

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-v-

1:10-CV- 513 (NAM/RFT)

**MATTHEW JOHN RYAN and PRIME RATE AND
RETURN, LLC, individually and doing business as
AMERICAN INTEGRITY FINANCIAL CO.,**

Defendants.

UNITED STATES OF AMERICA,

Intervenor.

APPEARANCES:

U.S. Securities & Exchange Commission
3 World Financial Center
New York, New York 10281
Attorneys for Plaintiff

Matthew John Ryan
125 South Road
Cropseyville, New York 12052
Defendant, *Pro Se*

Lemery Greisler LLC
50 Beaver Street
Albany, New York 12207
Receiver for Defendant Prime Rate and Return, LLC

Office of United States Attorney
218 James T. Foley United States Courthouse
445 Broadway
Albany, New York 12207
Intervenor

OF COUNSEL:

Kristine M. Zaleskas, Esq.
Preethi Krishnamurthy, Esq.
Steven G. Rawlings, Esq.

Paul A. Levine, Esq.

Thomas A. Capezza, Assistant United States
Attorney

Hon. Norman A. Mordue, Chief U.S. District Judge:

MEMORANDUM-DECISION AND ORDER

The United States moves (Dkt. No. 33) to intervene and for a stay of discovery pending completion of the criminal prosecution, *United States v. Matthew John Ryan*, 1:10-CR-319 (N.D.N.Y.), commenced June 18, 2010. No objection is interposed, except that Paul A. Levine, Esq., the Court-appointed Receiver, seeks authorization to continue to obtain document discovery from third parties (Dkt. No. 35). Defendant Ryan, who represents himself in this action, does not object to the intervention or the stay, but states that the Receiver should not be permitted to continue with discovery from third parties (Dkt. No. 37).

- ☒ Having reviewed the file, the Court finds that intervention is proper under Rule 24(a)(2) and (b)(1)(B) of the Federal Rules of Civil Procedure. The United States has also demonstrated the need for a stay of discovery pending completion of the criminal prosecution. Particularly in view of the strong public interest in recovering defendants' assets, the Court grants the Receiver's request for authorization to continue to obtain document discovery from third parties. Ryan raises no specific objection to any particular discovery, nor has he made a showing of any prejudice that would arise from permitting the Receiver to pursue third-party discovery. Any dispute regarding this discovery will be handled by United States Magistrate Judge Randolph F. Treece.

It is therefore

- ☒ ORDERED that the motion by the United States (Dkt. No. 33) to intervene and for a stay of discovery pending completion of the criminal prosecution, *United States v. Matthew John Ryan*, 1:10-CR-319 (N.D.N.Y.), is granted, except that Paul A. Levine, Esq., the Court-appointed Receiver, may continue to obtain document discovery from third parties.

IT IS SO ORDERED.

October 8, 2010
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge