

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
CUMIS INSURANCE SOCIETY, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-01277 (PLF)
)	
REGINALD CLARK, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

MEMORANDUM OPINION AND ORDER

Cumis Insurance Society, Inc. filed this civil action in June of 2005 against defendant Reginald Clark for fraud, breach of fiduciary duty, and unjust enrichment. See Complaint ¶ 19-34 [Dkt. 1]. Clark was subsequently indicted and convicted for related conduct in a criminal case before Judge Reggie B. Walton, No. 10-110. Judge Walton imposed a sentence of 63 months imprisonment, supervised release, and restitution, requiring Clark to pay \$140,000 to Hoya Federal Credit Union and \$79,286.41 to Cumis Insurance Society, Inc. Judgment at 3-4, 6 [Dkt. 183, Criminal No. 10-110]. Clark appealed his conviction and sentence to the U.S. Court of Appeals for the District of Columbia Circuit. United States v. Clark, 747 F.3d 890 (D.C. Cir. 2014). The court of appeals affirmed Clark’s conviction, but remanded the case to Judge Walton for resentencing. Id. at 898. On remand, Judge Walton sentenced Clark to 57 months imprisonment and five years of supervised release, but the restitution amounts remained unchanged. Amended Judgment at 2-3, 5 [Dkt. 183, Criminal No. 10-110]. After resentencing, Clark filed a second appeal, but he later moved to dismiss it. See Order, United


States v. Clark (D.C. Cir. Jan. 12, 2015) (No. 14-3054). There are no longer any pending appeals, and the judgment in Clark's related criminal case is final.

During these pending civil and criminal matters, the National Credit Union Administration ("NCUA") also initiated a formal enforcement action against Clark for related conduct in this case. In the Matter of Reginald Clark, Hoya Federal Credit Union at 1 (N.C.U.A. Oct. 24, 2014) (No. 08-0016-R2). Administrative Law Judge Richard A. Pearson issued a decision, recommending that the NCUA Board issue an order of prohibition and a civil money penalty of \$15,000 against Clark. Id. at 2. The NCUA Board adopted ALJ Pearson's decision in its entirety. Id. at 9. Clark then filed a petition for review of the NCUA Board's decision in the court of appeals. The court of appeals denied Clark's petition for review and recently issued its mandate. See Mandate, Clark v. Nat'l Credit Union Admin. (D.C. Cir. Sept. 24, 2016) (No. 14-1245).

In the present action, there is a pending motion for summary judgment filed by Cumis and a pending motion to dismiss filed by Clark. Given that Clark's appeals are now final and the restitution order in the related criminal case is also final, the plaintiff should advise the Court how it wishes to proceed in the present case. Accordingly, it is hereby

ORDERED that the plaintiff shall file a status report on or before February 1, 2017, advising the Court how it wishes to proceed in this case.

SO ORDERED.


PAUL L. FRIEDMAN
United States District Judge

DATE: 12/20/16