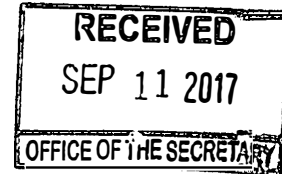


Paula D. Shaffner  
pshaffner@stradley.com  
215.564.8761

September 8, 2017



via hand delivery

Brent J. Fields, Esq.  
Secretary  
United States Securities and  
Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549

**Re: In the Matter of 6D Global Technologies, Inc.  
Administrative Proceeding File No. 3-17908**

Dear Mr. Fields:

We write yet again on behalf of 6D Global Technologies, Inc. ("6D") to alert the Securities and Exchange Commission (the "SEC" or "Commission") to developing news which impacts directly the core issues in the above matter. This is our third submission on events occurring after our initial submission opposing the motion to dismiss of the Nasdaq Stock Market, LLC ("Nasdaq"), each one of which would warrant reconsideration of an initial delisting, but the cumulative impact of which is fatally devastating to the position of Nasdaq. We suspect that it is unusual to have a single post-submission event which would impact a delisting. The fact that there have been three decisions affecting this matter, issued by both the Federal judiciary and the Commission, is extraordinary and, by itself, warrants the very careful consideration of this matter by the Commission.

1. The nightmare surrounding 6D's delisting began years ago, stemming from Nasdaq's vendetta as to Wey, which had begun in connection with the listing of CleanTech Innovations, Inc. ("CleanTech"), 6D's predecessor company. Back in 2011, Nasdaq delisted CleanTech (only one month after approving its listing) on the basis of "CleanTech's provision of information about financing transactions involving affiliates of Benjamin Wey, allegedly a promoter of reverse takeovers." In re CleanTech Innovations, Inc., Opinion, Release No. 69968, at pp. 6-7 (SEC July 11, 2013). The Commission ultimately reversed Nasdaq's

delisting determination as to CleanTech, concluding that “the record d[id] not show that the grounds on which Nasdaq relied in delisting CleanTech exist in fact.” See id., at p. 16. After the Commission’s reversal, the merger occurred between Six Dimensions, Inc. (“Six Dimensions”) and CleanTech, forming 6D, disposing of CleanTech’s operations, and continuing Six Dimension’s operations. Nasdaq’s bias against Wey continued, however, and when charges were brought against Benjamin Wey, both criminally and by the SEC, Nasdaq seized on the opportunity. Nasdaq relied on the allegations underlying those charges to halt trading of 6D immediately (and later delist 6D), which then led to various civil actions against 6D which, one by one, have fallen by the wayside. Then, the criminal charges against Wey were dismissed. Now, the most recent post-submission development is that the SEC action against Wey (and some other others) has been dismissed. See SEC v. Wey et al., No. 15-cv-7116, Letter of Derek Bentsen, Assistant Chief Litigation Counsel of the Commission Regarding the Commission’s Intention to Dismiss Its Claims (S.D.N.Y. Sept. 1, 2017) (stating that “the SEC has decided not to continue this action against Benjamin Wey, Michaela Wey, New York Global Group, William Uchimoto, and Robert Newman”), attached hereto as Exhibit 1; Notices of Dismissal, attached hereto as Exhibit 2<sup>1</sup>).

All of the claims and charges against Wey, which were the central focus of Nasdaq’s initial decision to delist 6D and poisoned the entire process for 6D (as described more fully in the prior submissions to the Commission), have now been dismissed. During the delisting process, Nasdaq also often touted Uchimoto’s role with CleanTech in seeking delisting of 6D. These claims and charges should never have been the basis for Nasdaq’s action due to the legal prohibition against relying on mere allegations, which has now been graphically and profoundly proven correct. Indeed, the Commission’s own precedent does not permit facts to be adjudicated on the basis of mere allegations.<sup>2</sup> By using the unproven allegations against Wey and Uchimoto and insinuating guilt by association, Nasdaq put into motion a series of events that led to devastating consequences for 6D, which trampled on 6D’s rights without care and without a careful consideration of the posture of the charges and claims at issue that are now known to have a complete lack of foundation.

