

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

ADMINISTRATIVE PROCEEDING  
File No. 3-21214

**IN THE MATTER OF,**

**JOSHUA ABRAHAMS, CPA,**

**Respondent.**

**JOINT STIPULATION TO STAY PROCEEDINGS**

July 28, 2023

Stephen T. Kam  
Gary Y. Leung  
U.S. Securities and Exchange Commission  
Division of Enforcement  
444 S Flower St  
Los Angeles, CA 90071  
Counsel for Division of Enforcement

The Division of Enforcement (“**Division**”) and Respondent Joshua Abrahams (“**Respondent**”) jointly stipulate to stay this proceeding at the conclusion of the fact discovery period on July 31, 2023.

On June 30, 2023, the United States Supreme Court granted the Commission’s petition for a writ of certiorari in *SEC v. Jarkesy*, ---S. Ct.---, 2023 WL 4287448 (Mem) (Jun. 30, 2023). The petition raises three questions regarding the Commission’s administrative proceedings:

(a) Whether statutory provisions that empower the Commission to initiate and adjudicate administrative enforcement proceedings seeking civil penalties violate the Seventh Amendment;

(b) Whether statutory provisions that authorize the Commission to choose to enforce the securities laws through an agency adjudication instead of filing a district court action violate the nondelegation doctrine; and

(c) Whether Congress violated Article II by granting for-cause removal protection to administrative law judges (“**ALJs**”) in agencies whose heads enjoy for-cause removal protection.

For these reasons, the parties agree that a stay of all deadlines at the conclusion of the discovery period on July 31, 2023 is warranted, pending any decision by the Supreme Court of the issues in *Jarkesy*, or further order of the Commission. In support, the parties state the below.

1. On October 21, 2022, the Commission issued an Order Instituting Proceedings pursuant to Section 4C of the Securities Exchange Act of 1934 (“**Exchange Act**”) and Rule 102(e) of the Commission’s Rules of Practice (“**OIP**”) against Respondent. On November 17, 2022, the Respondent filed an Answer to the OIP.

2. On December 1, 2022, the parties conducted a prehearing conference pursuant to Rule 221 of the Commission’s Rules of Practice, 17 C.F.R. § 201.221, stipulating to a proposed case schedule that set the close of fact discovery on May 26, 2023 and a hearing date on November 13, 2023. The Commission did not enter the proposed case schedule.

3. On March 27, 2023, the parties jointly proposed an amended case schedule setting the close of fact discovery on July 31, 2023 and a hearing date on January 29, 2024. On April 3, 2023, the Office of the Secretary entered the amended case schedule.

4. On April 14, 2023, the Supreme Court issued its decision in *Axon Enter., Inc. v. FTC*, and *SEC v. Cochran*, 143 S. CT. 890 (2023) (“*Cochran*”), holding that the statutory review schemes in the Exchange Act and the FTC Act, 15 U.S.C § 41 *et seq.*, do not displace a district court’s federal-question jurisdiction to adjudicate certain constitutional claims.

5. On July 3, 2023, counsel for Respondent requested that the Division stipulate to stay proceedings at the conclusion of fact discovery on July 31, 2023 pending the Supreme Court’s disposition of *Jarkesy*. The Division consented to the request.

THEREFORE, the Division and Respondent, by and through their undersigned counsel, stipulate and agree that this proceeding be stayed on July 31, 2023 until and including the earlier of 30 days after the Supreme Court decision in *Jarkesy* or July 31, 2024.

DIVISION OF ENFORCEMENT  
By its Attorneys:

[REDACTED]

Stephen T. Kam  
Gary Y. Leung  
Securities and Exchange Commission  
444 South Flower Street, Suite 900  
Los Angeles, CA 90071

JOSHUA ABRAHAMMS, CPA  
By its Attorneys:

[REDACTED]

Thomas A. Zaccaro  
HUESTON HENNIGAN LLP  
523 West 6<sup>th</sup> St, Suite 400  
Los Angeles, CA 90014

IT IS SO ORDERED

Dated: \_\_\_\_\_



**In the Matter of JOSHUA ABRAHAMS, CPA**  
Administrative Proceeding File No. 3-21214

**SERVICE LIST**

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

**JOINT STIPULATION TO STAY PROCEEDINGS**

was served on **July 28, 2023**, upon the following parties as follows:

NOT YET ASSIGNED (By eFAP only)  
Administrative Law Judge  
U.S. Securities and Exchange Commission  
100 F. Street, N.E.  
Washington, DC 20549  
[alj@sec.gov](mailto:alj@sec.gov)

JOSHUA ABRAHAMS, CPA (By electronic email only)  
c/o Thomas A. Zaccaro  
HUESTON HENNIGAN LLP  
523 West 6<sup>th</sup> St., Suite 400  
Los Angeles, CA 90014  
[tzaccaro@hueston.com](mailto:tzaccaro@hueston.com)

c/o Nicolas Morgan  
PAUL HASINGS LLP  
515 S. Flower Street  
Twenty-Fifth Floor  
Los Angeles, CA 90071  
[nicolasmorgan@paulhastings.com](mailto:nicolasmorgan@paulhastings.com)

Dated: July 28, 2023