

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

U.S. COMMODITY FUTURES  
TRADING COMMISSION,

Plaintiff,

v.

Case No: 2:15-cv-237-FtM-38CM

DORIAN A. GARCIA, DG WEALTH  
MANAGEMENT, MACROQUANTUM  
CAPITAL LLC and UKUSA  
CURRENCY FUND LP,

Defendants.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Defendants Dorian A. Garcia, DG Wealth Management, Macroquantum Capital LLC, and UKUSA Currency Fund LP's Motion to Stay this Action for 45 Days ([Doc. #32](#)) filed on May 6, 2015. Plaintiff U.S. Commodity Futures Trading Commission filed a Response to Defendants' Motion to Stay ([Doc. #38](#)) on May 11, 2015. The undersigned held a hearing on May 13, 2015, at which time the parties argued their opposing positions on, among other things, Defendants' Motion. ([Doc. #42](#)). The matter is now ripe for review.

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## **BACKGROUND**

On April 14, 2015, the Commission commenced the instant civil action against Defendants under the Commodity Exchange Act (the "Act"), [7 U.S.C. §§1](#) *et seq.*, and its corresponding regulations, [17 C.F.R. §§ 1](#) *et seq.* ([Doc. #3](#)). Approximately two weeks later, Defendants learned that the United States Attorney's Office for the Middle District of Florida is also investigating Defendant Garcia for criminal offenses based the same facts alleged in the instant Complaint. Armed with that knowledge, Defendants now move to stay this action for forty-five (45) days, arguing the stay will allow them adequate time to evaluate this case and to explore a global resolution of this action and the parallel criminal investigation. ([Doc. #32 at 1-2, 4, 6](#)). The Commission counters that there are no circumstances to justify a stay, and that a stay will unduly prejudice the Commission and the public investors who Defendants allegedly defrauded.

## **DISCUSSION**

A party seeking to stay an action must "make out a clear case of hardship or inequity in being required to go forward." [Landis v. N. Am. Co., 299 U.S. 248, 254-55 \(1936\)](#); see also [Clinton v. Jones, 520 U.S. 681, 709 \(1997\)](#) ("The proponent of a stay bears the burden of establishing its need."). Upon a sufficient showing, a district court may exercise its inherent authority to stay an action. See [Landis, 299 U.S. at 254-55](#).

Upon consideration of the parties' written and oral arguments, the Court finds that Defendants have not shown how a stay will meaningfully benefit the parties, the Court, or the public at large. To date, the United States Attorney's Office has neither charged nor indicted Defendant Garcia with any criminal offense, and there is no evidence beyond Defendants' hopeful representations at the hearing, that such circumstances will change

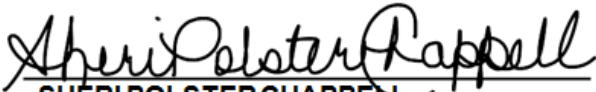
in 45 days. In addition, the Commission and the investors in Defendants' alleged "Ponzi" scheme will suffer substantial prejudice and harm by a stay because the Commission will be unable to continue its search for recoverable funds and additional victims. Even without a stay, there is no reason why Defendants cannot continue to evaluate and resolve this case along with the parallel criminal investigation.

Accordingly, it is now

**ORDERED:**

Defendants Dorian A. Garcia, DG Wealth Management, Macroquantum Capital LLC, and UKUSA Currency Fund LP's Motion to Stay this Action for 45 Days ([Doc. #32](#)) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida this 20th day of May, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record