

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

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

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

**Response by Respondent Evan H. Katz to**  
**the October 23, 2025 Opposition by the Division**  
**of Enforcement**

**Respondent.**

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Respondent Evan H. Katz (“Mr. Katz” or “Respondent”), through his undersigned counsel, hereby responds to the Division of Enforcement’s October 23, 2025 Opposition to Mr. Katz’s application to stay his payment obligation, on the grounds that his prior petition to vacate his OIP, and stay his obligation pending the determination of that petition, will not be determined by the Commission in a timely fashion, due to the lapse in federal government appropriations.

Enforcement’s opposition is predicated on the assertion that Mr. Katz’s application was improperly brought before the Commission, rather than in the federal court (the Eastern District of New York) where Enforcement had commenced a judgment enforcement action. However, Enforcement’s position is factually incorrect with respect to Respondent’s obligations under the parties’ agreed-upon payment plan. As reflected in Exhibit A hereto, Respondent’s monthly payment obligation was part of an “informal payment plan” agreed to between him and the Division of Enforcement. Accordingly, there is no basis nor reason for Respondent to seek relief from federal court, since the payment agreement was with the Commission’s representative.

Given the delays and uncertainty occasioned by the ongoing federal shutdown, Respondent respectfully submits that it is appropriate under the circumstances for him not to make payments until his petition to vacate his OIP and payment obligation has been determined by the Commission.

While Respondent respectfully submits there is a strong case for the vacating of the OIP, and Petitioner's payment obligation, for all of the reasons that are discussed and set forth in that petition, Mr. Katz, of course, will resume payments if his petition is not granted.

A copy of this reply has been sent today to Chris Dunnigan, the Senior Trial Counsel handling this matter, via email.

Dated: October 29, 2025  
New York, New York

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