

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

In the Matter of

WESLEY KYLE PERKINS

Respondent.

ADMINISTRATIVE PROCEEDING

File No. 3-20248

MOTION AND BRIEF FOR STAY OF ADMINISTRATIVE PROCEEDING

COMES NOW Respondent Wesley Kyle Perkins (“Respondent” or “Perkins”), and files this Motion to Stay Administrative Proceedings as follows:

Pursuant to SEC Rule of Practice 401, 17 C.F.R. § 201.401, Respondent Wesley Kyle Perkins respectfully moves for an order staying this proceeding pending the outcome of his appeal in the United States Court of Appeals for the Fifth Circuit (21-30063).

A stay will cause no prejudice or harm either to the Commission, or to the public interest. It is our understanding from the Enforcement Division that the relief sought in this action is a lifetime bar from the securities industry. Respondent does not currently work in the securities industry, nor does he intend to do so in the future absent a successful appeal of the judgment against him. Respondent is willing to reflect that intention in a binding stipulation or order.

The appeal in the United States Court of Appeals for the Fifth Circuit is only awaiting a decision of the Fifth Circuit. Perkins’ filed his brief on June 25, 2021. SEC filed its brief on August 23, 2021. Perkins’ filed his reply brief on October 12, 2021. Oral argument was heard before a panel of the Fifth Circuit Court of Appeals on January 5, 2022. We expect a decision sometime this year. We respectfully submit, as discussed below, that there is a significant

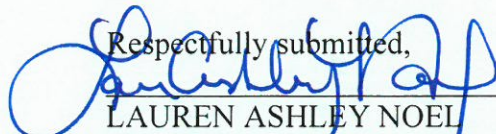
chance the Fifth Circuit will reverse the judgment below. As a matter of judicial economy, it would be a waste of the Commission's limited resources to oversee a "follow-on" administrative proceeding based solely on a judgment which will shortly be subject to appellate review.

Specifically, and without limitation, the judgment should be reversed because:

1. The district court erroneously held that World Tree and Perkins violated the Securities Act and the Securities Exchange Act without any direct proof of any specific actual event, any actual damages, or any causation based solely on inference drawn from a faulty statistical model.
2. The district court erroneously ordered World Tree and Perkins to pay civil penalties and disgorgement without proof of any actual damages or profit.
3. The district court erroneously held that Appellants acted in a knowingly wrongful way or had the scienter to violate the Securities Exchange Act.
4. The district court erroneously enjoined World Tree and Perkins based on statistical inference alone, despite their uncontradicted explanation that their actions were consistent with the investment objectives and requirements of the very different groups the SEC identified.
5. The district court improperly denied Appellants Rule 50 motion for judgment as a matter of law when SEC failed to satisfy its burden of proof.

Respondent thanks the Commission for its consideration of the aforementioned motion.

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:

Motion And Brief For Stay Of Administrative Proceeding

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

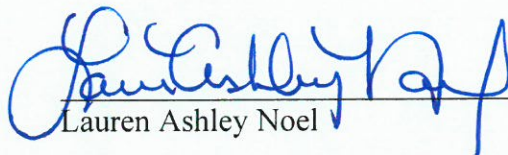
By eFAP and Email

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