



DIVISION OF  
ENFORCEMENT

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
100 PEARL STREET, SUITE 20-100  
NEW YORK, NY 10004-2616

MEMO ENDORSED

October 27, 2022

**By ECF**

Hon. Kenneth M. Karas  
United States District Court  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, New York 10601-4150

Re: *U.S. Securities and Exchange Commission v. Bronson et al.*,  
12-CV-6421 (KMK)

Dear Judge Karas:

I write on behalf of the Securities and Exchange Commission ("SEC") to ask the Court to compel Paul Rachmuth to produce now overdue documents responsive to the SEC's September 14, 2022 subpoena, returnable on October 14th.

As background, the SEC served a document subpoena on Defendant Edward Bronson's then attorney, Mr. Rachmuth, for the production of non-privileged documents. In his letter to the Court on September 14, DE 383, Mr. Rachmuth represented that he intended "to fully comply with the subpoena...." Even so, on October 16<sup>th</sup>, Mr. Rachmuth sent at least a portion of his document production to Mr. Bronson's new counsel, Judd Burstein, for a privilege review, and not to the SEC. It remains unclear, however, whether Mr. Rachmuth provided all of the responsive documents to Mr. Burstein as he has failed repeatedly to respond to the Commission's inquiries about the production. Mr. Burstein, in turn, has represented to Commission counsel that he has turned over all of the documents Mr. Rachmuth sent to him. Mr. Burstein cannot confirm – nor is it his obligation to confirm – that the SEC has all documents responsive to Mr. Rachmuth's subpoena. Mr. Rachmuth has not responded to the SEC's repeated requests for his production and a privilege log for any documents withheld for privilege.<sup>1</sup>

Based on the forgoing, the SEC respectfully requests that the Court order Mr. Rachmuth to: (i) produce all non-privileged documents in his possession which were not provided to Judd Burstein forthwith but no later than within 24 hours of entry of this Order or confirm that all documents responsive to the subpoena were provided to Mr. Burstein; (ii) provide a privilege log that conforms with Local Rule 26.2 within 3 days of entry of this order for any

<sup>1</sup> The SEC seeks to have Mr. Rachmuth produce any documents he did not turn over to Mr. Burstein.

documents Mr. Rachmuth withheld for privilege; and (iii) turnover to the Court no later than 3 days of entry of this order all documents withheld for privilege for an in camera review to confirm the documents were withheld appropriately.

Respectfully submitted,  
*s/ Maureen Peyton King*

All three requests are granted.

So Ordered.

A handwritten signature in black ink, appearing to be 'MPK', written over a horizontal line.

10/27/22