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<sup>1</sup> The Commission filed Notices of Voluntary Dismissal that corresponded with each of the individuals and entities identified with the exception of Uchimoto as the Court had previously dismissed all of the Commission’s claims against him. (See SEC v. Wey et al., No. 15-cv-7116, Letter of Derek Bentsen, Assistant Chief Litigation Counsel of the Commission, Regarding the Commission’s Intention to Move to Withdraw Its Motion to Amend (S.D.N.Y. Sept. 1, 2017), attached hereto as Exhibit 3; SEC v. Wey et al., No. 15-cv-7116, 2017 WL 1157140 (S.D.N.Y. March 27, 2017)).

<sup>2</sup> See, e.g., In re Weeks, Release No. 199 (S.E.C. Feb. 4, 2002) (“It is inappropriate for the Division to assert, as if it were an adjudicated fact, that Hesterman and Kenneth Weeks controlled Pan World at the time that the company was selling unregistered securities.”); In re H.J. Meyers & Co., Release No. 211 (S.E.C. Aug. 9, 2002) (“The Division has repeatedly cited from the Florida complaint, as if that document contained adjudicated facts . . . In reality, the Florida complaint was simply a collection of allegations that were never proven.”); id. (“Like the 1990 Florida complaint, the 1994 NASD complaint is not entitled to any weight here.”).

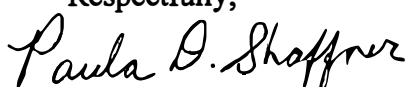
In response to the steady and repeated abandonment of claims against Wey, Nasdaq tries desperately to distance itself from Wey as a basis for the original delisting. Yet Nasdaq has no response whatsoever to the fact that it was these scandalous allegations that led them to halt trading of 6D immediately and commence a delisting process that clearly went astray. Absent that initial Nasdaq action, there would not have been an unwarranted and disjointed rush to judgment by everyone involved in the process. Clearly Independent counsel, the Board and everyone involved in this process was unfairly tainted by the condemnation of the criminal charges and the Commission's claims and the reflexive delisting by Nasdaq and presumed the worst. 6D was unwittingly caught in the crosshairs. 6D is a young, successful entrepreneurial company unrelated to Wey and very much deserves a chance to succeed on Nasdaq, having met all of the requirements for that listing.

There is truly an extraordinary and unprecedented situation presented to the Commission in this matter. The Commission has an opportunity to consider the merit of a young and vibrant company dedicated to bringing welcome jobs in a needed technology space. 6D employees are working with total dedication to technological solutions for American businesses. That they have been incorrectly targeted as stooges for some Chinese effort is surreal and bizarre. We hope that the Commission can see this injustice and work towards eliminating it. The only remedy sufficient to undo the significant and crippling harm which has been done to 6D is to hear this appeal on the merits and reverse the decision to delist.

As a result, we respectfully request that the Commission consider the dismissal of the Commission's claims against Wey and Uchimoto, as well as the dismissal of the criminal charges against Wey, that Nasdaq relied on in delisting 6D pursuant to 17 C.F.R. § 201.421(b) in reaching a conclusion as to Nasdaq's Motion to Dismiss because these decisions constitute further extraordinary circumstances warranting the review of 6D's Application for Review under 17 C.F.R. § 201.420(b). The catastrophic series of events precipitated by Nasdaq's delisting were wholly unnecessary and cannot be permitted to stand.

Furthermore, in light of this new evidence, we further request that Nasdaq list 6D immediately, and should Nasdaq agree to list 6D immediately, 6D will agree to withdraw its appeal before the Commission.

I appreciate your prompt attention to this matter.

