

**UNITED STATES OF AMERICA**  
**Before the**  
**SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING**  
**File No. 3-22214**

**In the Matter of**  
  
**EVAN H. KATZ,**  
  
**Respondent.**

**OPPOSITION OF DIVISION OF  
ENFORCEMENT TO APPLICATION OF  
RESPONDENT EVAN H. KATZ FOR AN  
EMERGENCY ORDER**

The Division of Enforcement (“Division”) respectfully submits this Opposition (“Opposition”) to the October 21, 2025 Application of Respondent Evan H. Katz (“Katz”) for an Emergency Order (“Emergency Application”), which the Division construes an application for relief from the Commission’s stay of administrative proceedings entered on October 1, 2025 (“Stay Order”).

Katz fails to show valid grounds for relief from the Stay Order. Moreover, the Commission lacks jurisdiction to grant Katz’s request to stay enforcement of the monetary relief provisions contained in the September 27, 2024 Settled Order Instituting Proceedings Pursuant to Section 8A of the Securities Act of 1933, Making Findings and Imposing a Cease-and-Desist Order (“Settled OIP”) because the applicable provisions of the Settled OIP were converted to a final judgment in the district court action captioned, *SEC v. Evan Katz*, 1:25-mc-01324-JMA (E.D.N.Y) (Dkt. No. 17) (the “District Court Judgment”). Accordingly, there is no imminent threat to property at issue in this administrative proceeding, and granting relief from the Commission’s Stay Order would be futile.

For these reasons and as set forth below, the Commission should deny the Emergency Application.

### **I. Relevant Procedural History**

On September 27, 2024, the Commission issued the Settled OIP. *In the Matter of Evan H. Katz*, A.P. File No. 3-22214, Sec. Act Rel. No. 11312 (Sept. 27, 2024). The Commission ordered Katz to, *inter alia*, pay a civil penalty of \$98,542.97, disgorgement in the amount of \$98,542.97, and prejudgment interest of \$5,397.83 within 14 days of issuance of the Settled OIP. (*Id.* at 5.) Katz failed to pay the Commission. Pursuant to Securities and Exchange Act of 1934 Section 21(e) [15 U.S.C. § 78u], SEC counsel converted the monetary relief provisions of the Settled OIP to the District Court Judgment. On March 31, 2025, in the United States District Court for the Eastern District of New York entered the District Court Judgment against Katz and ordered Katz to pay the amounts ordered in the Settled OIP plus applicable interest. *SEC v. Katz*, 25-mc-01324 (E.D.N.Y. March 31, 2025) (Dkt. No. 17).

Katz again failed to pay. On August 22, 2025, Katz agreed to an informal payment plan with the Commission whereby he was required to make installment of payments of \$27,000 by August 27, 2025, \$12,750 by the 26<sup>th</sup> of each month thereafter for 10 months, and a final payment of all outstanding principal and interest by August 26, 2026. Although this agreement did not disturb the terms of the District Court Judgment, the Commission agreed not to take additional steps to collect from Katz provided that he complied fully with the terms of the agreement.

On September 30, 2025, Katz applied to the Commission to vacate the Settled OIP. Katz served on the Division an Application by Respondent Evan H. Katz to Vacate Order Instituting Proceedings, dated September 22, 2025.

On October 1, 2025, the Commission issued an Order staying all administrative proceedings (the “Stay Order”). *In re: Pending Administrative Proceedings*, Sec. Act Rel. No. 3-11392 (October 1, 2025). The Stay Order provides, in pertinent part, that any party in a proceeding pending before the Commission may make a request to the Commission that the stay be lifted if it believes that lifting the stay is necessary because of an “imminent[] threat[] to the safety of human life or the protection of property.” (*Id.* at 2.) The Division construes the Emergency Application as an emergency request for relief from the Stay Order notwithstanding that Katz did not caption it accordingly.

## **II. Argument**

The Stay Order requires the stay of all administrative proceedings unless a party can show an imminent threat to human life or property. Katz does not and cannot show either. All Katz points to is an upcoming obligation under a payment plan that he negotiated with Commission counsel in connection with enforcement of the District Court Judgment. But because Katz’s payment obligations under the Settled OIP have been converted to the District Court Judgment, there is no monetary issue—and thus no imminent threat to property—at stake in this administrative proceeding.

The Commission converted the Settled OIP to the District Court Judgment pursuant to Exchange Act Section 21(e), 15 U.S.C. § 78u, which “permit[s] the use of summary proceedings in district court to enforce SEC orders.” *SEC v. Vindman*, No. 06-CV-14233, 2007 WL 1074941, at \*1 (S.D.N.Y. Apr. 5, 2007). The District Court Judgment, in turn, explicitly reserves jurisdiction to the district court for purposes of enforcing its terms. District Court Judgment, ¶ 7. Therefore, any changes to the terms of the District Court Judgment must be directed to the district court – not the

Commission. Because Katz is unable to identify a property interest at stake in this proceeding, let alone an imminent threat to such property, lifting the Stay Order is unwarranted.

Tellingly, Katz has not sought relief in the district court where, pursuant to Federal Rule of Civil Procedure 62(b), a party may obtain a stay of proceedings to enforce a judgment “by providing a bond or other security,” which Katz has failed to do.

Even putting aside that Katz is seeking relief in the wrong forum, he cannot show an emergency involving the need to lift the Stay Order for the protection of property. If Katz chooses to make a payment under his payment plan and the payment obligations under the District Court Judgement are later vacated, the monies could be returned to him.

### **III. Conclusion**

For the foregoing reasons, the Division requests that the Emergency Application be denied in its entirety.

Dated: October 24, 2025

Respectfully Submitted,

/s/ Christopher J. Dunnigan  
Christopher J. Dunnigan  
DIVISION OF ENFORCEMENT  
United States Securities and Exchange Commission  
New York Regional Office  
100 Pearl Street, Suite 20-100  
New York NY 10004  
t: 212-336-0061  
[dunnigancj@sec.gov](mailto:dunnigancj@sec.gov)

**Certificate of Service**

I, Christopher J. Dunnigan, Senior Trial Counsel for the Division of Enforcement, and counsel of record in this matter, hereby certify that, pursuant to Rule 150 of the Securities and Exchange Commission's Rules of Practice and Rules on Fair Funds and Disgorgement Plans that I caused to be served by UPS and email the Opposition of the Division of Enforcement to Application of Respondent Evan H. Hatz for Emergency Order upon Howard Fischer, Esq., Moses & Singer LLP, The Chrysler Building 405 Lexington Avenue New York, NY 10174-1299, counsel of record for Respondent Evan H. Katz.

October 23, 2025

/s/ Christopher J. Dunnigan  
Christopher J. Dunnigan  
Senior Trial Counsel  
Securities and Exchange Commission  
Division of Enforcement  
New York Regional Office  
100 Pearl Street, Suite 20-100  
New York, NY 10004-2616  
t: (212) 336-0061  
dunnigancj@sec.gov