

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

CASE NO. 8:20-cv-00394-MSS-SPF

v.

KINETIC INVESTMENT GROUP,
LLC *et al.*,

Defendants,

_____ /

JOINT MOTION FOR A 90-DAY STAY

Defendant MICHAEL SCOTT WILLIAMS (“**Defendant**”) and Plaintiff SECURITIES AND EXCHANGE COMMISSION (“**Commission**”) jointly move to stay this matter through April 21, 2025 (*i.e.*, 90 days from the January 21, 2025 deadline for the Commission to seek a civil penalty against Defendant) so the parties have an opportunity to confer on the remaining issues of injunctive and monetary relief sought by the Commission. Conferral may narrow the issues presented in the Commission’s anticipated motion for relief and, thus, minimize judicial labor and conserve the parties’ resources.

1. On November 22, 2024, the Court entered an Order (“**Order**”) granting the Commission’s motion for summary judgment, denying Defendant’s motion for summary judgment and motion for judgment on the pleadings,

reserving ruling on whether the Commission is entitled to a permanent injunction against Defendant and the amount of disgorgement and prejudgment interest to impose against Defendant, and allowing the Commission sixty days (*i.e.*, until January 21, 2025) to file an appropriate motion for civil penalties.
[D.E. 338]

2. After the entry of the Court's Order, counsel for the Commission contacted undersigned counsel for Defendant to discuss potentially resolving the outstanding issues of injunctive and monetary relief (*i.e.*, disgorgement, prejudgment interest, and a civil penalty).

3. Defendant's undersigned counsel subsequently attempted to contact Defendant by telephone, email, text, and WhatsApp to obtain direction from Defendant as to how he would like to proceed; however, Defendant's undersigned counsel has so far been unable to reach Defendant.

4. Defendant's undersigned counsel understands that Defendant currently resides in Portugal (Defendant's undersigned counsel does not know the city or region in which Defendant resides).

5. On March 7, 2024, Defendant's undersigned counsel learned through a person claiming to be Defendant's girlfriend that Defendant had been arrested in Portugal and was being held pending his extradition to the United States in connection with a criminal case filed in the United States District Court of Puerto Rico.

6. Defendant's undersigned counsel has been unable to communicate with Defendant directly — either by telephone, email, text, or WhatsApp — since March 7, 2024 to confirm that Defendant had been arrested (or that the person who contacted him on March 7 was in fact Defendant's girlfriend).

7. Consistent with what was told to Defendant's counsel, however, on April 4, 2023, the Commission filed its *Notice of Related Action and Status Report* in which it represented that a federal grand jury in the United States District Court of Puerto Rico had returned a sealed Indictment against Defendant. [D.E. 327]

8. Defendant's undersigned counsel is now in the process of trying to locate where Defendant is and establish a means for communicating with Defendant privately and directly.¹

9. Accordingly, undersigned counsel on behalf of Defendant and the Commission respectively requests a 90-day stay through and including April 21, 2025, by which time the Commission shall file the appropriate motion for relief, or the parties shall file a joint status report.

10. A stay will allow Defendant's undersigned counsel to locate and communicate with Defendant, the parties to confer and potentially resolve the

¹ Defendant's undersigned counsel is reluctant to communicate with the person claiming to be (but not yet confirmed to be) Defendant's girlfriend about legal matters concerning Defendant out of concern for potential privilege issues that might be implicated — especially in light of the pending criminal case against Defendant.

outstanding issues of injunctive and monetary relief, and the Commission to potentially narrow the issues presented in its anticipated motion for relief.

11. The proposed stay is made in good faith and not for purposes of delay and will not result in prejudice to any party in this case.

WHEREFORE, Defendant and the Commission respectfully request that the Court stay this matter for 90 days through and including April 21, 2025, by which time the Commission shall file the appropriate motion for relief or the parties shall file a joint status report, and grant any and all such further relief that the Court deems just and equitable.

Respectfully Submitted,

By: /s/ Christine Nestor & Stephanie
N. Moot

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 18, 2022, the foregoing document was filed with the Clerk of the Court using the CM/ECF system and served on all counsel of record.

By: /s/ Jon A. Jacobson