Respectfully,  
  
Paula D. Shaffner

cc: Edward S. Knight, Esq. (via hand delivery)  
John M. Yetter, Esq. (via hand delivery)  
Arnold Golub, Esq. (via hand delivery)

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
DIVISION OF ENFORCEMENT  
100 F STREET, N.E.  
WASHINGTON, D.C. 20549-4631



Derek S. Bentsen  
Assistant Chief Litigation Counsel  
Telephone: (202) 551-6426  
Facsimile: (202) 772-9282  
BentsenD@sec.gov

September 1, 2017

**Via ECF**

The Honorable P. Kevin Castel  
United States District Judge for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *Securities and Exchange Commission v. Wey, et al.*, 15-cv-7116-PKC (SDNY)**

Dear Judge Castel:

In accordance with the Court's August 11, 2017 Order (Dkt No. 163), the SEC writes to inform the Court of its intended actions in response to Judge Nathan's order suppressing evidence obtained during the execution of search warrants in the related criminal case. Pursuant to the Court's Individual Practices, the SEC will file a pre-motion letter requesting to move to withdraw the pending motion to amend the complaint (Dkt. No. 151). In addition, the SEC will file notices of voluntary dismissal, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), of the claims against defendants Benjamin Wey, Michaela Wey, New York Global Group, and Robert Newman, and relief defendants Advantage Consultants, Ltd., York Capital Management, Ltd., Four Tong Investments, Ltd., Strong Growth Capital, Ltd., and Median Assets Investments, Ltd.<sup>1</sup>

As the United States Attorney's Office noted in the filing of its *nolle prosequi*, it sought charges against Benjamin Wey "based in significant part on materials seized during [the] searches" of the Weys' apartment and New York Global Group's office. *United States v. Wey*, 15-cr-611-AJN (S.D.N.Y.), Dkt. No. 128 at 2. Because the government could no longer rely on that evidence at trial, it dismissed the charges. *Id.* The SEC also relied on the seized evidence in deciding to bring charges against Benjamin Wey and the other defendants in this case. After reviewing the relevant Second Circuit law, in light of the particular facts of this case, the SEC believes its ability to introduce the seized evidence against certain defendants may also be affected. *See Tirado v.*

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<sup>1</sup> The SEC is filing voluntary notices of dismissal against these relief defendants because they have dissolved, not because of Judge Nathan's ruling.

The Honorable P. Kevin Castel  
September 1, 2017  
Page 2 of 2

*Commissioner of Internal Revenue*, 689 F.2d 389 (2d Cir. 1982). As a result, the SEC has decided not to continue this action against Benjamin Wey, Michaela Wey, New York Global Group, William Uchimoto, and Robert Newman.

The SEC also intends to voluntarily dismiss its claims against relief defendants Advantage Consultants, Ltd., York Capital Management, Ltd., Four Tong Investments, Ltd., Strong Growth Capital, Ltd., and Median Assets Investments, Ltd. because those entities have been dissolved.

The SEC intends to continue to litigate its claims against defendants Tianyi Wei and Seref Dogan Erbek and relief defendant Han Hua, Ltd.

Sincerely,

/s/ Derek S. Bentsen  
Derek S. Bentsen

Caster, K.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	,	)	<u>NOTICE OF VOLUNTARY</u>
	Plaintiff(s)	)	<u>DISMISSAL PURSUANT TO</u>
v.		)	<u>F.R.C.P. 41(a)(1)(A)(i)</u>
		)	
Benjamin Wey, et al.		)	Case No.: 15-cv-7116-PKC
	,	)	
	Defendant(s)	)	
		)	
		)	

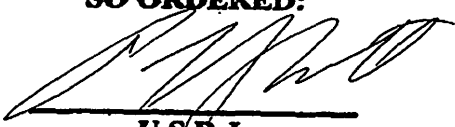
NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U.S. Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) New York Global Group.

