

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:17-cv-00420-L**

Securities and Exchange Commission v. Howard et al
Assigned to: Judge Sam A Lindsay
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/14/2017
Jury Demand: None
Nature of Suit: 850 Other Statutes:
Securities/Commodities/Exchange
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Securities and Exchange Commission

represented by **Timothy Sean McCole**
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V.

Defendant

Patrick O Howard

represented by **Barrett R Howell**

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*ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing***Receiver****William Craig Stokley**represented by **Kimberly Marie Johnson Sims**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Bar Status: Admitted/In Good Standing*

Date Filed	#	Docket Text
02/14/2017	<u>1</u>	New Case Notes: A filing fee is not due for this case. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Toliver). Clerk to provide copy to plaintiff if not received electronically. (axm) (Entered: 02/14/2017)
02/14/2017	<u>2</u>	COMPLAINT against Patrick O Howard, Howard Capital Holdings LLC, Optimal Economics Capital Partners LLC filed by Securities and Exchange

		Commission. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information - Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (axm) (Entered: 02/14/2017)
02/14/2017	3	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Securities and Exchange Commission. (axm) (Entered: 02/14/2017)
02/14/2017	4	Plaintiff's Emergency Ex Parte Motion to Seal Docket and Proceedings Temporarily, and Brief in Support filed by Securities and Exchange Commission. (axm) Modified restriction level on 2/16/2017 (rekc). (Entered: 02/14/2017)
02/14/2017	5	Motion for Preliminary Injunction, Ex Parte Temporary Restraining Order, Asset Freeze, Appointment of a Receiver, and Other Emergency and Ancillary Relief filed by Securities and Exchange Commission. (axm) Modified restriction on 2/16/2017 (rekc). (Entered: 02/14/2017)
02/14/2017	6	Ex Parte Brief/Memorandum in Support re: 5 Ex Parte Motion for Preliminary Injunction, Ex Parte Temporary Restraining Order, Asset Freeze, Appointment of a Receiver, and Other Emergency and Ancillary Relief filed by Securities and Exchange Commission. (axm) Modified restriction level on 2/16/2017 (rekc). (Entered: 02/14/2017)
02/14/2017	7	CERTIFICATION UNDER FED.R.CIV.P 65(b) filed by Securities and Exchange Commission. (axm) (Entered: 02/14/2017)
02/14/2017	8	Ex Parte Appendix in Support re: 5 Plaintiff's Emergency Ex Parte Motion for Temporary Restraining Order, Asset Freeze, Appointment of a Receiver, and Other Emergency and Ancillary Relief filed by Securities and Exchange Commission. [App. 910 - Exhibit 3 to Phillip Fuselier's Affidavit (MP3 Recording) Filed Under Separate Cover - See Records Department.] (Attachments: # 1 App. 149 - 270, # 2 App. 271 - 420, # 3 App. 421 - 570, # 4 App. 571 - 652, # 5 App. 653 - 802, # 6 App. 802 - 943, # 7 App. 944 - 995) (axm) Modified restriction level on 2/16/2017 (rekc). (Entered: 02/14/2017)
02/14/2017	9	Summons Issued as to Patrick O Howard, Howard Capital Holdings LLC, Optimal Economics Capital Partners LLC. (axm) (Entered: 02/14/2017)
02/14/2017	10	Ex Parte Order granting 5 Motion to Appoint a Receiver. Attorney W Craig Stokley appointed. (Ordered by Judge Sam A Lindsay on 2/14/2017) (rekc) Modified text on 2/15/2017 (rekc). Modified restriction level on 2/16/2017 (rekc). (Entered: 02/15/2017)
02/14/2017	11	Ex Parte ORDER granting sealed and/or ex parte motion 4 . It is ORDERED that these proceedings, the pleadings, motions, memoranda, all orders, and all other filings herein shall be sealed until the earlier of one of the following: 1. Executed returns of service or waivers of service are filed; 2. The Commission files a Notice of Status stating that because one or more of the defendants in the action have sufficient notice of this action, further sealing is unnecessary; 3. If neither of the above occurs before 5:00 p.m. on 2/17/2017, the Clerk is

