

**COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Appellee,

vs.

WEALTH MANAGEMENT, LLC, ET AL.

Defendants-Appellees.

APPEAL OF: EDWIN WILSON M.D. IRA ET AL.

Appeal No. 09-4096

District Court Case No. 09-CV-506

COPY

AMENDED DOCKETING STATEMENT

I. JURISDICTION OF THE DISTRICT COURT

The district court has jurisdiction as a civil action arising under the law of the United States pursuant to 28 U.S.C. § 1331.

II. JURISDICTION OF THE COURT OF APPEALS

This appeal is taken from the decision of the U.S. District Court for the Eastern District of Wisconsin entered on November 20, 2009 by the Honorable William G. Griesbach. The United States Court of Appeals has jurisdiction to decide this case pursuant to 28 U.S.C. § 1291 and the “collateral order” doctrine.

An order is appealable by virtue of the collateral order doctrine if it “fall[s] [into] that small class [of decisions] which finally determine[s] claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated.” *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546

(1949). It appears that the Seventh Circuit has not directly addressed the question of whether a district court order approving a receiver's distribution plan in an SEC action falls within the collateral order doctrine. However, in *SEC v. Enterprise Trust Co.*, 559 F.3d 649 (7th Cir. 2009), the Court held that an investor affected by a receiver's plan of distribution may appeal without intervening and addressed the merits of the appeal. *Id.* at 652. Moreover, other circuits have held that an order approving a receiver's plan is appealable prior to final judgment pursuant to the collateral order doctrine. E.g., *SEC v. Forex Asset Mgmt, LLC*, 242 F.3d 325 (5th Cir. 2001); *SEC v. Basic Energy & Affiliated Res., Inc.*, 273 F.3d 657 (6th Cir. 2001). As the Fifth Circuit explained in *Forex*, the doctrine applies to such order because:

First, it conclusively determines the manner in which the receivership assets should be distributed. Second, it resolves an important issue regarding distribution of the assets, which is separate from the merits of the SEC's complaint ... Third, it is effectively unreviewable on appeal because the assets from the receivership will be distributed, and likely unrecoverable, long before the action brought by the SEC is subject to appellate review.

242 F.3d at 330.

Accordingly, this court has jurisdiction over the Order Confirming the Receiver's Distribution Plan.

The Notice of Appeal was filed with the District Court on December 18, 2009.

Dated this 4th day of January 2010, at Milwaukee, Wisconsin.

By: _____

Bruce G. Arnold

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COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff-Appellee,

Appeal No. 09-4090

vs.

District Court Case No. 09-CV-506

WEALTH MANAGEMENT, LLC, ET AL.

Defendants-Appellees.

APPEAL OF: EDWIN WILSON M.D. IRA ET AL.

CERTIFICATE OF SERVICE

I hereby certify that on January 4 2010, I served via U.S. Mail the Amended Docketing Statement on the following:

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