

ABRAMS, J
Panel I

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :
:
Applicant, :
:
-against- :
:
CHARLES RIEL III a/k/a CHUCK RIEL and :
REINVEST LLC, :
:
Respondents. :
-----X

Case No. ^{misc} 14 ~~March~~ 61
ECF CASE

[PROPOSED] ORDER TO SHOW CAUSE

WHEREAS, the Securities and Exchange Commission (“Commission”) applied for an order directing: (i) Respondent Charles Riel III a/k/a Chuck Riel (“Riel”) to show cause why he should not be ordered to produce documents and appear for testimony as called for by the Commission’s investigative subpoena issued to him on January 31, 2014 (the “Riel Subpoena”); and (ii) Respondent REinvest LLC (“REinvest”) to show cause why it should not be ordered to produce documents as called for by the Commission’s investigative subpoena issued to it on January 13, 2014 (the “REinvest Subpoena”);

WHEREAS, the Court has considered the application filed by the Commission and the memorandum of law and declaration, with exhibits, filed in support of the application;

WHEREAS, based upon these documents, the Court is satisfied that the Commission has made a sufficient and proper showing in support of the relief sought in its application, and therefore:

I.

IT IS HEREBY ORDERED that Respondents shall appear before this Court at

3:00 p.m. on March 28, 2014 in Room 1506 of the United States Courthouse, 40 Foley Square, New York, New York 10007, to show cause why the Court should not issue an Order:

✓ (a) directing Riel and REinvest to produce all documents responsive to the subpoenas within their possession, custody or control to the Commission no later than April 11, 2014;

✓ (b) directing Riel to appear for testimony before the Commission at Brookfield Place, 200 Vesey Street, Suite 400, New York, New York, on April 18, 2014, at 10:00 a.m., or another date and time to which the Commission staff consents in writing, and continuing, from day to day, until completed;

(c) directing that, in the event that Riel does not have documents in his possession, custody, or control that are responsive to the Riel Subpoena or to any requests contained in the Riel Subpoena, Riel will submit a sworn statement to the Commission describing the efforts he made to locate responsive documents and the results of those efforts, no later than the date set forth above in paragraph (a);

(d) directing that, in the event that REinvest does not have documents in its possession, custody, or control that are responsive to the REinvest Subpoena or to any requests contained in the REinvest Subpoena, REinvest will submit a sworn statement to the Commission describing the efforts it made to locate responsive documents and the results of those efforts, no later than the date set forth above in paragraph (a);

(e) directing that, in the event that REinvest does not produce the documents or statements described in paragraphs (a) or (d) by the date specified above in those paragraphs,

(i) the Commission will have established a *prima facie* case of civil contempt against REinvest for its failure to comply with the Order directing it to produce documents;

and

(ii) REinvest may be held in civil contempt for failure to comply with that Order without further notice or hearing;

(f) directing that, in the event that Riel does not produce the documents or statements described in paragraphs (a) or (c) by the date specified above in those paragraphs or does not appear for testimony on the date and time set forth in paragraph (b) above, or any other date to which the Commission staff consents in writing,

(i) the Commission will have established a *prima facie* case of civil contempt against Riel for his failure to comply with the Order directing him to produce documents or sworn statements and to testify; and

(ii) Riel may be held in civil contempt for failure to comply with the Order without further notice or hearing; and

(e) granting the relief in the foregoing paragraphs (a) through (f) in the event that Riel and ✓ REinvest fail to appear before this Court at 3:00 p.m. on March 28, 2014 in Room 1506 of the United States Courthouse, ^{40 Foley Square} ~~500 Pearl Street~~, New York, New York 10007.

II.

IT IS FURTHER ORDERED that a copy of this Order and the papers supporting the Commission's application be served upon each of the Respondents by transmitting the papers on or ✓ before March 14, 2014 by e-mail, United Parcel Service overnight delivery, or any other overnight delivery service.

III.

IT IS FURTHER ORDERED that Respondents shall file and serve any opposing papers ✓ in response to the application no later than March 21, 2014 at 5:00 p.m. Service shall be made by delivering the papers by then via e-mail to KrishnamurthyP@sec.gov and by sending a hard copy of the papers via first class mail or commercial overnight courier to Preethi Krishnamurthy, Esq., at the Commission's New York Regional Office, Brookfield Place, 200 Vesey Street, Suite 400, ✓ New York, New York 10281. The Commission shall file and serve any reply papers by March 22, 2014 at 5:00 p.m. The Commission shall serve any reply papers on Respondents or their ✓ counsel by e-mail, United Parcel Service overnight delivery, or any other overnight delivery service.

SO ORDERED

Dated: March 13, 2014
New York, New York


UNITED STATES DISTRICT JUDGE

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