

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

FILED

2019 JAN -8 A 10: 34  
Case # 1:15-cv-00191-WES-LDA  
DISTRICT COURT  
DISTRICT OF RHODE ISLAND

Securities and Exchange Commission  
Plaintiff

v.

Patrick Churchville,  
ClearPath Wealth Management, LLC  
Defendants

And

CLEARPATH MULTI-STRATEGY FUND I, L.P.,  
CLEARPATH MULTI-STRATEGY FUND II, L.P.,  
CLEARPATH MULTI-STRATEGY FUND III, L.P.,  
HCR VALUE FUND, L.P.,  
Relief Defendants.

**RESPONSE TO OBJECTIONS TO MOTION TO WITHDRAW AND STAY**

Now comes Patrick Churchville ("Churchville") movant/defendant herein, appearing Pro Se, and respectfully submits the following response to the objections to the Motion to Withdraw and Stay (Motion to Stay).

**PRELIMINARY STATEMENT**

As a preliminary matter, Churchville respectfully requests that this Court be mindful that pro se pleadings are to be construed liberally. See *Voravongsa v. Wall*, 349 F.3d 1 (1st Cir. 2003); *Estelle v. Gamble*, 429 U.S. 97,106 (1976) (same); and *Haines v. Kerner*, 404 U.S. 519, 520 (1972) (same)

**RELEVANT BACKGROUND**

On or about November 20, 2018, Churchville filed the Motion to Stay.

On or about December 12, 2018, the SEC and Receiver filed objections to the Motion to Stay.

### **ARGUMENT**

The SEC and Receiver's objections to the Motion to Stay are moot. The original Motion to Revise the Restraining Order and Release Funds for Defense Costs (Motion to Release) was filed incorrectly by the Court. It should have been filed and argued in the Criminal proceeding - not the Civil proceeding.

The Motion to Release is based on the Luis Ruling by the Supreme Court and the violation of Churchville's Sixth Amendment Right to Counsel of Choice. Constitutional Rights do not apply in Civil cases, only to Criminal cases, therefore, the only correct venue for this Motion is in the Criminal case.

That said, the SEC and Receiver have presented arguments that the assets in question are tainted and should not be released. These arguments are riddled with twisted facts, incorrect figures, and false statements.

Churchville will be presenting irrefutable proof that the assets in question are indeed untainted, but not in the Civil proceeding as it is not the correct venue. However, if the Court decides for some reason to rule on the Motion to Release in this Civil proceeding then Churchville would like the opportunity to present proof before the ruling.

### **REQUEST**

For all of the above reasons Churchville respectfully requests that the Court grant Churchville's Motion to Withdraw and Stay in the Civil case, and correctly process, hear and rule on the original Motion to Revise the Restraining Order and Release Funds for Defense Costs in the criminal side of the case.

Respectfully submitted,



PATRICK CHURCHVILLE

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Appearing *Pro Se*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2019 a true and correct copy of the above and foregoing Response To Objections To Motion To Withdraw And Stay was sent via U. S. Mail to Marc J. Jones / Plaintiff Counsel at United States Securities and Exchange Commission, 33 Arch Street, Boston, MA 02110, and Stephen F. Del Sesto /Receiver, Pierce Atwood LLP at One Financial Plaza, 26th Floor, Providence, RI 02903.



PATRICK CHURCHVILLE