

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

BRENT BORLAND, BORLAND CAPITAL
GROUP, LLC, and BELIZE
INFRASTRUCTURE FUND I, LLC

Defendants.

18-cv-4352 (PKC)
ORDER

CASTEL, Senior District Judge:


By letter dated November 4, 2024, plaintiff SEC sought to compel compliance by James McLoughlin, individually and as owner of McLoughlin Construction Corp., with a subpoena to produce documents and other things. According to the SEC, McLoughlin has failed to produce any documents (1) relating to his payment of the of the downpayment owed pursuant to the Sales Contract; (2) proving certain improvements had been made to extend the lease term or for other purposes; or (3) showing that any additional amounts were paid in satisfaction of the amounts owed pursuant to the Sales Contract or Lease Agreement (the “Three Delinquent Areas”). On November 4, 2024, the Court ordered McLoughlin to show cause by November 12, 2024 why it ought not compel him to fully comply with the subpoena. (ECF 94.) Neither McLoughlin nor his counsel responded to the SEC’s letter of November 4 to the Court or to the Court’s Order.

The Court now ORDERS as follows:

1. By February 14, 2025, McLoughlin shall produce all non-privileged, non-work product documents responsive to the subpoena, including but not limited to the Three Delinquent Areas. Also by February 14, 2025, McLoughlin shall serve on the SEC and deliver to this Court an affidavit from McLoughlin that he has made a diligent search for and produced all documents responsive to the subpoena except for those claimed to be privileged or work product.
2. If McLoughlin claims any document responsive to the subpoena is privileged or work product, he shall serve on the SEC and deliver to the Court a listing compliant with Local Civil Rule 26.2(a).
3. Plaintiff SEC shall serve a copy of this Order on McLoughlin by serving his counsel by February 3, 2025 and filing an affidavit of service with this Court.
4. Failure to fully comply with this Order is punishable with the sanctions outlined in Rule 37, Fed. R. Civ. P.
5. The Clerk shall terminate Letter Motion ECF 93.

SO ORDERED.

New York, New York
January 30, 2025



P. Kevin Castel
United States District Judge