being misleading; and

(c) those facts were basic to the transaction and Defendants knew that Mr. Mizel was under a mistake as to such facts, and that Mr. Mizel, would reasonably expect disclosure of those facts.

38. If Mr. Mizel had known of RDLFP's current liquidity problems and/or suspension of withdrawals, he would not have authorized the IRA's and Palmetto's conveyance of funds to RDLFP.

39. Plaintiffs are entitled to all losses and damages sustained as a result of Defendants' fraud, and to exemplary damages for Defendants' conduct in the circumstances.

COUNT V
(Against RDLFP For Failure Of Agreement)

40. Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 22 above by reference.

41. Execution of the documents referenced in Paragraph 22 above is necessary to complete the Plaintiffs' investments in RDLFP and for Plaintiffs' admission as limited partners of RDLFP.

42. Defendants have not provided Plaintiffs or Provident with copies of relevant documents countersigned by or on behalf of RDLFP.

43. Absent full execution of the documents, there is no agreement between and among Plaintiffs and RDLFP.

44. The IRA and Palmetto have not been admitted as limited partners in RDLFP.

45. The IRA and Palmetto are entitled to a return of their money and a declaration that they are not limited partners of RDLFP.

COUNT VI
(Against RDLFP For Rescission Pursuant To
California Corporations Code §§ 25401 and 25501)

46. Plaintiffs incorporate by reference the allegations set forth in Paragraphs 1 through 22 above.

47. An investment in RDLFP is an investment in a security as defined in California Corporations Code §25019.

48. As of May 1, 2015, RDLFP was experiencing liquidity problems, and had suspended withdrawals. Defendants failed to inform Plaintiffs of the current liquidity problems and suspension of withdrawals prior to conveyance of Plaintiffs' funds.

49. If Mr. Mizel had known of RDLFP's current liquidity problems and/or suspension of withdrawals, he would not have authorized the IRA's and Palmetto's conveyance of funds to RDLFP.

50. Defendants offered and sold a security by omitting to state material facts necessary to make the statements made, in light of the circumstances under which they were made, not misleading.

51. The IRA and Palmetto hereby tender any and all interests they may have in RDLFP.

52. Defendants violated California Corporations Code §25401. Pursuant to California Corporations Code §25501, Plaintiffs are entitled to recover \$1 million each with interest thereon.

WHEREFORE, Plaintiffs demand relief as follows:

A. rescission of any agreements they may have entered into with RDLFP;

B. an order requiring RDLFP to return the IRA's and Palmetto's funds with interest thereon;

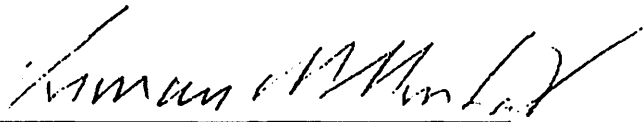
C. a declaration that the IRA and Palmetto are not limited partners in RDLFP;

- D. damages for all losses sustained;
- E. exemplary damages;
- F. costs and expenses of this action, including attorneys' and experts' fees and expenses; and
- G. such other and further relief as is just and proper in the premises.

JURY TRIAL DEMAND

Plaintiffs request trial by jury on all issues so triable.

ROSENTHAL MONHAIT & GODDESS, P.A.



Norman M. Monhait (#1040)
919 Market Street, Suite 1401
Citizens Bank Center
Wilmington, Delaware 19801
(302) 656-4433
nmonhait@rmgglaw.com

Attorneys for Plaintiffs

August 21, 2015

JS 44 (Rev 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS STEVEN M. MIZEL, On Behalf Of The Steven M. Mizel Roth IRA and PALMETTO PARTNERS LP</p> <p>(b) County of Residence of First Listed Plaintiff <u>San Diego County</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Norman M. Monhait, Esquire Rosenthal Monhait & Goddess, P.A. 919 Market Street, Suite 1401, Wilm., DE 19801 (302) 656-4433</p>	<p>DEFENDANTS RONI DERSOVITZ, RD LEGAL FUNDING PARTNERS L.P. and RD LEGAL CAPITAL LLC</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</p> <p>Attorneys (If Known) Terence Healy Locke Lord LLP, 701 8th St. NW, Suite 700 Washington, DC 20001</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 US Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 US Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 851 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157
			LABOR	PROPERTY RIGHTS
			<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
				SOCIAL SECURITY
				<input type="checkbox"/> 861 IIIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U S Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609
			IMMIGRATION	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input checked="" type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District *Ex parte* 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
15 U.S.C. §78aa and 28 U.S.C §1331.

Brief description of cause:
Securities fraud

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE: _____ DOCKET NUMBER: _____

DATE: 08/21/2015

SIGNATURE OF ATTORNEY OF RECORD: Norman M. Monhait (#1040)

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

CERTIFICATE OF SERVICE


I hereby certify that, on the 10th day of January 2017, the attached Division of Enforcement's Response to Steven Mizel's Application to Quash or Modify Subpoena to Produce Documents was served on the following counsel of record and other persons entitled to notice:

Via Hand Delivery

Securities and Exchange Commission
Office of the Secretary
100 F Street, N.E.
Mail Stop 1090
Washington, DC 20549

Via Email (per agreement)

Terence Healy, Esq.
Terence.Healy@hugheshubbard.com



Michael D. Birnbaum