

APPENDIX

Appendix A	Judgment by the Court of Appeal
Appendix B	Judgment by the District Court
Appendix C	Order by the Court of Appeal Denying Petition for Rehearing
Appendix D	Injunctions entered by the District Court

APPENDIX A

811 Fed.Appx. 3 (Mem)

This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. D.C.Cir. Rule 32.1 and Rule 36. United States Court of Appeals, District of Columbia Circuit.

**SECURITIES AND EXCHANGE
COMMISSION, Appellee**

v.

Paul A. BILZERIAN, Appellant
Ernest B. Haire, Appellee

No. 18-5109

|
September Term, 2019

|
Filed On: June 24, 2020

|
Rehearing En Banc Denied August 28, 2020

**ON APPEAL FROM THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF COLUMBIA, 1:89-
cv-01854-RCL**

Attorneys and Law Firms

Hope Hall Augustini, Senior Litigation Counsel, Michael Andrew Conley, Solicitor, Emily True Parise, Attorney, U.S. Securities and Exchange Commission, (SEC) Office of the General Counsel, Washington, DC, for Plaintiff-Appellee

Paul A. Bilzerian, Pro Se

Ernest B. Haire, Pro Se

BEFORE: Henderson, Griffith, and Katsas, Circuit Judges

Per Curiam

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed March 27, 2018, denying appellant's motion for relief from judgment under *4 Federal Rule of Civil Procedure 60(b)(5), be affirmed. The district court did not abuse its discretion in denying appellant's Rule 60(b)(5) motion, because he has not demonstrated "a significant change either in factual conditions or in law" that renders continued enforcement of the filing injunctions entered against him "detrimental to the public interest." Am. Council for the Blind v. Mnuchin, 878 F.3d 360, 366 (D.C. Cir. 2017) (quoting Horne v. Flores, 557 U.S. 433, 447, 129 S.Ct. 2579, 174 L.Ed.2d 406 (2009)). It is

FURTHER ORDERED that appellant's challenge to the district court's order filed March 27, 2018, denying his motion for permission to participate in his wife's bankruptcy case, be dismissed as moot. Appellant has represented that the bankruptcy court decided the issue which gave rise to his motion for permission to participate in March 2018, and, therefore, his appeal of the district court order denying that motion is now moot. See McBryde v. Comm. to Review, 264 F.3d 52, 55 (D.C. Cir. 2001) ("If events outrun the controversy such that the court can grant no meaningful relief, the case must 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 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.

All Citations

811 Fed.Appx. 3 (Mem)

JUDGMENT

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

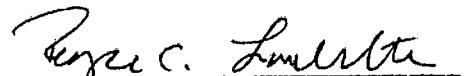
SECURITIES AND EXCHANGE COMMISSION, §
§
PLAINTIFF, §
§
v. §
§
§
No. 1:89-cv-01854-RCL
Paul Bilzerian; §
§
DEFENDANTS. §

Order

Upon consideration of Paul A. Bilzerian's Rule 60(b) Motion [1215] to Terminate Litigation Injunctions Entered on July 5, 2001 [Dkt 318] and July 19, 2001 [Dkt 416] and Verified Memorandum in Support, and the entire record in this case, this Court finds that the motion must be **DENIED**. The defendant has never fully satisfied the money judgment that was entered against him in this case. The receivership was just one of many efforts made by the plaintiff to seek payment of the outstanding judgment. The injunction here will not be terminated.

It is so ordered.

SIGNED this 26th day of March, 2018.



HONORABLE ROYCE LAMBERTH
UNITED STATES DISTRICT JUDGE

APPENDIX C

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 18-5109

September Term, 2019

1:89-cv-01854-RCL

Filed On: August 28, 2020

Securities and Exchange Commission,

Appellee

v.

Paul A. Bilzerian,

Appellant

Ernest B. Haire,

Appellee

BEFORE: Henderson, Griffith, and Katsas, Circuit Judges

O R D E R

Upon consideration of the petition for rehearing, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk

APPENDIX D

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 5 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

Civil Action
No. 89-1854 (RCL)

PAUL A. BILZERIAN, et al.,

Defendants.

SHOW CAUSE ORDER

Deborah R. Meshulam, solely in her capacity as Receiver (the "Receiver") of the *Securities and Exchange Commission v. Paul A. Bilzerian, et al.*, Civil Action No. 890-1854 (SSH) Receivership Estate, having made a preliminary showing that Defendant Paul A. Bilzerian is in violation of the Order Appointing Receiver, entered on December 22, 2000 by this Court, it is hereby

as amended 3/1/01, by filing a motion to reopen his Bankrupt case,

1 ORDERED that Defendant Paul A. Bilzerian show cause on July 12, 2001 at 11:00 a.m., why he should not be held in civil contempt of the December 22, 2000 Order of this Court. Mr. Bilzerian may file a memorandum in opposition to the Receiver's motion, on or before July 1, 2001 and the Receiver may file a memorandum in reply on or before July 16, 2001.

in writing

is motion to extend time to oppose

to show cause is DENIED.

In light of the matters set forth in the Supplemental Memorandum in Further Support of her June 25, 2001 Motion For Show Cause Order and Other Relief, and specifically, the entry of an Order in the United States Bankruptcy Court for the Middle

388

* The court expresses no view at this time as to whether criminal contempt should also be instituted.

