

1:19-cv-02594-RM-STV | Victoria M. Stewart

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Senior Judge Raymond P. Moore

Civil Action No. 1:19-cv-02594-RM-STV

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
1:49 pm, Sep 30, 2026
JEFFREY P. COLWELL, CLERK

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MEDIATRIX CAPITAL INC., et al.,

Defendants,

and

MEDIATRIX CAPITAL FUND LTD., et al.,

Relief Defendants.

**EMERGENCY MOTION TO STAY THE OCTOBER 14, 2026 VACATE DEADLINE
AND DISPOSSESSION; FOR IMMEDIATE TEMPORARY RELIEF AND EXPEDITED
DETERMINATION**

**Immediate temporary ruling requested within three court business days;
relief needed before October 14, 2026.**

Victoria M. Stewart, an existing Relief Defendant appearing only for herself, respectfully moves under Federal Rules of Civil Procedure 62(c)(1) and 66, the Court's continuing authority over its Receiver, and D.C.COLO.LCivR 7.1(d) for an immediate, narrowly tailored suspension of the

1:19-cv-02594-RM-STV | Victoria M. Stewart

October 14, 2026 vacate deadline and related authority to dispossess her from 8082 E. Arroyo Hondo Road, Scottsdale, Arizona (the "Residence").

The specific provisions to be stayed are ECF No. 712, paragraphs (2)(c) and (2)(d), and the implementation of ECF No. 153, paragraphs 16 and 17, only insofar as those provisions would authorize her physical removal, exclusion, or lockout from the Residence during the requested stay. This is a request for relief in the existing civil receivership, not a new action, a new appeal, or an application for leave to proceed in forma pauperis.

I. EMERGENCY AND PRECISE RELIEF REQUESTED

The emergency is a definite, still-operative surrender deadline. ECF No. 712 commands residents to vacate on or before October 14, 2026 and authorizes assistance by the United States Marshals Service. Ex. A at 5, paragraphs (2)(c)-(d). Victoria reports that a hearing previously set for September 22 has been reset for December 11, 2026, without extending the October 14 deadline. Decl. paragraphs 3-5. If relief is deferred to that later setting, she may already have been removed before the Court addresses her request to remain temporarily in possession.

Victoria requests immediate temporary protection while this motion is decided; an expedited response schedule; and, after consideration of the parties' positions, a limited stay through December 18, 2026, subject to earlier modification by the Court. That requested outside date is seven days after the reported December 11 setting. If that setting concerns other issues, she requests a separate, prompt determination of possession and stay relief rather than assuming the later hearing will decide it. Alternatively, she requests a shorter fourteen-day suspension of the October 14 deadline with expedited consideration of any further relief.

1:19-cv-02594-RM-STV | Victoria M. Stewart

She requests a temporary ruling within three court business days of filing, if practicable, and in all events before October 14. Under D.C.COLO.LCivR 7.1(d), she asks that responses be due within three court business days after the Court's scheduling order and any reply within two court business days after service of a response. The ordinary twenty-one-day response period would extend beyond the vacate date if this motion is filed on or after September 29. The Court may provide interim protection while allowing the SEC and Receiver a meaningful opportunity to respond.

II. NOTICE, CAPACITY, AND SCOPE

This case involves Michael S. Stewart, who is incarcerated and unrepresented. Decl. paragraph 2. Victoria therefore invokes the exception to conferral in D.C.COLO.LCivR 7.1(b)(1). She nevertheless seeks relief on notice, not an ex parte order, and requests expedited consideration with service on the SEC, the Receiver, and all other persons entitled to notice. She does not represent that the SEC or Receiver consents or that their opposition to an earlier filing establishes their response to this particular request. Service actually completed is identified in her certificate. Victoria seeks protection of her own residential possession and asserted personal interests. She does not represent Michael, Sandy Toes LLC, The 1989 Foundation, or any other person or entity. She does not request that this Court reverse Judge Martínez's criminal-forfeiture rulings, retry criminal liability, decide final title on an emergency record, or halt the entire receivership. The limited requested order would leave lawful custody, asset preservation, and all unrelated receivership functions intact.

