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March 25, 2025

The Honorable Peggy Kuo, U.S.M.J.
United States District Court for the Eastern District of New York
Courtroom 11C South
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Securities and Exchange Commission v. Schueler, et al.*
Case No. 1:23-cv-05749-CBA-PK

Dear Judge Kuo:

Defendant Richard Heart and Plaintiff Securities and Exchange Commission (“SEC”) jointly submit this letter in response to the Court’s March 24, 2025 Order in the above-captioned matter regarding the parties’ deadline to submit a joint status report certifying the close of fact discovery.

The Court granted Mr. Heart’s motion to dismiss the SEC’s complaint on February 28, 2025. *See* ECF No. 57. The Court’s ruling gave the SEC until March 20, 2025 to file an amended complaint. *See id.* at 31. The Court subsequently extended the SEC’s deadline to file an amended complaint to April 21, 2025. *See* Mar. 17, 2025 Order Granting ECF No. 58. As of the date of this letter, the SEC has not filed an amended complaint. Accordingly, there is currently no operative complaint in the above-captioned matter. Given the Court’s ruling on Mr. Heart’s motion to dismiss, the parties understood that the deadlines in the Court’s May 6, 2024 Scheduling Order (ECF No. 42)—including the deadline regarding the joint status report certifying the close of fact discovery—were no longer operative.

The parties respectfully propose that they file a revised Proposed Discovery Plan/Scheduling Order for the Court’s consideration if the SEC files an amended complaint.

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Respectfully submitted by,

/s/ Michael Liftik

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