District of Florida authorizing Mr. Bilzerian to file a complaint in that Court concerning his interest in property of the Receivership Estate, it is

ORDERED that Defendant Paul A. Bilzerian is prohibited from filing or causing the filing of any complaint, proceeding or motion in the United States Bankruptcy Court for the Middle District of Florida, or from otherwise commencing or causing the commencement of any proceedings in any court, other than this Court or appeals of this Court's orders to the United States Court of Appeals for the District of Columbia, without prior application to and approval of this Court; and it is further

ORDERED that if Defendant Paul A. Bilzerian has already filed a complaint in the United States Bankruptcy Court for the Middle District of Florida, he shall immediately file a notice of dismissal pursuant to Bankruptcy Rule 7041; and it is further

ORDERED that if Defendant Paul A. Bilzerian has already filed a complaint in the United States Bankruptcy Court and fails to immediately file a notice of dismissal pursuant to Bankruptcy Rule 7041, the Receiver is hereby authorized and directed to take such action on his behalf and to take all steps necessary, if any, to close the bankruptcy proceeding in the United States Bankruptcy Court for the Middle District of Florida; and it is further

U. S. Marshals Service

ORDERED that the ~~Federal Bureau of Prisons~~ shall (i) accept a copy of this Order, (ii) shall deliver same to Defendant Paul A. Bilzerian forthwith, but in any event no later than one business day after the date of its receipt, and (iii) certify to this court that this Order was delivered to Mr. Bilzerian.

DATED: 7-5-01
9:35 a.m.

Royce C. Lamberth
HON. ROYCE C. LAMBERTH
UNITED STATES DISTRICT JUDGE

cc: Chief Judge, U.S. District Court, S.D. Florida
U.S. Bankruptcy Judge Alexander L. Paskay, S.D. Florida

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

Civil Action
No. 89-1854 (RCL)

PAUL A. BILZERIAN, et al.,

Defendants.

FILED

JUL 19 2001

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ORDER

Before the Court is the motion of Deborah R. Meshulam, solely in her capacity as Receiver of the *Securities and Exchange Commission v. Paul A. Bilzerian, et al.*, Civil Action No. 890-1854 (RCL) Receivership Estate (the "Receiver"), for an order holding the Defendant, Paul A. Bilzerian, in civil contempt for failure to comply with the Court's Order Appointing Receiver, dated December 22, 2000, as amended by Order dated March 1, 2001 (the "Receivership Order"). The Court finds that Defendant is in contempt of the Receivership Order and grants the motion of the Receiver. Accordingly, on this 19th day of July, 2001, it is hereby:

ORDERED, that Defendant, Paul A. Bilzerian, is adjudged and decreed to be in contempt of this Court's Receivership Order; it is further

ORDERED, that in order to purge himself of this finding of civil contempt, Defendant, Paul A. Bilzerian, shall, within two (2) business days of entry of this Order,

withdraw with prejudice his motion filed in In Re: Paul A. Bilzerian, Debtor, Case No. 91-10466-8P7 (Bnkr. M.D. Fla., Tampa Div.) seeking to reopen that proceeding ("Motion to Reopen"); it is further

ORDERED, that in the event that Defendant, Paul A. Bilzerian, fails to withdraw the Motion to Reopen as ordered by this Court, then, pursuant to Fed. R. Civ. Pro. 70, the *or her representative* Receiver is empowered and directed to withdraw said motion in place and stead of Defendant, Paul A. Bilzerian, and to take all other necessary steps, if any, to close the bankruptcy proceeding in the United States Bankruptcy Court for the Middle District of Florida; and it is further

ORDERED, that should the Receiver be required to withdraw the Motion to Reopen, Defendant Paul A. Bilzerian, shall bear all costs and fees associated therewith; and it is further

ORDERED that Defendant Paul A. Bilzerian, his agents, servants, employees, and attorneys, and those persons in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, are prohibited from filing or causing the filing of any complaint, proceeding or motion in the United States Bankruptcy Court for the Middle District of Florida, or from otherwise commencing or causing the commencement of any proceedings in any court, other than in this Court or in appeals of this Court's Orders to the United States Court of Appeals for the District of Columbia, without prior application to and approval of this Court; and it is further

ORDERED that if Defendant Paul A. Bilzerian has already filed a complaint in the United States Bankruptcy Court for the Middle District of Florida, he shall immediately file a notice of dismissal pursuant to Bankruptcy Rule 7041; and it is further

ORDERED that if Defendant Paul A. Bilzerian has already filed a complaint in the United States Bankruptcy Court and fails to immediately file a notice of dismissal pursuant to Bankruptcy Rule 7041, the Receiver is hereby authorized and directed to take such action on his behalf and to take all other necessary steps, if any, to dismiss such complaint in the United States Bankruptcy Court for the Middle District of Florida; and it is further

ORDERED that the U.S. Marshals Service shall (i) accept a copy of this Order, (ii) shall deliver same to Defendant Paul A. Bilzerian forthwith, but in any event no later than one (1) business day after the date of its receipt, and (iii) certify to this Court that this Order was delivered to Defendant, Paul A. Bilzerian.

DATED: 7-19-01


ROYCE C. LAMBERTH

HON. ROYCE C. LAMBERTH
UNITED STATES DISTRICT JUDGE