

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:15-CV-60082-DIMITROULEAS/SNOW

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

FREDERIC ELM f/k/a FREDERIC ELMALEH,
ELM TREE INVESTMENT ADVISORS LLC,
ELM TREE INVESTMENT FUND LP,
ELM TREE 'E'CONOMY FUND LP, AND
ELM TREE MOTION OPPORTUNITY LP,

Defendants,

and

AMANDA ELM f/k/a AMANDA ELMALEH,

Relief Defendant.

**SECOND ORDER TO SHOW CAUSE FOR LACK OF PROSECUTION AS TO
DEFENDANTS ELM TREE INVESTMENT ADVISORS LLC,
ELM TREE INVESTMENT FUND LP, ELM TREE 'E'CONOMY FUND LP,
AND ELM TREE MOTION OPPORTUNITY LP**

THIS CAUSE is before the Court on Plaintiff Securities and Exchange
Commission's Response to Court's Order to Show Cause, filed on December 28, 2016.

[DE 134].

Plaintiff commenced this action on January 15, 2015. [DE 1]. However, there is
no evidence in the record that Defendants Elm Tree 'e'Conomy Fund LP, Elm Tree
Investment Advisors LLC, Elm Tree Investment Fund LP, and Elm Tree Motion
Opportunity LP have yet responded to the Complaint. Accordingly, on December 21,

2015, the Court entered an Order to Show Cause for Lack of Prosecution as to these Defendants. *See* [DE 133].

On December 28, 2015, Plaintiff filed a Response to Court's Order to Show Cause. *See* [DE 134]. Plaintiff stated that "the Commission and the receiver have agreed the Corporate Defendants will enter into a further consent which includes, among other provisions, a judgment of permanent injunction. The parties expect to file the necessary paperwork and proposed order for the Court's review shortly after the new year."


However, as of the date of this Order, no such consent permanent injunction has been filed.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Plaintiff, on or before **February 1, 2016**, shall either file the above-referenced consent permanent injunction as to Defendants Elm Tree 'e'conomy Fund LP, Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, and Elm Tree Motion Opportunity LP, move for Clerk's Entry of Default against Defendants Elm Tree 'e'conomy Fund LP, Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, and Elm Tree Motion Opportunity LP, or show cause why this action should not be dismissed for a lack of prosecution; and
2. A failure to comply with this Order may result in the dismissal of this action without prejudice as to Defendants Elm Tree 'e'conomy Fund LP,

Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, and
Elm Tree Motion Opportunity LP.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County,
Florida, this 21st day of January, 2016.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies provided to:
Counsel of Record