

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 COMPLETE EXPERT DISCOVERY

November 17, 2023

Stephen T. Kam
Don W. Searles
U.S. Securities and Exchange Commission
Division of Enforcement
444 S Flower Street, Suite 900
Los Angeles, CA 90071
Counsel for Division of Enforcement

The Division of Enforcement (“**Division**”) and Respondent Joshua Abrahams (“**Respondent**”) jointly stipulate to complete expert discovery, notwithstanding the current stay of this proceeding until the earlier of 30 days after the Supreme Court issues its mandate in *SEC v. Jarkesy*, ---S. Ct.---, 2023 WL 4287448 (Mem) (Jun. 30, 2023) or July 31, 2024. 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 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).

6. 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. On August 14, 2023, the Office of the Secretary entered an Order Postponing Proceeding consistent with the parties' stipulation.

7. Respondent and the Division have agreed that it would be most efficient to complete expert discovery, notwithstanding the current stay. Accordingly, the parties have agreed to amend expert discovery deadlines as follows:

- (a) December 15, 2023: Last date to serve expert reports
- (b) February 12, 2024: Last date to serve rebuttal reports
- (c) April 8, 2024: Close of expert discovery

THEREFORE, the Division and Respondent, by and through their undersigned counsel, stipulate and agree that, notwithstanding the Order Postponing Proceedings, expert discovery will occur pursuant to the following amended dates: expert reports due December 15, 2023; rebuttal expert reports due February 12, 2024; and close of expert discovery April 8, 2024.

Upon the close of expert discovery, the parties agree that this proceeding will again be stayed 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:



Stephen T. Kam
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Securities and Exchange Commission
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JOSHUA ABRAHAM, CPA
By its Attorneys:



Thomas A. Zaccaro
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IT IS SO ORDERED

Dated: _____

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,
444 S. Flower Street, Suite 900, Los Angeles, California 90071
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On November 17, 2023 I caused to be served the documents entitled: **JOINT STIPULATION TO COMPLETE EXPERT DISCOVERY** on all the parties to this action addressed as stated on the attached service list:

OFFICE MAIL: By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

PERSONAL DEPOSIT IN MAIL: By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

EXPRESS U.S. MAIL: Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

HAND DELIVERY: I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

UNITED PARCEL SERVICE: By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

ELECTRONIC MAIL: By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

E-FILING: By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

FAX: By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct. Date: November 17, 2023

/s/ Stephen Kam
STEPHEN KAM

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 COMPLETE EXPERT DISCOVERY

was served on **November 17, 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

JOSHUA ABRAHAMS, CPA (By electronic email only)
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Dated: November 17, 2023