Date: September 1, 2017

<p><b>USDC SDNY</b>  <b>DOCUMENT</b>  <b>ELECTRONICALLY FILED</b>  DOC #:  DATE FILED: <u>9/6/17</u></p>
--

Is Derek Bentsen Derek Bentsen  
Signature of plaintiffs or plaintiff's counsel  
100 F St. NE  
Address  
Washington, DC 20549  
City, State & Zip Code  
202-551-6426  
Telephone Number

**SO ORDERED:**  
  
U.S.D.J.  
9-5-17 BT

*Castel, K.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	)	<u>NOTICE OF VOLUNTARY</u>
Plaintiff(s)	)	<u>DISMISSAL PURSUANT TO</u>
v.	)	<u>F.R.C.P. 41(a)(1)(A)(i)</u>
	)	
Benjamin Wey, et al.	)	Case No.: 15-cv-7116-PKC
	)	
Defendant(s)	)	
	)	
	)	

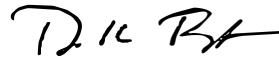
NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U S Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s)

Advantage Consultants, Ltd

Date: September 1, 2017

Is Derek Bentsen



Signature of plaintiffs or plaintiff's counsel

100 F St . NE

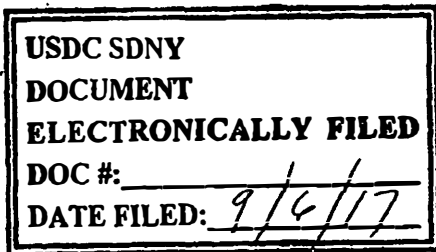
Address

Washington, DC 20549

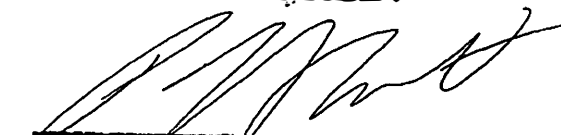
City, State & Zip Code

202-551-6426

Telephone Number



**SO ORDERED:**

  
\_\_\_\_\_  
U.S.D.J.

*9-5-17*

*DT*

Castel, K.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	)	<u>NOTICE OF VOLUNTARY</u>
Plaintiff(s)	)	<u>DISMISSAL PURSUANT TO</u>
v.	)	<u>F.R.C.P. 41(a)(1)(A)(i)</u>
	)	
Benjamin Wey, et al.	)	Case No.: 15-cv-7116-PKC
	)	
Defendant(s)	)	
	)	
	)	

NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U.S. Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s)

Strong Growth Capital, Ltd

Date: September 1, 2017

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/6/17

Is Derek Bentsen *DB B*  
Signature of plaintiff/s or plaintiff's counsel  
100 F St. NE  
Address  
Washington, DC 20549  
City, State & Zip Code  
202-551-6426  
Telephone Number

SO ORDERED:

*[Signature]*  
\_\_\_\_\_  
U.S.D.J.  
9-5-17

*[Handwritten mark]*



*Carter, K.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	,	)	<b><u>NOTICE OF VOLUNTARY</u></b>
	Plaintiff(s)	)	<b><u>DISMISSAL PURSUANT TO</u></b>
v.		)	<b><u>F.R.C.P. 41(a)(1)(A)(i)</u></b>
		)	
Benjamin Wey, et al.	,	)	Case No.: 15-cv-7116-PKC
		)	
	Defendant(s)	)	
		)	
		)	

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U.S. Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) Median Asset Investments, Ltd.

Date: September 1, 2017

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
DOC #: _____
DATE FILED: <u>9/6/17</u>

Is Derek Bentsen *Derek Bentsen*  
 \_\_\_\_\_  
 Signature of plaintiffs or plaintiff's counsel  
 100 F St., NE  
 \_\_\_\_\_  
 Address  
 Washington, DC 20549  
 \_\_\_\_\_  
 City, State & Zip Code  
 202-551-6426  
 \_\_\_\_\_  
 Telephone Number

**SO ORDERED:**

*[Signature]*  
 \_\_\_\_\_  
 U.S.D.J.