1:19-cv-02594-RM-STV | Victoria M. Stewart

III. ORDERS AND PROCEDURAL CONTEXT

1. The September 11, 2020 Order Appointing Receiver, ECF No. 153, paragraph 16, expressly identifies the Residence and reserves judicial approval of residential dispossession after a minimum ninety-day period. Paragraph 17 authorizes Marshals Service assistance. ECF No. 153 at 10. The initial ninety-day period has expired; Victoria does not assert that it creates a present automatic stay. Nor does she deny that ECF No. 712 supplies later judicial authorization. She asks the Court that controls that authorization to suspend its exercise temporarily.
2. On September 14, 2026, the Court entered ECF No. 712, denying Victoria's intervention motion, ECF No. 681, and stay motion, ECF No. 692, while granting the Receiver's motion, ECF No. 682. Ex. A at 1, 4-5. Paragraph (2)(a) permits valuation and marketing; paragraph (2)(b) requires a further order approving a sale before title may transfer. Paragraphs (2)(c)-(d) impose the October 14 surrender requirement and related enforcement authority. Ex. A at 4-5.
3. The Court found the Residence recoverable and concluded that interests asserted by Victoria and The 1989 Foundation were lost through failure to make a timely criminal ancillary claim. Ex. A at 3-4. Victoria disputes those conclusions through the appropriate proceedings. For this motion, however, she asks for a temporary adjustment of the timing and conditions of physical surrender, not a collateral reversal of the criminal decision.
4. Victoria's separate appeal from Judge Martínez's disposition of her third-party claims is pending as Tenth Circuit No. 26-1359. Decl. paragraph 6. This motion neither describes that appeal as an appeal from ECF No. 712 nor represents that a separate SEC notice has been filed. The Court's authority under Rules 62(c)(1) and 66 to control its own receivership enforcement does not depend on initiation of an additional appeal.

1:19-cv-02594-RM-STV | Victoria M. Stewart

5. Victoria reports lack of timely notice of the September 22 hearing and a later December 11 setting. Decl. paragraphs 4-5. She asks the Court to confirm its hearing-setting entries. She does not claim that the September 22 notice problem, by itself, retroactively invalidates the September 14 written order. The reported later setting matters here because October 14 remains the earlier, independently operative date. Her present request is directed specifically to that gap and the hardship of removal before a prompt stay determination.

IV. AUTHORITY AND GROUNDS FOR TEMPORARY PROTECTION

Rule 62(c)(1) provides that injunction and receivership orders are not automatically stayed unless the court orders otherwise. It therefore requires an affirmative protective order; neither filing this motion nor the existence of appeal No. 26-1359 suspends enforcement. Rule 66 and the Court's supervisory authority permit the Court to manage the timing and conditions of its Receiver's administration. The Tenth Circuit recognizes the broad equitable discretion involved in administering a receivership. *SEC v. Vescor Capital Corp.*, 599 F.3d 1189, 1194 (10th Cir. 2010).

The requested relief preserves the present arrangement temporarily and regulates this Court's own Receiver. It is not premised on Rule 62(d)'s requirement that an appeal from the relevant injunction already be pending. If a separate SEC appeal is later initiated, any request for longer appellate protection can identify that proceeding and the applicable rules accurately.

Victoria recognizes that a stay is discretionary, not a matter of right. To the extent the traditional stay factors govern, she addresses the strong-showing, likely-irreparable-injury, comparative-harm, and public-interest requirements identified in *Nken v. Holder*, 556 U.S. 418,

1:19-cv-02594-RM-STV | Victoria M. Stewart

434-35 (2009). She does not substitute an assertion of ownership or the mere existence of an appeal for that showing.