		ORDERED to unseal the matter at that time. (Ordered by Judge Sam A Lindsay on 2/14/2017) (rekc) Modified text on 2/15/2017 (rekc). Modified restriction level on 2/16/2017 (rekc). (Entered: 02/15/2017)
02/14/2017	12	Ex Parte Order re: 5 ex parte motion. Motion Hearing set for 2/27/2017 09:00 AM before Judge Sam A Lindsay. (Ordered by Judge Sam A Lindsay on 2/14/2017) (rekc) Modified restriction level on 2/16/2017 (rekc). (Entered: 02/15/2017)
02/15/2017	13	NOTICE of Status filed by Securities and Exchange Commission. (rekc) (Entered: 02/15/2017)
02/16/2017	14	Order to Unseal Case. (Ordered by Judge Sam A Lindsay on 2/16/2017) (rekc) (Entered: 02/16/2017)
02/17/2017	15	SUMMONS Returned Executed as to Howard Capital Holdings LLC ; served on 2/14/2017. (McCole, Timothy) (Entered: 02/17/2017)
02/17/2017	16	SUMMONS Returned Executed as to Optimal Economics Capital Partners LLC ; served on 2/14/2017. (McCole, Timothy) (Entered: 02/17/2017)
02/23/2017	17	Unopposed MOTION to Enter Agreed Interlocutory Judgment as to Defendant Patrick O. Howard filed by Securities and Exchange Commission (Attachments: # 1 Exhibit(s) A-Consent of Defendant Patrick O. Howard, # 2 Exhibit(s) B-Judgment as to Defendant Patrick O. Howard, # 3 Proposed Order) (Fraser, B) Modified on 2/24/2017 (epm). (Entered: 02/23/2017)
02/23/2017	18	Joint MOTION to Enter Agreed Interlocutory Judgments Against Defendants Howard Capital Holdings, LLC and Opitmal Economics Capital Partners, LLC filed by Receiver, Securities and Exchange Commission (Attachments: # 1 Exhibit(s) A Consent of Howard Capital Holdings, LLC, # 2 Exhibit(s) B Consent of Opitmal Economics Capital Partners, LLC, # 3 Exhibit(s) C Judgment for Howard Capital Holdings, LLC, # 4 Exhibit(s) D Judgment for Opitmal Economics Capital Partners, LLC, # 5 Proposed Order) (Fraser, B) Modified on 2/24/2017 (epm). (Entered: 02/23/2017)
02/24/2017	19	ORDER: Based on the representations of the parties, the court cancels the hearing in this case on the Securities and Exchange Commission's motion for a preliminary injunction that was set for 9:00 a.m. on 2/27/2017. (Ordered by Judge Sam A Lindsay on 2/24/2017) (twd) (Entered: 02/24/2017)
02/28/2017	20	NOTICE of Attorney Appearance by Kimberly Marie Johnson Sims on behalf of Receiver. (Filer confirms contact info in ECF is current.) (Sims, Kimberly) (Entered: 02/28/2017)
02/28/2017	21	MOTION Allow Initial Payments By Receiver related to Employee Wages filed by Receiver (Attachments: # 1 Proposed Order) (Sims, Kimberly) (Entered: 02/28/2017)
02/28/2017	22	NOTICE of Attorney Appearance by Rachel Malone Riley on behalf of Patrick O Howard. (Filer confirms contact info in ECF is current.) (Riley, Rachel) (Entered: 02/28/2017)
02/28/2017	23	

		NOTICE of Attorney Appearance by Barrett R Howell on behalf of Patrick O Howard. (Filer confirms contact info in ECF is current.) (Howell, Barrett) (Entered: 02/28/2017)
03/02/2017	24	SUMMONS Returned Executed as to Patrick O Howard ; served on 2/22/2017. (Fraser, B) (Entered: 03/02/2017)
03/02/2017	25	ELECTRONIC Minute Entry for proceedings held before Judge Sam A Lindsay: Telephone Conference held on 3/2/2017. Attorney Appearances: Plaintiff - Timothy Sean McCole, B. David Fraser, Scott Mascianica; Defense - Brandon McCarthy, Phil Bazanson, Barrett Howell. (Court Reporter: Charyse Crawford) (No exhibits) Time in Court - 0:10. (chmb) (Entered: 03/02/2017)
03/02/2017	26	ORDER granting 21 Motion Allow Initial Payments By Receiver related to Employee Wages. (Ordered by Judge Sam A Lindsay on 3/2/2017) (ndt) (Entered: 03/02/2017)
03/02/2017	27	Unopposed MOTION for Judgment <i>to Enter Agreed Final Judgment of Permanent Injunctions Against Defendant Patrick O. Howard</i> filed by Securities and Exchange Commission (Attachments: # 1 Exhibit(s) A-Consent of Defendant Patrick O. Howard, # 2 Exhibit(s) B-Proposed Final Judgment of Permanant Injunctions Against Defendant Patrick O. Howard, # 3 Proposed Order) (Fraser, B) (Entered: 03/02/2017)
03/02/2017	28	Joint MOTION for Judgment <i>to Enter Agreed Final Judgments of Permanent Injunctions Against Defendants Howard Capital Holdings, LLC and Optimal Economics Capital Partners, LLC</i> filed by Securities and Exchange Commission (Attachments: # 1 Exhibit(s) A-Consent of Defendant Howard Capital Holdings, LLC, # 2 Exhibit(s) B-Consent of Defendant Optimal Economics Capital Partners, LLC, # 3 Exhibit(s) C-Proposed Final Judgment of Permanant Injunctions Against Defendant Howard Capital Holdings, LLC, # 4 Exhibit(s) D-Proposed Final Judgment of Permanent Injunctions Against Defendant Optimal Economics Capital Partners, LLC, # 5 Proposed Order) (Fraser, B) (Entered: 03/02/2017)
03/03/2017	29	Application for Admission Pro Hac Vice with Certificate of Good Standing for Attorney Philip J. Bezanson (Filing fee \$25; Receipt number 0539-8250376) filed by Patrick O Howard (Attachments: # 1 Exhibit(s) Certificate of Good Standing, # 2 Exhibit(s) Certificate of Good Standing, # 3 Proposed Order Proposed Order) (Riley, Rachel) (Entered: 03/03/2017)
03/03/2017	30	NOTICE of Attorney Appearance by Kimberly Marie Johnson Sims on behalf of Howard Capital Holdings LLC, Optimal Economics Capital Partners LLC. (Filer confirms contact info in ECF is current.) (Sims, Kimberly) (Entered: 03/03/2017)
03/03/2017	31	NOTICE of Attorney Appearance by Rachel Malone Riley for Philip J. Bezanson on behalf of Patrick O Howard. (Riley, Rachel) (Entered: 03/03/2017)
03/06/2017	32	ELECTRONIC ORDER granting 29 Application for Admission Pro Hac Vice of Philip J Bezanson. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Judge Sam A Lindsay on 3/6/2017) (chmb) (Entered: 03/06/2017)

