

**UNITED STATES COURT OF APPEALS  
IN THE NINTH CIRCUIT**

Date: Feb 10, 2024	Case No. 23-55364 and
FRANK EKEJJA, NVC FUND, LLC	Case No. 23-55365
Petitioner-Appellants	No. 2:20-CV-08985-FWS-DFM
v.	Central District of California Los Angeles
SECURITIES AND EXCHANGE COMMISSION	
Respondents-Appellee	

**MOTION FOR SUMMARY REVERSAL UNDER CIRCUIT RULE 3-6.  
SUMMARY DISPOSITION OF CIVIL APPEALS.**

Frank Ekejija,  
Beneficiary  
Appellant  
FRANK EKEJJA ESTATE  
NVC FUND, LLC, wholly owned by the  
NVC FUND HOLDING TRUST

COMES NOW Frank Ekejija, General Executor, Frank Ekejija Estate Trust, moving this Court to reverse the purported SEC Federal Court flawed judgment. Our motion is supported by CIRCUIT RULE 3-6. SUMMARY DISPOSITION OF CIVIL APPEALS. Under Circuit Rule 3-6, “a summary disposition motion may be brought any time before the briefing concludes unless the issue involves a defect in the court's jurisdiction, which can be brought before an opinion is issued.”

The SEC's willful failure to answer by the September 16 Court of Appeal timeline/ deadlines is a calculated default. As of February 6, 2024, the SEC has been delinquent for one hundred forty-two (142) days to respond to our opening briefs. The Appeal Court timetable demands that the Appellee (SEC) have 30 days to respond to the Appellant's Opening Brief. The court records reflect the SEC's refusal and failure to answer our opening brief on time, which constitutes a default. The SEC's foot-dragging creates and compounds further damages against us (Appellants) and increases liability for the SEC and the United States government. The SEC's wrongful persecution has been deliberate and brazen. The injury, harm, and injustice cannot and should not be allowed to continue and must be stopped by this Circuit Court reversal of dubious judgment engineered by the SEC.

Granted, the SEC wrongfully assumes infallibility and is above the law, so they must win every time and, in every case, but they are not infallible or above the law. Even when they knew, confessed, and admitted that they had no claim or allegation, they still decided to file a false complaint at the Federal Court on September 30, 2020. The question is, WHY?

The Ninth Circuit Court, on Dec 22, 2023, ORDERED the SEC to answer the 16-point infractions raised in our opening briefs by January 22, 2024. The records will reflect that As of February 9, 2024, the SEC still has not obeyed the Court Order.

The SEC has not answered and could not answer our opening brief because they have no justifiable answer to their willful misconduct.

The SEC, Manuel Vasques, Roberto Tesoro, and their partners willfully conspired to abuse their assumed persecutory powers to libel my companies and me through various false injurious public press releases, false allegations, and complaints to the Federal Court on September 30, 2020, following 30 months of painstaking investigation that started on February 15, 2018.

The SEC is now faced with how to repair and remedy their 6 years of willful, unwarranted actions that damaged our global commercial brands, clients, partners, corporate and personal reputation, trust, lost revenues, and credibility in the capital markets.

We filed our appeal at the Ninth Circuit Court for a de novo standard review challenging the SEC and their Federal Court actions in April 2023, within 30 days of the SEC's dubious purported final judgment. It is evident that the SEC has unwittingly litigated itself into a legal predicament: pickle, plight, quagmire. Now, they must answer for their misconduct.

For these compelling reasons, we move this court to grant our reversal motion of the SEC's lower court's purported final judgment obtained through false, unsustainable assumptions and questionable premises.

In the interest of expediency and justice, we pray this Court has the right and responsibility under Circuit Rule 3-6, a summary disposition motion to reverse the lower court ruling.

In summary, the legal system recognizes that every litigation process should eventually conclude. This principle ensures fairness, efficiency, and closure for all parties involved.

We want to settle this matter NOW. 6 years of the United States SEC abuse of powers, public trust, and the Court process is scandalous and unacceptable. Justice delayed is justice denied. Enough is enough.

We all can reasonably accept and agree that there cannot be and should not be a case or litigation without a Claimant, Alleger, and Injured Party.

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Dated February 10, 2024

/s/ Frank O. Ekejija  

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Frank Ekejija, Appellant, Beneficiary

# Appeals Timeline



A typical appeal goes through the following steps.

Highlight all Appellant Respondent Court



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NO