

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

SECURITIES AND EXCHANGE)
COMMISSION,)

Plaintiff,)

v.)

JOHN D. FIERRO)
and)
JDF CAPITAL, INC.,)

Defendants.)

Document Electronically Filed

Case No. 3:20-cv-02104 MAS-LHG

Honorable Michael A. Shipp

Motion Day: July 6, 2020

ORAL ARGUMENT REQUESTED

TO: Joshua E. Braunstein, Esq.
Antony Richard Petrilla, Esq.
100 F Street NE
Washington, DC 20549

Attorneys for Plaintiff

PLEASE TAKE NOTICE that on July 6, 2020, at 9:00am, or as soon thereafter as counsel may be heard, Defendants John D. Fierro (“**Mr. Fierro**”) and JDF Capital, Inc. (“**JDF Capital**”) (collectively, “**Defendants**”) shall move this Court before the Honorable Michael A. Shipp, United States District Judge, at the United States Courthouse located at the Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, New Jersey 08608, Courtroom 5W, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiff Securities and Exchange Commission’s Complaint (Docket Entry 1) with prejudice for failure to state a claim for which relief may be granted against either Mr. Fierro or JDF Capital.

PLEASE TAKE FURTHER NOTICE that counsel shall rely upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, dated May 29, 2020, all exhibits annexed thereto, the pleadings herein, and the proposed form of Order, and

PLEASE TAKE FURTHER NOTICE that, pursuant to Local Rule 7.1 (d)(5) opposition papers shall be served no later than June 22, 2020, unless otherwise enlarged; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: May 29, 2019

Respectfully submitted,

SALLAH ASTARITA & COX, LLC

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the aforementioned document was filed through the Court's CM/ECF system on May 29, 2019. Parties of record may obtain a copy through the Court's CM/ECF system. The undersigned certifies that no party of record requires service of documents through any means other than the CM/ECF system.

/s/ Mark J. Astarita
Mark J. Astarita, Esquire