

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 98122 / August 14, 2023

ACCOUNTING AND AUDITING ENFORCEMENT
Release No. 4439 / August 14, 2023

Admin. Proc. File No. 3-21214

In the Matter of
JOSHUA ABRAHAMS, CPA

ORDER POSTPONING PROCEEDING

On October 21, 2022, the Securities and Exchange Commission issued an order instituting administrative proceedings (“OIP”) against Joshua Abrahams, CPA, pursuant to Section 4C of the Securities Exchange Act of 1934 and Rule 102(e) of the Commission's Rules of Practice.¹ On April 3, 2023, the Commission issued a scheduling order, reflecting the parties’ joint stipulation, that provided fact discovery would close on July 31, 2023.² On July 28, 2023, the parties filed a joint stipulation to stay the proceeding upon the conclusion of the fact discovery period. The parties “agree that a stay of all deadlines . . . is warranted” pending the Supreme Court’s resolution of *SEC v. Jarkesy*³ in light of the issues that are before the Supreme Court in that case.

¹ *Joshua Abrahams, CPA*, Exchange Act Release No. 96127, 2022 WL 13566785 (Oct. 21, 2022).

² *Joshua Abrahams, CPA*, Exchange Act Release No. 97238, 2023 WL 2771179 (Apr. 3, 2023).

³ No. 22-859, 2023 WL 4278448 (June 30, 2023) (cert. granted).

We construe the stipulation as a request for postponement under Commission Rule of Practice 161.⁴ Rule 161 authorizes postponements based on a consideration of, among other things, the length of the proceeding to date; the number of postponements, adjournments, or extensions already granted; the stage of the proceedings at the time of the request; and any other such matters as justice may require. Here, this proceeding was instituted less than a year ago; fact discovery (on the schedule proposed by the parties and adopted by the Commission) has just closed; and no evidentiary hearings have been held. Given the foregoing, and the parties' joint stipulation, we conclude that a postponement of this proceeding is warranted. For the same reasons, we find that a postponement of more than 21 days is necessary.⁵

Accordingly, it is ORDERED that the proceeding is postponed until the earlier of 30 days after the Supreme Court issues its mandate in *Jarkesy* or July 31, 2024, and that, when the proceeding resumes, the parties shall promptly file a status report discussing the impact of that decision on this proceeding, if any, and any other relevant matters. It is further ORDERED that the April 3, 2023, scheduling order, insofar as it prescribes deadlines after the conclusion of fact discovery, is vacated.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

⁴ 17 C.F.R. § 201.161; see *Francis V. Lorenzo*, Exchange Act Release No. 10460, 2018 WL 994316, at *1 (Feb. 21, 2018) (construing motion for stay as request for postponement under Rule of Practice 161).

⁵ See Rule of Practice 161(c)(1), 17 C.F.R. § 201.161(c)(1) (“Postponements . . . shall not exceed 21 days unless the Commission or the hearing officer states on the record or sets forth in a written order the reasons why a longer period of time is necessary.”).