

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-20248**

**In the Matter of**

**WESLEY KYLE PERKINS**

**Respondent.**

**BRIEF OPPOSING  
CONSOLIDATION AS  
INAPPROPRIATE**

**WESLEY PERKINS' BRIEF**  
**OPPOSING CONSOLIDATION AS INAPPROPRIATE**

NOW COMES respondent, Wesley Kyle Perkins (“Respondent” or “Perkins”) undersigned counsel, who respectfully opposes consolidation because it will not promote efficiency as contemplated by the relevant rule, representing as follows:

On March 22, 2021, the Securities and Exchange Commission (“SEC”) issued an Order Instituting Proceedings (“OIP”) on the basis that Perkins has a final judgment rendered against it in the United States District Court for the Western District of Louisiana matter entitled *Securities and Exchange Commission v. World Tree Financial, LLC, et al.*, Number 6:18-cv-01229.<sup>1</sup> On April 6, 2022, the SEC requested positions of the parties on whether consolidation of matters related to World Tree and Perkins is appropriate.<sup>2</sup> On May 20, 2022, Perkins filed a Motion to Stay Proceedings pending the outcome of the appeal in the United States Court of Appeals for the Fifth Circuit reviewing the judgment

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<sup>1</sup> Exch. Act Rels. 91378 and 91379 (Mar. 22, 2021).

<sup>2</sup> Exch. Act Rel. 94619 (April 6, 2022).

of the United States District Court for the Western District of Louisiana rendered against World Tree.<sup>3</sup>

Under Rule 201(a) of the Commission's Rules of Practice, the Commission may make such orders of consolidation "to avoid unnecessary cost or delay."<sup>4</sup> Consolidating the administrative proceeding file number 3-20248 and file number 3-20249 does not promote efficiency, and will, in fact, *create* unnecessary cost and waste SEC's limited resources. An order consolidating these matters will not serve the interests of the parties and will not conserve resources.<sup>5</sup> Consolidation will compound the judicial investment of the SEC to fully adjudicate both files simultaneously. The alleged actions taken by each respondent are distinguishable and will require independent testimony and evidence. Consolidation is likely to unduly complicate the proceedings pending before the SEC.

Perkins anticipates this administrative proceeding to be mooted following a decision of the United States Court of Appeals for the Fifth Circuit in Docket Number 21-30063. All briefing and arguments have been made before the Fifth Circuit. The parties are awaiting a ruling following review of the judgment of the United States District Court for the Western District of Louisiana. World Tree anticipates a ruling sometime this year. It is not in the interest of the SEC or the public to expend resources on an administrative proceeding that is predicated on a judgment that has a significant chance of reversal.

It is not necessary to consolidate file no. 3-20248 and file no. 3-20249 and will only serve to unduly increase costs and compound testimony. For the foregoing reasons, World Tree opposes consolidation as inappropriate.

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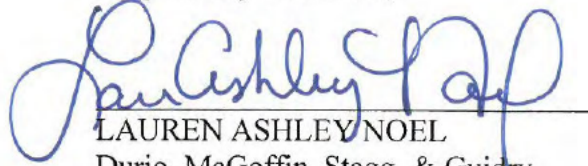
<sup>3</sup> Exch. Act Rel. 4668 (May 20, 2022).

<sup>4</sup> 17 C.F.R. § 201.201(a).

<sup>5</sup> *See, Id.*

Dated: May 20, 2022

Respectfully submitted,



LAUREN ASHLEY NOEL  
Durio, McGoffin, Stagg, & Guidry  
220 Heymann Boulevard  
Lafayette, LA 70503  
Office: (337) 233-0300  
Fax: (337) 233-0694  
Email: lauren@dmsfirm.com

**CERTIFICATE OF SERVICE**

Pursuant to Commission Rule of Practice 151 (17 C.F.R. § 201.151), I certify that  
the:

**BRIEF OPPOSING CONSOLIDATION AS INAPPROPRIATE**

was served on May 20, 2022 upon the following parties as follows:

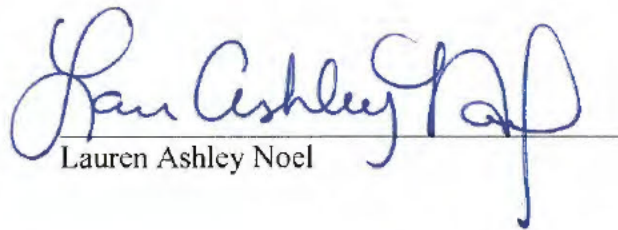
**By eFAP and Email**

Vanessa Countryman, Secretary  
Securities and Exchange Commission  
100 F. Street, N.E., Mail Stop 1090  
Washington, DC 20549-1090  
Facsimile: (703) 813-9793  
Email: apfilings@sec.gov

**By Email**

Lynn M. Dean  
Securities and Exchange Commission  
444 South Flower Street, Suite 900  
Los Angeles, CA 90071  
(323) 965-3574 (*direct dial*)  
(213) 443-1904 (*facsimile*)  
Email: deanl@sec.gov  
*Counsel for the Division of Enforcement*

Dated: May 20, 2022



Lauren Ashley Noel