

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

-v-

TERRAFORM LABS PTE LTD. and DO
HYEONG KWON,

Defendants.

23-cv-1346 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On January 11, 2024, defendant Do Hyeong Kwon moved to postpone the trial in this case, currently scheduled to begin on January 29, 2024, until late March of this year, based on his estimate that he would be available to be present at trial at that time. ECF No. 161. In a subsequent letter to the Court on January 15, 2024, Kwon represented that "should the Court adjourn the combined trial of the SEC's cases against Terraform Labs and Mr. Kwon to any date after March 18, Mr. Kwon will make no additional requests for adjournment of the trial date, even if he is still not able to attend trial on the new date set." ECF No. 163, at 1. Kwon's co-defendant, Terraform Labs Pte. Ltd. ("Terraform"), informed the Court on January 12, 2024 that it took no position on the request. On January 15, 2024, the SEC filed a response joining in the request for an adjournment so that Kwon might be able to appear at trial. ECF No. 162.

Despite Kwon's representation that he has consented to his extradition from Montenegro, where he is presently being held, there is no absolute guarantee that he will be released in time for his appearance at a late March trial. Nevertheless, the Court will indulge his counsel's request given their express recognition that the trial cannot be further postponed. Accordingly, the trial is hereby moved to March 25, 2024, at 9:30 AM.¹ No further requests from any party for any further adjournment will be entertained.

SO ORDERED.

Dated: New York, NY
January 16, 2024



JED S. RAKOFF, U.S.D.J.

¹ The SEC requested that, if possible, the trial be moved to April 15 to accommodate other commitments of certain of its attorneys, but also reconfirmed that it could be available for a late March trial if necessary. Unfortunately, the Court's other commitments render the April 15 date an impossibility.