A. Basis for relief on the narrow timing question

The narrow question is whether physical removal must occur on October 14 while the Court retains control of sale approval and can obtain a prompt, focused response on the necessity and conditions of vacant possession. The Court can resolve that question without awarding Victoria title or disturbing the present criminal rulings. ECF No. 153, paragraph 16, expressly reserved residential dispossession for judicial approval; ECF No. 712, paragraph (2)(b), separately reserves final sale approval. Those provisions support continued judicial management of possession as a distinct administrative step.

Victoria offers cooperation with reasonable inspections, appraisal, maintenance, and marketing, while requesting only that she not be physically excluded during the short protective period.

Decl. paragraphs 7-8. She asks the Receiver to identify in his response any approved sale deadline, safety condition, insurance requirement, repair need, or particular marketing impediment that makes immediate vacancy indispensable. She does not assert that no such justification exists. Rather, prompt consideration of those concrete issues can protect the estate without assuming that an earlier ownership ruling makes a limited accommodation unavailable.

The prior denial of ECF No. 692 is acknowledged. This motion does not ask the Court simply to repeat that merits dispute. It addresses the specific October 14 enforcement provisions, the reported post-order hearing schedule, Victoria's current need for temporary possession, and a defined set of safeguards. A fourteen-day alternative is provided if the longer period is not

1:19-cv-02594-RM-STV | Victoria M. Stewart

warranted. Any further extension would remain subject to the Court's assessment of actual prejudice and necessity.

B. Likely irreparable injury

Victoria continues to live at the Residence. Removal would deprive her of its use as her home, require displacement and arrangements for her belongings and living needs, and interrupt her efforts to prepare her pending property appeal while her husband is incarcerated. Decl. paragraphs 1-3, 6. Her limited means make the resulting expenses consequential. The claimed injury is not merely a disputed dollar amount: it includes actual loss of residential possession under an enforceable deadline before the later hearing she reports.

Even a later favorable ruling could not restore the time she had already spent displaced. The title-transfer restriction in paragraph (2)(b) does not prevent that injury, because the duty to vacate is imposed separately in paragraph (2)(c). Ex. A at 4-5. The Court can avoid that immediate consequence long enough to decide whether a defined stay and protective terms are justified.

C. Comparative harm and proposed safeguards

The Receiver and investors have legitimate interests in prompt administration, marketability, insurance, carrying costs, and protection from loss. Victoria does not treat delay as cost-free. She proposes that non-dispossessory valuation and marketing remain authorized; that she cooperate with reasonable inspection and showing arrangements; that she commit no waste and preserve records; and that she create no new lease, lien, transfer, or occupancy interest while temporary protection is in place. Decl. paragraphs 7-8.

1:19-cv-02594-RM-STV | Victoria M. Stewart

She asks that existing access rights and emergency access remain available, with reasonable advance notice for nonemergency appointments where practicable. She does not request cancellation of existing insurance, maintenance, or preservation obligations, or an order requiring the Receiver to assume a new personal expense. A specific security concern can be addressed promptly on evidence. She requests nonmonetary safeguards in place of an additional cash bond, subject to the Court's determination, and does not claim a right to avoid lawful existing disclosure or security requirements.

D. Public interest

The public interest favors lawful receivership administration and compensation of persons properly entitled to receivership assets. It also favors a practical opportunity for an affected occupant to obtain a ruling on a time-sensitive request before compulsory displacement. Narrow protection, expedited responses, and continued safeguarding allow those interests to be considered together. A targeted stay is less disruptive than halting all receivership operations or releasing disputed property to Victoria.

