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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
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15 SECURITIES AND EXCHANGE COMMISSION,
16 Plaintiff,
17 v.
18 NAC FOUNDATION LLC and
ROWLAND MARCUS ANDRADE,
19 Defendants.
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Case No. 3:20-cv-04188-RS
STIPULATION AND ORDER RE:
STAY OF PROCEEDINGS AND
DISCOVERY
Case Management Conference
February 4, 2021
Courtroom: 3, 17th Floor
Judge: Richard Seeborg
21

22
23 STIPULATION

24 Plaintiff Securities and Exchange Commission (“SEC”) and Defendants NAC Foundation
25 LLC and Rowland Andrade (together, “the Parties”) hereby stipulate and agree as follows:
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1 WHEREAS, a related criminal case, *United States v. Rowland Marcus Andrade*, Case No. 20-
2 cr-249-RS, is currently pending before the Court.

3 WHEREAS, in this civil case, the Court denied Defendants’ motion to dismiss on January 8,
4 2021.

5 WHEREAS, on January 13, 2021, Defendants requested that the SEC agree to a stay of the
6 SEC civil case until the resolution of the pending criminal case because of Defendants’ potential Fifth
7 Amendment issues and because a stay of the civil proceedings, including discovery, would be
8 beneficial to the parties in the criminal action.

9 WHEREAS, the SEC has been informed by the Assistant United States Attorney representing
10 the United States in the criminal case that he also believes that a stay of civil proceedings, including
11 discovery, would be beneficial to the parties in the criminal action.

12 WHEREAS, based on the facts and circumstances of this case, the SEC does not oppose a
13 stay of the civil proceedings, including discovery, until resolution of the District Court criminal
14 proceedings (i.e., sentencing or dismissal, not appeal).

15 WHEREFORE, the Parties stipulate to, and respectfully request that the Court enter, the
16 accompanying Proposed Order, staying the civil proceedings, including discovery, until resolution of
17 the District Court criminal proceedings. At the conclusion of the stay, the Parties and the Court will
18 re-evaluate the need for civil discovery and the appropriate schedule.

19 STIPULATED AND AGREED TO BY:

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21 Dated: January 21, 2021

21 /s/ John K. Han
22 John K. Han
23 U.S. Securities & Exchange Commission
24 44 Montgomery Street, Suite 2800
25 San Francisco, CA 94104
26 Attorneys for the Plaintiff Securities and Exchange
27 Commission

25 Dated: January 21, 2021

25 Murphy & McGonigle, PC
26 By: /s/ Katherine Cooper/jkh
27 Katherine Cooper
28 Attorney for Defendants

ORDER


Based on the foregoing stipulation, and for good cause shown, IT IS HEREBY:

ORDERED that all current deadlines and dates, including Defendants' Answer, the Parties Initial Disclosures, the Parties' Joint Case Management Statement, and the Case Management Conference are VACATED;

FURTHER ORDERED that all proceedings in this civil action, including discovery, are stayed until further order of the Court; and

FURTHER ORDERED that, within 30 days after resolution of the District Court criminal proceeding in, *United States v. Rowland Marcus Andrade*, Case No. 20-cr-249-RS, (i.e., sentencing or dismissal, not appeal), the parties shall file a request for a status hearing with the Court.

Date: January 21, 2021



The Honorable Richard Seeborg
United States District Judge

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