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February 14, 2020

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

Re: SEC v. Joe Fiore, et al.
Case No. 18-cv-5474

Dear Judge Karas:

We represent Defendants Joseph A. Fiore, Berkshire Capital Management and Eat at Joe's (collectively, "Defendants") in this action. Pursuant to your Standing Order (§§ I.C, II A), Defendants respectfully request a pre-motion conference to address the parties' joint request for a ninety (90) day stay of discovery to allow the parties to seek Commission approval of an agreement in principle reached earlier this week in discussions with counsel that would resolve all claims in this matter. Counsel for the Commission and Defendants are currently taking the steps required to submit the proposed agreement to the Commission, including drafting proposed settlement documents.

I thank the Court for its consideration of the foregoing.

The stay is granted. The parties shall update the Court on the status of settlement by no later than May 18, 2020. So ordered.

Respectfully submitted,

ORTOLI ROSENSTADT, LLP.

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