

XI. Appendix

Appendix A Opinion of the U.S Court of Appeals for the DC Circuit

No. 19-1266

*Meghan Belaski and Scott Nutt v. Securities and
Exchange Commission*

(March 5, 2021)

Judges Tatel, Millett, and Rao

Appendix B Opinion of the U.S Court of Appeals for the DC Circuit

No. 19-1266

*Meghan Belaski and Scott Nutt v. Securities and
Exchange Commission*

(April 26, 2021)

Judges Srinivasan, Chief Judge, and Henderson, Rogers,
Tatel, Millett, Pillard, Wilkins, Katsas, Rao and Walker,
Circuit Judges

Appendix C Opinion of the U.S Court of Appeals for the DC Circuit

No. 19-1266

*Meghan Belaski and Scott Nutt v. Securities and
Exchange Commission*

(May 4, 2021)

Appendix D Securities and Exchange Commission Document #1894233

Filed (April 13, 2021) and U.S. Court of Appeals for the
DC Circuit pro-se email to Meghan Belaski

(April 21, 2021)

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1266

September Term, 2020

SEC-Rel34-87662
SEC-Rel34-87663

Filed On: March 5, 2021

Meghan Belaski and Scott Nutt,

Appellants

v.

Securities and Exchange Commission,

Appellee

ON APPEAL FROM THE SECURITIES AND EXCHANGE COMMISSION

BEFORE: Tatel, Millett, and Rao, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the Securities and Exchange Commission ("SEC") and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing; the motions for judicial notice; the motions to supplement the record, the opposition to one of those motions, and the reply; the motion to correct the record; and the motion styled as a "motion to request an amendment to this case," it is

ORDERED that appellants' May 22, 2020 motion to supplement the record be granted in part and denied in part. The motion is granted with respect to what appellants designate as documents C-1 and C-2. The motion is otherwise denied because the proffered material is not relevant to the disposition of this appeal. It is

FURTHER ORDERED that appellants' remaining motions to supplement the record and motions for judicial notice be denied because the proffered material is not relevant to the disposition of this appeal. It is

FURTHER ORDERED that appellants' motion to correct the record be denied. It is

FURTHER ORDERED AND ADJUDGED that the December 5, 2019 orders of the SEC denying appellants' applications for whistleblower awards be affirmed. Appellants argue that they are entitled to a related-action award based on information they provided to the SEC. However, the SEC correctly determined that, because

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appellants were not entitled to a covered-action award, they were not even eligible for a related-action award. See 15 U.S.C. § 78u-6(a)(5); 17 C.F.R. § 240.21F-11(a); see also Claim for Award in Connection with Redacted Notice of Covered Action Redacted, Exchange Act Release No. 84,506, 2018 WL 5619386, at *3 n.5 (Oct. 30, 2018).

Appellants additionally argue that certain irregularities in the underlying whistleblower proceeding demonstrate that the proceeding was legally deficient. But because appellants were not eligible for a related-action award, any such errors could not have affected the outcome of the proceeding and were therefore harmless. See PDK Labs. Inc. v. U.S. DEA, 362 F.3d 786, 799 (D.C. Cir. 2004); see also Nat'l Ass'n of Home Builders v. Defenders of Wildlife, 551 U.S. 644, 659–60 (2007). It is

FURTHER ORDERED that appellants' motion to request an amendment to this case be dismissed as moot.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after the resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1266

September Term, 2020

SEC-Rel34-87662

SEC-Rel34-87663

Filed On: April 26, 2021

Meghan Belaski and Scott Nutt,

Appellants

v.

Securities and Exchange Commission,

Appellee

BEFORE: Srinivasan, Chief Judge, and Henderson, Rogers, Tatel, Millett,
Pillard, Wilkins, Katsas, Rao, and Walker, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote; the motion for judicial notice; and the motion to stay en banc rehearing request and the opposition thereto, it is

ORDERED that the motion for judicial notice be denied because the proffered material is not relevant to the disposition of this appeal. It is

FURTHER ORDERED that the motion to stay en banc rehearing request be denied. It is

FURTHER ORDERED that the petition for rehearing en banc be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-1266

September Term, 2020

SEC-Rel34-87662

SEC-Rel34-87663

Filed On: May 4, 2021 [1897282]

Meghan Belaski and Scott Nutt,

Appellants

v.

Securities and Exchange Commission,

Appellee

MANDATE

In accordance with the judgment of March 5, 2021, and pursuant to Federal Rule of Appellate Procedure 41, this constitutes the formal mandate of this court.

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

[Link to the judgment filed March 5, 2021](#)

The Commission respectfully opposes appellants' request for a stay of the case pending their filing of a petition for a writ of certiorari. *See* Doc. 1893935 (Apr. 7, 2021). Appellants' en banc petition is pending and the Court has not called for a response. Appellants state (at 1) that a stay is justified because "Meghan Belaski has been using this very court to communicate with the FBI et al., through the pro-se email address for this particular court," but that statement has no bearing on whether a stay is warranted. Moreover, if the Court denies appellants' en banc petition, the filing of a petition does not automatically stay the mandate pending a petition for certiorari. *See* Fed. R. App. P. 41. Nor can appellants establish that any certiorari petition "would present a substantial question and . . . there is good cause for a stay." Fed. R. App. P. 41(d)(1). Appellants' motion should be denied.

Respectfully submitted,

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April 2021



MeghanChristine Ashe <meghanchristineashe@gmail.com>

Use of ProSeFilings Email Address

1 message

CADCdb_ProSeFilings <ProSeFilings@cadc.uscourts.gov>

Wed, Apr 21, 2021 at 11:47 AM

To: "meghancashe@gmail.com" <meghancashe@gmail.com>, "meghanchristineashe@gmail.com" <meghanchristineashe@gmail.com>

Ms. Belaski-Ashe,

This email address (CADCdb_ProSe Filings) was created during the pandemic solely for the purpose of allowing pro se filers to submit documents via email that are to be filed in a case in this court. You have repeatedly used this address for emails that are unrelated to your appellate court case. As a result, you will no longer be permitted to file any submissions through the pro se email box. In the future, if you wish to submit a document in your case No. 19-1266, you must do so by mailing paper copies to the court, U.S. Court of Appeals for the D.C. Circuit, 333 Constitution Avenue, N.W., Washington, DC 20001. The court will no longer review or docket any emailed submissions.