V. REQUESTED ORDER

Victoria respectfully requests that the Court:

1. Immediately suspend ECF No. 712, paragraphs (2)(c)-(d), as to her vacating or being dispossessed of the Residence while this emergency motion is decided; and suspend implementation of ECF No. 153, paragraphs 16-17, only to that same limited extent;

1:19-cv-02594-RM-STV | Victoria M. Stewart

2. Direct the Receiver not to cause her removal, lockout, exclusion, or forced surrender of residential possession during the stay, and to notify any Marshals Service personnel or other agents asked to enforce the vacate directive of the suspension;
3. Set an expedited response and reply schedule and rule before October 14, 2026; if final consideration cannot occur by then, keep temporary protection in place until the Court rules;
4. After considering the responses, continue the limited stay through December 18, 2026, subject to earlier modification; alternatively, suspend the October 14 deadline for fourteen days and promptly determine any further protection;
5. Confirm whether the December 11 setting will address this request; if it will not, determine this request separately and promptly, with a short hearing if necessary;
6. Preserve ordinary, non-dispossessory valuation, marketing, inspection, and safeguarding activity; leave all unrelated receivership authority in effect; and impose appropriate nonmonetary safeguards rather than a cash bond if sufficient;
7. If further protection is denied, state the reasons and consider a prospective compliance date at least seven days after denial to permit an orderly transition and pursuit of available review, without purporting to extend any notice-of-appeal deadline.

The Residence remains subject to the Court's orders unless and until relief is granted. Victoria seeks no authorization for self-help or noncompliance. She tenders a separate proposed temporary order and her declaration. Exhibit A is the retained, docket-stamped September 14 order. ECF No. 153 is cited directly as an order already in this case.

1:19-cv-02594-RM-STV | Victoria M. Stewart

Respectfully submitted,

/s/ Victoria M. Stewart

Victoria M. Stewart

Relief Defendant, appearing only for herself, pro se

8082 E. Arroyo Hondo Road

Scottsdale, Arizona 85266

Telephone: (480) 490-1742

Email: vstewart1989@gmail.com

Dated: September 30, 2026

CERTIFICATE OF SERVICE

I certify that on September 30, 2026, I served this emergency motion, the declaration, Exhibit A, and the proposed order on all parties entitled to service, as identified below.

Authorized method: Electronic submission and U.S. Mail

/s/ Victoria M. Stewart

Victoria M. Stewart

1:19-cv-02594-RM-STV | Victoria M. Stewart

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Senior Judge Raymond P. Moore

Civil Action No. 1:19-cv-02594-RM-STV

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MEDIATRIX CAPITAL INC., et al.,

Defendants,

and

MEDIATRIX CAPITAL FUND LTD., et al.,

Relief Defendants.

**[PROPOSED] ORDER GRANTING TEMPORARY STAY OF RESIDENTIAL
DISPOSSESSION AND EXPEDITED BRIEFING**

Upon consideration of Victoria M. Stewart's Emergency Motion, the supporting declaration, and the existing record, the Court orders as follows:

1. Limited temporary relief is GRANTED solely to allow prompt consideration of the motion before residential dispossession. This Order does not adjudicate ownership or entitlement to final receivership distributions.
2. Effective immediately and until the Court rules on the request for further stay relief or orders otherwise, ECF No. 712, paragraphs (2)(c) and (2)(d), are SUSPENDED insofar as they require

1:19-cv-02594-RM-STV | Victoria M. Stewart

Victoria M. Stewart to vacate, or authorize her removal or exclusion from, 8082 E. Arroyo Hondo Road, Scottsdale, Arizona 85266. Implementation of ECF No. 153, paragraphs 16 and 17, is suspended to the same limited extent.

3. The Receiver shall not cause Victoria's removal, lockout, exclusion, or forced surrender of residential possession under those provisions during this temporary stay. The Receiver shall promptly notify any Marshals Service personnel or other agents requested to assist with that dispossession that the authority is temporarily suspended. This paragraph does not limit unrelated lawful law-enforcement activity.

4. The SEC and Receiver may respond within three court business days after entry of this Order. Victoria may reply within two court business days after service of a response. The Court will determine the request for further relief on an expedited basis. Temporary protection shall not expire solely because October 14 arrives while the motion remains undecided.

