

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF NEW YORK

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 SECURITIES AND EXCHANGE :
 COMMISSION, :
 :
 Plaintiff, :
 :
 v. : **ORDER**
 : 22-CV-3353 (WFK) (JRC)
 LG CAPITAL FUNDING, LLC *et al.*, :
 :
 Defendants. :
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WILLIAM F. KUNTZ, II, United States District Judge:

The Alternative Investment Management Association, Ltd. (“AIMA”), Trading and Markets Project, Inc. (“TMP”), and National Association of Private Fund Managers (“NAPFM”) (together, “Amici”) have moved for leave to file a brief as amici curiae in support of Defendants’ Motion to Dismiss. ECF No. 26 (“Mot. to Dismiss”); ECF No. 39 (“Mot. to File as Amici”). On July 20, 2023, the Securities and Exchange Commission (“Plaintiff”) filed in opposition to Amici’s Motion. ECF No. 44 (“Defs. Response”).

Amici and Plaintiff agree the Court has broad discretion to permit a party to act as an amicus curiae. Mot. to File as Amici at 2; Defs. Response at 2; ECF No. 45 at 2 (“Amici’s Reply to Defs. Response”). These parties also agree courts routinely accept amici briefs when such briefs offer unique information or perspectives beyond what the parties to the case are able to provide. *Id.* However, Plaintiff contests the utility of Amici’s proposed brief here and thus argues the Court should deny Amici leave to file.

Upon careful review of the parties’ arguments, the Court finds the Amici offer unique perspectives, context, and expertise and that their proposed brief is not duplicative of Defendant’s Motion at ECF No. 26.

Accordingly, the Court GRANTS Amici leave to file as amici in support of Defendants’

Motion to Dismiss and ORDERS the following briefing schedule:

- Amici shall submit their brief in support of Defendants' Motion to Dismiss, which they had previously filed as Exhibit A to Amici's Motion, ECF No. 39-2, by Friday, July 28, 2023 at 5:00 P.M.;
- Plaintiff shall submit a response by Friday, August 25, 2023 at 5:00 P.M.; and
- Amici shall submit their reply, if any, by Friday, September 8, 2023 at 5:00 P.M.

As a courtesy, the Court requests the parties refrain from filing motion papers until the motion has been fully briefed. If the parties elect to file their motion only once it is fully briefed, the notice of motion and all supporting papers are to be served on the other party along with a cover letter setting forth whom the movant represents and the papers being served. Only a copy of the cover letter shall be electronically filed in advance of the fully briefed motion, and it must be filed as a letter, not as a motion. On the day the motion is fully briefed, each party shall electronically file their individual motion papers by 5:00 P.M.

SO ORDERED.

s/WFK

HON. WILLIAM F. KUNTZ, II
UNITED STATES DISTRICT JUDGE

Dated: July 25, 2023
Brooklyn, New York