

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

CHRISTOPHER FREEMAN BROGDON,

Defendant,

-and-

CONNIE BROGDON, et al.,

Relief Defendants.

Civil Action No. 15-8173 (JXN) (JBC)

**ORDER CREATING A FAIR FUND, INCLUDING POST-JUDGMENT INTEREST IN
THE FAIR FUND, APPOINTING A TAX ADMINISTRATOR, AND AUTHORIZING
THE SEC TO APPROVE PAYMENT OF THE TAX OBLIGATIONS OF THE FAIR
FUND AND THE RELATED FEES AND EXPENSES OF THE TAX ADMINISTRATOR
WITHOUT FURTHER COURT ORDER**

The Court, having reviewed Plaintiff Securities and Exchange Commission's (the "SEC") Motion for an Order Establishing a Fair Fund, including Post-Judgment Interest in the Fair Fund, Appointing a Tax Administrator, and Authorizing the SEC to Approve Payment of the Tax Obligations and Related Fees and Expenses of the Tax Administrator (ECF No. 734), and for good cause shown,

IT IS on this 4th day of February 2025

ORDERED that:

- 1) The Motion (ECF No. 734) is **GRANTED**;
- 2) A Fair Fund for the monies collected, along with any additional monies collected pursuant to the Final Judgment as to Defendant Christopher Brogdon and Relief Defendant Connie Brogdon (ECF No. 543), is created under Section 308(a) of the Sarbanes-Oxley Act

of 2002, [15 U.S.C. § 7246];

3) All post-judgment interest will be included in the Fair Fund;

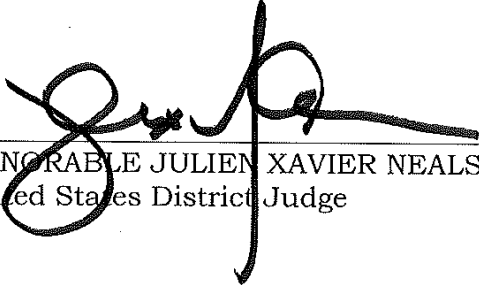
4) Miller Kaplan Arase LLP is appointed as Tax Administrator to execute all income tax reporting requirements, including the preparation and filing of tax returns, for the Fair Fund;

5) Miller Kaplan shall be designated the Tax Administrator of the Fair Fund, pursuant to Section 468B(g) of the Internal Revenue Code (IRC), 26 U.S.C. § 468B(g), and related regulations, and shall satisfy the administrative requirements imposed by those regulations, including but not limited to (a) obtaining a taxpayer identification number, (b) filing applicable federal, state, and local tax returns and paying taxes reported thereon out of the Fair Fund, and (c) satisfying any information, reporting, or withholding requirements imposed on distributions from the Fair Fund. Upon request, the Tax Administrator shall provide copies of any filings to the SEC's counsel of record,

6) The Tax Administrator shall, at such times as the Tax Administrator deems necessary to fulfill the tax obligations of the Fair Fund, submit a request to the SEC's counsel of record for payment from the Fair Fund of any tax obligations of the Fair Fund.

7) The Tax Administrator shall be entitled to charge reasonable fees for tax compliance services and related expenses in accordance with its agreement with the SEC for the Tax Years 2022 through 2024. The Tax Administrator shall, at such times as the Tax Administrator deems appropriate, submit a request to the SEC's counsel of record for payment of fees and expenses from the Fair Fund.

8) The SEC is authorized to approve and arrange for the payment of the tax obligations owed by the Fair Fund and the fees and expenses of the Tax Administrator directly from the Fair Fund without further approval of this Court. All payments for taxes and the fees and expenses of the Tax Administrator shall be reported to the Court in a final accounting.



HONORABLE JULIEN XAVIER NEALS
United States District Judge