5. Non-dispossessory valuation, marketing, inspections, maintenance, and safeguarding remain authorized under the existing orders. Victoria shall cooperate with reasonable access arrangements, with reasonable advance notice for nonemergency appointments where practicable. Existing emergency-access authority remains intact.

6. Victoria shall commit no waste, preserve material records, and create no new lease, lien, transfer, or occupancy right affecting the Residence. The Court imposes these safeguards for this temporary period without an additional cash bond, subject to reconsideration on a showing of specific need.

1:19-cv-02594-RM-STV | Victoria M. Stewart

7. The Receiver may seek prompt modification for a concrete safety, insurance, preservation, sale-timing, or other substantial concern. All unrelated provisions of ECF Nos. 153 and 712 remain in effect. No title transfer is authorized by this Order.

8. If further stay relief is denied, the Court will specify the termination of this temporary protection and the applicable prospective compliance date. This Order does not extend any appellate filing deadline or modify a separate court's order.

DATED: _____

BY THE COURT:

RAYMOND P. MOORE

Senior United States District Judge

1:19-cv-02594-RM-STV | Victoria M. Stewart

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Senior Judge Raymond P. Moore

Civil Action No. 1:19-cv-02594-RM-STV

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MEDIATRIX CAPITAL INC., et al.,

Defendants,

and

MEDIATRIX CAPITAL FUND LTD., et al.,

Relief Defendants.

**DECLARATION OF VICTORIA M. STEWART IN SUPPORT OF EMERGENCY STAY
OF VACATE DEADLINE**

I, Victoria M. Stewart, declare as follows:

1. I am a Relief Defendant in this case. I appear only for myself. I currently reside at 8082 E. Arroyo Hondo Road, Scottsdale, Arizona 85266. That property is my residence, not merely an investment property for which I seek a monetary recovery.

2. My husband, Michael S. Stewart, is incarcerated. We are proceeding without counsel in these matters. I do not sign this declaration or the accompanying motion for him or for any entity.

1:19-cv-02594-RM-STV | Victoria M. Stewart

3. I understand that the Court's September 14, 2026 Order, ECF No. 712, requires me to vacate the Residence on or before October 14, 2026 and authorizes Marshals Service assistance. That deadline has not been extended to my knowledge. Compliance would require me to leave my present home and arrange for my belongings and living needs elsewhere.

4. I did not receive timely notice that permitted meaningful participation in the hearing scheduled for September 22, 2026. I understand that the hearing has been reset for December 11, 2026. I do not state that the Court has made a finding agreeing with my notice objection, and I do not assume that every issue concerning possession will be heard on December 11.

5. I am requesting protection before October 14 because, as I understand the present schedule, I could be required to leave my home before the December hearing. I ask the Court to check its hearing-setting entries and to decide my request separately before October 14 if the later hearing does not concern it.

6. My appeal from Judge Martínez's disposition of my third-party property claims is pending in the Tenth Circuit as No. 26-1359, and I am preparing my opening brief. I do not claim that it is an appeal from Judge Moore's ECF No. 712 or that it automatically prevents removal.

Displacement would disrupt my residence and my work on that appeal. Additional expenses create substantial hardship for me; I am not asking in this declaration for a general exemption from existing lawful obligations.

7. I am willing to cooperate with reasonable arrangements for inspections, appraisal, maintenance, and marketing while temporarily remaining at the Residence. For nonemergency appointments, I request reasonable advance notice when practicable. I do not seek to prevent emergency access or access otherwise specifically ordered by the Court.

1:19-cv-02594-RM-STV | Victoria M. Stewart

8. During any stay, I will not commit waste, destroy material records, create a new lease or occupancy right, encumber the property, or attempt to transfer it. I will comply with the Court's lawful preservation and access directions. These are proposed conditions of temporary protection, not a statement that I have already agreed to any additional payment, waived my ownership objections, or received permission to remain past the existing deadline.

