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13 *(Additional counsel for Mr. Swanberg listed in*
14 *Signature Block at the end of this Statement)*

15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION

19 SECURITIES AND EXCHANGE COMMISSION,
20 Plaintiff,
21 v.
22 DALE SWANBERG,
23 Defendant.

Case No. 3:22-cv-04859-WHO

**JOINT STIPULATION FOR VOLUNTARY
DISMISSAL AND RELEASES**

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3 **JOINT STIPULATION FOR VOLUNTARY DISMISSAL AND RELEASES**

4 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff Securities and Exchange Commission
5 (“SEC”) and Defendant Dale Swanberg (“Swanberg”) (collectively, the “Parties”) respectfully submit
6 this Joint Stipulation for Voluntary Dismissal and Releases stipulating to the dismissal with prejudice
7 of all claims against Swanberg.

8 **WHEREAS**, the SEC filed its Complaint in this civil enforcement action (the “Litigation”) on
9 August 25, 2022 against Defendant Dale Swanberg. *See* ECF No. 1.

10 **WHEREAS**, the SEC, in its discretion and based on the facts and circumstances of this case
11 and its ongoing review of the evidence, including the narrowed scope of the evidence the SEC intended
12 to present at trial (*see* Dkt. No. 91 at 8, § 15), has agreed to voluntarily dismiss, with prejudice, all
13 claims against Swanberg.

14 **WHEREAS**, the SEC’s decision to seek dismissal of the claims against Defendant does not
15 reflect the SEC’s position on any other case.

16 **WHEREAS**, the SEC and Swanberg wish to resolve all outstanding issues by entering into this
17 Joint Stipulation for Voluntary Dismissal and Releases.

18 **THEREFORE**, in consideration of the above, it is hereby agreed by and between the SEC and
19 Swanberg as follows:

- 20 1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), the SEC and Swanberg stipulate that the action
21 against Swanberg be dismissed with prejudice as to the conduct alleged in the Complaint,
22 and without costs or fees to any party.
- 23 2. Swanberg, for himself and any of his agents, attorneys, employees, or representatives,
24 hereby waives and releases:
- 25 a. Any and all rights under the Equal Access to Justice Act, the Small Business
26 Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek
27 from the United States, or any agency, or any official of the United States acting in his
28 or her official capacity, directly or indirectly, reimbursement of attorney’s fees or
other fees, expenses, or costs expended by Swanberg that in any way relate to the

Litigation, including but not limited to investigative steps taken prior to commencing the Litigation.

b. Any and all claims, demands, rights, and causes of action of every kind and nature, asserted or unasserted, against the SEC and its present and former officers or employees that arise from or in any way relate to the Litigation, including but not limited to investigative steps taken prior to commencing the Litigation.

3. Swanberg represents and warrants that in entering into and executing this Joint Stipulation

(a) he has relied on his own investigation and his own counsel; (b) he has been given a reasonable period of time within which to consider the terms and conditions of the Joint Stipulation and has consulted with counsel regarding the terms and conditions of the Joint Stipulation; and (c) he has voluntarily entered into this Joint Stipulation without duress, coercion, or undue influence.

4. Each of the undersigned represents that they have the authority to execute this Joint Stipulation on behalf of the party so indicated.

FOR THE SEC:

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