

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH DIVISION  
CASE NO.: 19-CV-80633

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NATURAL DIAMONDS INVESTMENT CO.,  
ET AL.,

Relief Defendants.

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**DEFENDANT, HAROLD SEIGEL'S MOTION FOR LEAVE TO FILE A SUR  
RESPONSE WITH REFERENCE TO RECEIVER'S MOTION SEEKING JUDICIAL  
DETERMINATION IN DE 264, SPECIFICALLY RELATING TO DE 265 AND DE 266**

COMES NOW, Ellen M Kaplan, Esquire, on behalf of and as counsel for Defendant, Harold Seigel, and pursuant to Local Rule, 7.1C, files this Memorandum seeking leave to file Sur Response Memorandum in reference to Receiver's 'Unopposed' Motion for Judicial Determination Regarding Ownership of 14 Diamonds In Receiver's Possession [DE 264] and as grounds therefore states:

1. Local Rule 7.1C strictly limits the Reply to a Memorandum in Opposition to rebuttal of matters raised in opposition without re-argument.

2. Receiver's Reply [DE 266] exceeds this limitation by raising a new argument, including representations about the undersigned and her client which are inaccurate, factually incorrect, warranting explanation by the undersigned to be sure the record is clear and avoid undue harm and prejudice to those involved.

3. The undersigned respectfully seeks leave of Court to file a sur reply and requests this Court grant the undersigned until Thursday, November 19, 2020 within which to draft and file same.

4. The undersigned has conferred with counsel for the SEC and represents said counsel has no objection to this request. The undersigned has written an email to the Receiver seeking their conferral and has yet to receive a response on their position. Time is of the essence for the filing of this Motion.

WHEREFORE, for these reasons and more, the undersigned requests this Honorable Court grant the undersigned leave to file a Sur Response Memorandum no later than Thursday, November 19, 2020.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Notice has been eserved via CM/ECF on all counsel of record listed below and to Jose Aman, pro se, this 12<sup>th</sup> day of November 2020.

Respectfully submitted,

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 9:19-CV-80633-ROSENBERG**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

NATURAL DIAMONDS INVESTMENT CO.,  
\_\_\_\_\_ /

**ORDER GRANTING DEFENDANTS, HAROLD SEIGEL'S,  
MOTION FOR LEAVE TO FILE SUR RESPONSE TO DE 266**

THIS MATTER, having come before the Court upon the Motion of Defendant, HAROLD SEIGEL, seeking leave to file a Sur Response with reference to Receiver's Motion Seeking Judicial Determination in DE 264 and Receiver's Reply in DE 266 and, after review of the Motion and otherwise being duly advised in the premises, said Motion is GRANTED. The Movant shall have until Thursday, November 19, 2020 to file its Sur Response.

DONE AND ORDERED in Chambers at Palm Beach County, Florida this \_\_\_\_ day of November 2020.

\_\_\_\_\_  
The Honorable Robin L. Rosenberg  
United States District Judge

Copies to All Counsel of Record