*9-5-17*

*ST*

Castel, K.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	)	<b><u>NOTICE OF VOLUNTARY</u></b>
Plaintiff(s)	)	<b><u>DISMISSAL PURSUANT TO</u></b>
v.	)	<b><u>F.R.C.P. 41(a)(1)(A)(i)</u></b>
	)	
Benjamin Wey, et al.	)	Case No.: 15-cv-7116-PKC
	)	
Defendant(s)	)	
	)	
	)	

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U.S. Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s)

Michaela Wey

Date: September 1, 2017

<p><b>USDC SDNY</b>  <b>DOCUMENT</b>  <b>ELECTRONICALLY FILED</b>  DOC #:  DATE FILED: <u>9/6/17</u></p>
--

Is Derek Bentsen *DB B*  
Signature of plaintiffs or plaintiff's counsel

100 F St. NE  
Address

Washington, DC 20549  
City, State & Zip Code

202-551 6426  
Telephone Number

**SO ORDERED:**  
*[Signature]*  
**U.S.D.J.**

9-5-17 *[initials]*

Coster, K.

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	)	<b><u>NOTICE OF VOLUNTARY</u></b>
Plaintiff(s)	)	<b><u>DISMISSAL PURSUANT TO</u></b>
v.	)	<b><u>F.R.C.P. 41(a)(1)(A)(i)</u></b>
Benjamin Wey, et al.	)	Case No.: 15-cv-7116-PKC
Defendant(s)	)	
	)	
	)	

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

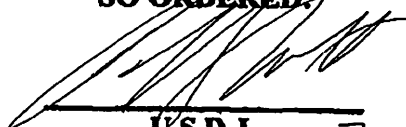
Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U.S. Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s)

Robert Newman

Date: September 1, 2017

<p><b>USDC SDNY</b>  <b>DOCUMENT</b>  <b>ELECTRONICALLY FILED</b>  DOC #:  DATE FILED: <u>9/6/17</u></p>
--

Is Derek Bentsen DRB  
Signature of plaintiffs or plaintiff's counsel  
100 F St., NE  
Address  
Washington, DC 20549  
City, State & Zip Code  
202-551-6426  
Telephone Number

**SO ORDERED:**  
  
U.S.D.J.  
9-5-17  
DT

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. Securities & Exchange Commission

	)	<b><u>NOTICE OF VOLUNTARY</u></b>
	)	<b><u>DISMISSAL PURSUANT TO</u></b>
	)	<b><u>E.R.C.P. 41(a)(1)(A)(i)</u></b>
v.	)	
	)	
Benjamin Wey, et al.	)	Case No.: 15-cv-7116-PKC
	)	
	)	
	)	
	)	
	)	

**NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO F.R.C.P. 41(a)(1)(A)(i)**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) U.S. Securities & Exchange Commission and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) York Capital Management Ltd.

Date: September 1, 2017

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>9/6/17</u>

Is Derek Bentsen *D. Bentsen*  
 Signature of plaintiffs or plaintiff's counsel  
 100 F St., NE  
 Address  
 Washington, DC 20549  
 City, State & Zip Code  
 202-551 6426  
 Telephone Number

**SO ORDERED:**  
*[Signature]*  
 U.S.D.J.  
*9-5-17* *DT*



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
DIVISION OF ENFORCEMENT  
100 F STREET, N.E.  
WASHINGTON, D.C. 20549-4631

Derek S. Bentsen  
Assistant Chief Litigation Counsel  
Telephone: (202) 551-6426  
Facsimile: (202) 772-9282  
BentsenD@sec.gov

September 1, 2017

**Via ECF**

The Honorable P. Kevin Castel  
United States District Judge for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *Securities and Exchange Commission v. Wey, et al., 15-cv-7116-PKC (SDNY)***

Dear Judge Castel:

In accordance with Practice 4(A)(i) of the Court's Individual Practices, the Securities and Exchange Commission ("SEC" or "Commission") respectfully submits this pre-motion letter regarding the Commission's intention to move to withdraw its currently pending motion to amend the Second Amended Complaint (Dkt. No. 151). There is no conference scheduled before the Court.