03/07/2017	33	ORDER granting 27 Plaintiff Securities and Exchange Commission's Unopposed Motion to Enter a Final Judgment of Permanent Injunctions against Defendant Patrick O. Howard. (Ordered by Judge Sam A Lindsay on 3/7/2017) (axm) (Entered: 03/07/2017)
03/07/2017	34	ORDER granting 28 Joint Motion of Plaintiff Securities and Exchange Commission and Defendants Howard Capital Holdings, LLC and Optimal Economics Capital Partners, LLC to Enter Final Judgments of Permanent Injunctions. (Ordered by Judge Sam A Lindsay on 3/7/2017) (axm) (Entered: 03/07/2017)
03/07/2017	35	FINAL JUDGMENT of Permanent Injunctions against Patrick O. Howard. (Ordered by Judge Sam A Lindsay on 3/7/2017) (axm) (Entered: 03/07/2017)
03/07/2017	36	FINAL JUDGMENT of Permanent Injunctions against Optical Economics Capital Partners LLC. (Ordered by Judge Sam A Lindsay on 3/7/2017) (axm) (Entered: 03/07/2017)
03/07/2017	37	FINAL JUDGMENT of Permanent Injunction against Howard Capital Holdings, LLC. (Ordered by Judge Sam A Lindsay on 3/7/2017) (axm) (Entered: 03/07/2017)
03/13/2017	38	Unopposed MOTION to Amend/Correct 10 Sealed and/or Ex Parte Order, Util - Super U (Sealed) filed by William Craig Stokley with Brief/Memorandum in Support. (Stokley, W) (Entered: 03/13/2017)
03/14/2017	39	ORDER MODIFYING AND CLARIFYING ORDER APPOINTING RECEIVER: 38 Unopposed MOTION to Amend/Correct 10 Sealed and/or Ex Parte Order is granted. Accordingly, the Order Appointing Receiver issued by the court on February 14, 2017 is modified and clarified(see order) This clarification and modification is effective retroactively to February 14, 2017 (Ordered by Judge Sam A Lindsay on 3/14/2017) (svc) (Entered: 03/14/2017)
03/16/2017	40	NOTICE of <i>Receiver's Initial Status Report</i> filed by William Craig Stokley (Attachments: # 1 Exhibit(s) Receiver's Accounting Statement, # 2 Exhibit(s) Receiver's Notice to Howard, # 3 Exhibit(s) Receiver's Notice to Tracy Alexander) (Sims, Kimberly) (Entered: 03/16/2017)
03/16/2017	41	(Document Restricted) Sealed Sworn Statement and Accounting filed by Patrick O Howard. (aaa) (Entered: 03/17/2017)
03/22/2017	42	NOTICE of Attorney Appearance by Brandon N McCarthy on behalf of Patrick O Howard. (Filer confirms contact info in ECF is current.) (McCarthy, Brandon) (Entered: 03/22/2017)
03/22/2017	43	(Document Restricted) Sealed Letter to Court (Sealed pursuant to SO 19-1, statute, or rule) filed by Patrick O Howard (Howell, Barrett) (Entered: 03/22/2017)

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