

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

SMALL BUSINESS CAPITAL CORP., et  
al.,

Defendants.

Case No. [5:12-cv-03237-EJD](#)

**ORDER RE: MOTION TO DEFER  
RULING**

Re: Dkt. Nos. 1195

As to the Motion to Appoint Counsel (Dkt. No. 1193) and Motion to Defer Ruling (Dkt. No. 1195), the court orders as follows:

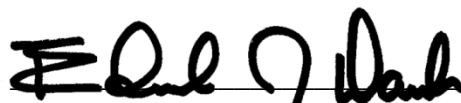
1. To the extent the Federal Public Defender requests, on behalf of Defendant Mark Feathers (“Feathers”), that the court defer ruling on the Receiver’s request to release \$200,000 in the reserve account to investors pending a certain decision from the court supervising Feathers’ criminal matter (Case No. 5:14-cr-00531-LHK), such request is GRANTED.

2. To the extent the Federal Public Defender requests, on behalf of Feathers, that the court deny the Receiver’s request to destroy records, such request is DENIED. Instead, the court will defer ruling on the Receiver’s request pending the same decision from the court supervising Feathers’ criminal matter.

3. The hearing scheduled for November 17, 2016, is VACATED.

**IT IS SO ORDERED.**

Dated: November 14, 2016

  
EDWARD J. DAVILA  
United States District Judge

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28