

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**BRENDA SMITH, BROAD REACH
CAPITAL, LP, BROAD REACH
PARTNERS, LLC, and BRISTOL
ADVISORS, LLC,**

Defendants.

C. A. No. 2:19-cv-17213 (MCA)

Return Date: May 17, 2021

**RESPONSE OF RECEIVER, KEVIN D. KENT, ESQUIRE,
TO MOTION OF THE UNITED STATES FOR LEAVE TO
INTERVENE AND FOR A STAY [DKT NO. 78]**

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Dated: 5/3/2021

On April 22, 2021, the United States filed a motion to intervene and to stay further proceedings and discovery in this matter until the conclusion of the pending Criminal Case. (Dkt. No. 78). The Proposed Order provides that “the Preliminary Injunction (ECF No. 7), including the asset freeze, and the Order Appointing Receiver (ECF No. 22), and any other order related to the receivership and all powers granted to the Receiver, shall remain in full force and effect.” *Id.*

In light of this language, the Receiver does not interpret the proposed relief as impacting the Receiver’s duties and powers to assume control of, marshal, pursue, and preserve Receivership Assets in any way, including, *inter alia*, his ability to file motions necessary to fulfill his duties—for example, to liquidate Receivership Assets and initiate litigation. (Dkt. No. 22, ¶¶ 5, 9, 14, 45). Accordingly, the Receiver does not object to the United States’ Motion.

To the extent that any interested party or litigant suggests to the contrary, the Receiver respectfully requests that his interpretation of the Proposed Order be taken into account, and that he not be required to seek relief from any stay order in order to file the motions necessary to fulfill his duties as Receiver.

Respectfully Submitted,

Date: 5/3/2021

s/ Robin S. Weiss
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**CERTIFICATE OF
SERVICE**

I hereby certify, this 3rd day of May, 2021, that I caused to be served a true and correct copy of the Response of Receiver, Kevin D. Kent, Esquire, to Motion of the United States for Leave to Intervene and For a Stay [Dkt. No. 78]; upon Plaintiff, Securities and Exchange Commission, through counsel of record, and counsel of record for all other parties, by electronic filing pursuant to Fed.R.Civ.P. 5(b), and upon Defendant, Brenda A. Smith, on behalf of all defendants, via first-class mail, postage prepaid, as follows:

Brenda A. Smith
Permanent ID 2019-339640
CCIS# 07-571432
U.S. Marshalls Number 72832-050
Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105

s/ Robin S. Weiss
Robin S. Weiss, Esq.
Attorney for Receiver, Kevin D. Kent, Esq.