9. I request an immediate temporary suspension while the Court considers my motion. I understand that merely filing the motion does not stay the order and that the Court must grant relief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 30, 2026, via electronic submission.

/s/ Victoria M. Stewart

Victoria M. Stewart

Relief Defendant, appearing only for herself, pro se

8082 E. Arroyo Hondo Road

Scottsdale, Arizona 85266

Telephone: (480) 490-1742

Email: vstewart1989@gmail.com

Dated: September 30, 2026

EXHIBIT A

United States District Court for the District of Colorado

SEC v. Mediatrix Capital Inc., et al.

Civil Action No. 1:19-cv-02594-RM-STV

ECF No. 712 - Order entered September 14, 2026

Senior Judge Raymond P. Moore

Complete retained order: original pages 1-5 follow.

The original five pages are reproduced without substantive alteration. The original docket stamps, text, and page numbers are retained.

Paragraphs (2)(c) and (2)(d), on original page 5, contain the October 14, 2026 vacate deadline and the related Marshals Service assistance provision. Paragraph (2)(b), on original page 4, reserves title transfer for a later sale-approval order.

ECF No. 153 is separately cited in the motion as an existing order in the same civil case; it is not reproduced in this exhibit.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior Judge Raymond P. Moore**

Civil Action No. 19-cv-02594-RM-STV

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MEDIATRIX CAPITAL INC., et al.,

Defendants,

and

MEDIATRIX CAPITAL FUND LTD., et al.,

Relief Defendants.

ORDER

This Order resolves three Motions that are now ripe in this civil enforcement action:

- (1) the Motion to Intervene by Relief Defendant Victoria M. Stewart (ECF No. 681);
- (2) the Motion for an Order Authorizing Sale by the Receiver (ECF No. 682); and
- (3) the Motion to Stay by Ms. Stewart (ECF No. 692).

Plaintiff's pending Motion for Summary Judgment is addressed in a separate Order. For the reasons below, the Court denies both of Ms. Stewart's Motions and grants the Receiver's Motion.

I. BACKGROUND

Plaintiff United States Securities and Exchange Commission ("SEC") brings this action

alleging that the individual and entity Defendants raised over \$125 million through a fraudulent investment scheme. (ECF No. 1, ¶ 1.) In September 2019, the Court granted the SEC's request for a temporary restraining order, freezing more than \$250 million in assets of the Defendants and Relief Defendants. (ECF No. 10.) Defendants subsequently consented to entry of the Asset Freeze Order, which extended the asset freeze until final adjudication of this case on the merits, subject to the Defendants' and Relief Defendants' right to move the Court for relief from the asset freeze and the SEC's right to oppose any such motion. (ECF No. 38.) In September 2020, the Court entered the Appointment Order, directing the Receiver to marshal and preserve all Receivership Property. (ECF No. 153.) The Appointment Order also directed that the Receiver refrain from dispossessing any individual Defendant of his primary residence without obtaining the Court's approval. (*Id.* at 10.)

In May 2024, Defendants Sewell and Stewart were both found guilty of fifteen counts of fraud and conspiracy. Defendant Sewell was sentenced to a 276-month term of imprisonment; Defendant Stewart received a 288-month term. They were also ordered to pay restitution of more than \$93 million jointly and severally. Additional background related to the pending Motions is provided below.

