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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Applicant,	:	
	:	
-against-	:	24-mc-494
	:	ECF Case
	:	
FRUIT STREET HEALTH, P.B.C.	:	
	:	
Respondent.	:	
	:	
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**ORDER**

WHEREAS the Securities and Exchange Commission (“the SEC”) applied for an order directing Respondent Fruit Street Health, P. B.C. (“Fruit Street”) to show cause why it should not be ordered to produce documents as called for by the SEC’s investigative subpoena issued to it on October 27, 2023 (“the Subpoena”);

WHEREAS, the SEC has moved under Rule 41(a)(2) of the Federal Rules of Civil Procedure requesting that the Court issue an order dismissing this case without prejudice on the grounds that Fruit Street has substantially complied with the Subpoena by producing responsive documents and a declaration attesting to the completeness of the production, with certain caveats;

**IT IS HEREBY ORDERED** that this action is dismissed **WITHOUT PREJUDICE**.  
**IT IS FURTHER ORDERED** that a copy of this Order and the motion seeking dismissal of this action without prejudice be served upon Fruit Street by transmitting the papers on or before March 21, 2025 by e-mail to Counsel for Fruit Street, [smm@mccolloch-law.com](mailto:smm@mccolloch-law.com) and [karen@karencooklaw.com](mailto:karen@karencooklaw.com), or by United Parcel Service overnight delivery, or any other overnight delivery service to Counsel for Fruit Street, S. Michael McColloch, S. Michael McColloch, PLLC, 6060 N. Central Expressway, Suite 500, Dallas, Texas, 75206 and Karen Cook, Karen Cook PLLC, 700 Park Seventeen Tower, 1717 McKinney Avenue, Dallas, Texas 7520.

The Clerk of Court is directed to close the motions at Docket Numbers 1 and 14 and terminate the case.

SO ORDERED.

Dated: March 7, 2025  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge