

1 Christy J. White (D.C. Bar No. 974102)
 2 U.S. Securities and Exchange Commission
 3 100 F Street, NE, Mail Stop 5628
 4 Washington, DC 20549
 5 Tel: 202-551-4502
 6 Email: whitechr@sec.gov
 7 Facsimile: 202-572-1372

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 SECURITIES AND EXCHANGE
 11 COMMISSION,

12 Plaintiff,
 13 v.

14 DAVID B. KAPLAN, ESQ., ET AL,

15 Defendant, and

16 LISA M. KAPLAN, et al.

17 Relief Defendants.

Case No.: **3:16-cv-00270-MMD-VPC**

Honorable Miranda Du

**ORDER GRANTING UNITED
 STATES SECURITIES AND
 EXCHANGE COMMISSION’S
 MOTION FOR AN ORDER STAYING
 THE FEBRUARY 28, 2019 SHERIFF’S
 SALE AND RELATED STATE COURT
 PROCEEDING**

18 This matter coming to be heard on Plaintiff, United States Securities and Exchange
 19 Commission’s (“Commission” or “SEC”) Emergency Motion for an Order Staying the February
 20 28, 2019 Sheriff’s Sale and Related State Court Proceeding (“Motion”), and this Court having
 21 considered the Commission’s Motion (ECF No. 117), the response (ECF No. 120), the reply
 22 (ECF No. 122), and arguments presented at this Court’s hearing on February 27, 2019 (ECF No.
 23 123), finds as follows:

24 1. This Court has jurisdiction over the subject matter of the action, the Defendants
 25 and Relief Defendants, and all property subject to this Court’s Temporary Restraining Order and
 26 Asset Freeze (“2016 Asset Freeze”), which was incorporated into this Court’s Preliminary
 27 Injunction (ECF Nos. 13, 23);

28 2. At all relevant times, the property located at 1314 Cave Rock Drive, Unit B,

1 Zephyr Cove, Nevada (“Subject Property”) has been subject to the 2016 Asset Freeze and
2 otherwise under the jurisdiction of this Court;

3 3. Dean Properties, LLC, and James and Marla Dean (collectively, “the Deans”)
4 were served with notice of the 2016 Asset Freeze on June 1, 2016;

5 4. Despite notice of the 2016 Asset Freeze, the Deans proceeded to obtain a
6 judgment against Defendants David Kaplan and Synchronized Organizational Solutions
7 International, Ltd. (“SOSI”), and have sought to execute against the Subject Property by way of a
8 sheriff’s sale pending before the District Court for Clark County, Nevada, in the matter captioned
9 *Dean Properties, LLC, et al, v. SOSI, et al*, Case No. A-16-742128-F Dept. No. IV (“State Court
10 Proceeding”);
11

12 5. The Deans’ State Court Action interferes with an asset under this Court’s
13 jurisdiction.
14

15 6. The Commission’s ability to enforce its final judgment for the benefit of all
16 injured investors may be impaired unless certain interests in the Subject Property are determined
17 by this Court; and

18 The Commission has made a sufficient and proper showing in support of the relief
19 requested;

20 Now, therefore,
21

22 IT IS HEREBY ORDERED that the Plaintiff’s emergency motion is granted;

23 IT IS HEREBY FURTHER ORDERED that sheriff’s sale and related State Court
24 Proceeding, as it pertains to the Subject Property, are hereby stayed until further order of this
25 Court;
26
27
28

1 IT IS HEREBY FURTHER ORDERED that counsel for the Commission will file a
2 motion regarding the Subject Property on or before March 14, 2019. The regular briefing
3 schedule will apply thereafter; and

4 IT IS HEREBY FURTHER ORDERED that this Court shall retain jurisdiction of this
5 matter for all purposes.
6

7
8 **SO ORDERED:**

9 Dated: March 8 _____, 2019



Honorable Miranda Du
United States District Court Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28