On March 27, 2017, the Court issued a Memorandum and Order addressing William Uchimoto's, Robert Newman's, and Seref Dogan Erbek's motions to dismiss. Dkt. No. 142. The Court dismissed all claims against Uchimoto, dismissed the SEC's claim under Section 17(a)(2) as to Newman, and denied relief to Erbek. *Id.* On June 5, 2017, the SEC moved to amend the Second Amended Complaint to address deficiencies identified by the Court under Federal Rule of Civil Procedure 9(b). Dkt. Nos. 151 & 152. Uchimoto and Newman opposed the motion. Dkt. Nos. 158 & 161.

As the SEC explained in its recently filed letter (Dkt. No. 164), it does not intend to move forward with the case against Uchimoto or Newman in light of Judge Nathan's suppression order. Withdrawal of the pending motion to amend will have the effect of ending the case against Uchimoto, given the Court previously dismissed all claims against him. Therefore, the SEC intends to move to withdraw its currently pending motion.

The Honorable P. Kevin Castel  
September 1, 2017  
Page 2 of 2

The Court's Individual Practice requires that this letter propose a briefing schedule for this motion. As this motion is unopposed, the SEC respectfully requests that it be permitted to file the proposed motion forthwith upon approval by the Court and suggests that no briefing schedule is necessary. The SEC's proposed motion is attached as Exhibit A.

Sincerely,

/s/ Derek S. Bentsen  
Derek S. Bentsen

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**BENJAMIN WEY,  
NEW YORK GLOBAL GROUP,  
TIANYI WEI,  
MICHAELA WEY,  
ROBERT NEWMAN,  
WILLIAM UCHIMOTO, and  
SEREF DOGAN ERBEK,**

**Defendants,**

**and**

**ADVANTAGE CONSULTANTS, LTD.,  
YORK CAPITAL MANAGEMENT, LTD.,  
FOUR TONG INVESTMENTS, LTD.,  
STRONG GROWTH CAPITAL, LTD.,  
MEDIAN ASSETS INVESTMENTS, LTD., and  
HAN HUA, LTD.,**

**Relief Defendants.**

**Civil Action No. 15-7116 (PKC)**

**NOTICE OF UNOPPOSED MOTION  
TO WITHDRAW PLAINTIFF'S  
MOTION TO AMEND THE SECOND  
AMENDED COMPLAINT**

PLEASE TAKE NOTICE, that upon all prior pleadings and proceedings heretofore had herein, Plaintiff U.S. Securities and Exchange Commission, by and through undersigned counsel, moves this Court before the Honorable P. Kevin Castel, at the United States Courthouse, 500 Pearl Street, New York, New York on a date to be determined by the Court for an Order withdrawing Plaintiff's motion to amend the Second Amended Complaint (Dkt. No. 151) and for all such other and further relief that the Court deems just and appropriate.

Counsel for defendants Uchimoto and Newman do not oppose the SEC's motion to withdraw its motion to amend.



Dated: September 1, 2007

Respectfully submitted,

/s/ Derek S. Bentsen  
Derek S. Bentsen  
U.S. Securities and Exchange Commission  
100 F Street, N.E.  
Washington, D.C. 20549  
202.551.6426  
202.772.9245 (facsimile)  
BentsenD@sec.gov

**CERTIFICATE OF SERVICE**

I certify that on September 1, 2017, I caused the foregoing to be filed using the Court's CM/ECF system, which will send a notification of such filing to each counsel of record.

/s/ Derek S. Bentsen  
*Counsel for Plaintiff*