II. MOTION TO INTERVENE

Ms. Stewart filed her Motion to Intervene in May of this year, seeking "to assert and protect her legal and equitable interests in certain assets subject to the Preliminary Order of Forfeiture" issued in the criminal case against her husband, Defendant Michael Stewart.¹ She

¹ The Court reviews Ms. Stewart's pro se Motions and related filings liberally and holds them to a less stringent standard than those drafted by attorneys. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Trackwell v. United States*, 472 F.3d 1242, 1243 (10th Cir. 2007).

concurrently filed an identical motion in her husband's criminal case, which Senior United States District Judge William J. Martinez construed as a third-party petition under Fed. R. Crim. P. 32.2(c) and 21 U.S.C. § 853(n) and dismissed as untimely. (*United States v. Stewart*, No. 21-cr-00034-WJM, ECF No. 781 at 5.) Judge Martinez determined that "the Government facially complied with the statutory notice requirements" applicable to the Preliminary Orders of Forfeiture entered in November 2024 that identified specific assets as subject to forfeiture as proceeds traceable to the criminal offenses of Defendants Stewart and Sewall. (*Id.* at 6.) Judge Martinez further determined that Ms. Stewart's petition "was well over a year too late." (*Id.* at 7.)

Ms. Stewart cites no authority, and the Court is aware of none, for the proposition that this Court can or should reconsider or circumvent Judge Martinez's rulings in the criminal case regarding the Preliminary Orders of Forfeiture in the context of this civil enforcement case. Further, Ms. Stewart fails to provide any other compelling reason why she should be permitted to intervene in this case. Accordingly, the Court denies the Motion to Intervene.

III. MOTION TO AUTHORIZE SALE

The Receiver seeks an order authorizing him to prepare and market for sale the real property located at 8082 E. Arroyo Hondo Road, Scottsdale, AZ. According to the Receiver, the Arroyo Property has been the Stewarts' primary residence during the pendency of this case and is owned by Relief Defendant the 1989 Foundation, a Bahamian entity which is in turn owned by the Stewarts. However, Defendant Stewart's interest in the Arroyo Property has been forfeited as a result of the criminal case against him. (*See Stewart*, No. 21-cr-00034-WJM, ECF No. 439 at 4.)

In her Opposition, Ms. Stewart raises the same arguments that Judge Martinez rejected in

the criminal case. But any interest Ms. Stewart or the 1989 Foundation had in the Arroyo Property was lost when they failed to timely contest the Notice of Preliminary Orders of Forfeiture in the criminal case. And again, as mentioned above, the government has shown that it complied with the statutory requirements to effect the forfeiture of the Arroyo Property.

Therefore, the Court finds that the Arroyo Property is a recoverable asset under the terms of the Appointment Order and that the Receiver can market the Arroyo Property for sale in the interest of compensating the victims of Defendants' fraud.

IV. MOTION TO STAY

Ms. Stewart also filed a Motion seeking a stay of any Order authorizing valuation and marketing of the Arroyo Property. This Motion appears to be a continuation of Ms. Stewart's efforts to postpone the inevitable. Forfeiture of the Arroyo Property has already been sanctioned by Judge Martinez and this Court, and the present Motion adds nothing new to the arguments Ms. Stewart has already presented, and therefore it is denied.

V. CONCLUSION

Based on the foregoing, the Court ORDERS that

- (1) the Motion to Intervene (ECF No. 681) is DENIED;
- (2) the Motion to Authorize Sale (ECF No. 682) is GRANTED, and
 - (a) the Receiver is authorized to value and market the Arroyo Property for sale in accordance with 28 U.S.C. § 2001(b), prior Orders of this Court, and other applicable law,
 - (b) title to the Arroyo Property shall only be transferred upon further Order of the Court approving a sale motion,

- (c) Ms. Stewart, and any other residents of the Arroyo Property, shall vacate the Arroyo Property on or before October 14, 2026, and
 - (d) pursuant to the Appointment Order, upon the request of the Receiver, the United States Marshal Service, in any judicial district, is hereby ordered to assist the Receiver in carrying out his duties to take possession, custody, and control of the Arroyo Property; and
- (3) the Motion to Stay (ECF No. 692) is DENIED.

DATED this 14th day of September, 2026.

BY THE COURT:



RAYMOND P. MOORE
Senior United States District Judge