

**FINAL ORDER - THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION AS TO CLAIMANTS 2, 3, 4, 5, AND 6 ON JUNE 24, 2019 PURSUANT TO RULE 21F-10(f) OF THE EXCHANGE ACT**

Notice of Covered Action <sup>Redacted</sup>  
<sub>Redacted</sub>

**PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF**

In response to the above-referenced Notice of Covered Action, the U.S. Securities and Exchange Commission received six whistleblower award claims. Pursuant to Section 21F of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 21F-10 promulgated thereunder, the Claims Review Staff has evaluated each of these claims in accordance with the criteria set forth in Rules 21F-1 through 21F-17. The Claims Review Staff sets forth its Preliminary Determination for each award claimant as follows.

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(“Claimant 2”)

The Claims Review Staff has preliminarily determined to recommend that the Commission deny an award to Claimant 2. The basis for this determination is that (i) Claimant 2 is not eligible for a whistleblower award based on Claimant 2’s <sup>Redacted</sup> submission to the Commission (the “Initial Submission”) because Claimant 2 failed to provide a declaration under penalty of perjury as required by Rule 21F-9(b) and (ii) neither Claimant 2’s Initial Submission nor Claimant 2’s subsequent whistleblower submission led to the successful

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enforcement of the Covered Action within the meaning of Section 21F(b)(1) of the Exchange Act and Rules 21F-3(a)(3) and 21F-4(c) thereunder. Claimant 2's information did not:

a. cause the Commission to (i) commence an examination, (ii) open or reopen an investigation, or (iii) inquire into different conduct as part of a current Commission examination or investigation under Rule 21F-4(c)(1) of the Exchange Act; or

b. significantly contribute to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.<sup>2</sup>

Redacted ("Claimant 3"), Redacted ("Claimant 4"), Redacted  
Redacted ("Claimant 5"), and Redacted ("Claimant 6")

The Claims Review Staff has preliminarily determined to recommend that the Commission deny awards to Claimants 3, 4, 5, and 6. The basis for this determination is that Claimants 3, 4, 5, and 6 are not whistleblowers within the meaning of Section 21F(a)(6) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 21F-2(a) thereunder because they failed to submit information about a possible securities law violation pursuant to the procedures set forth in Rule 21F-9(a). Specifically, Claimants 3, 4, 5, and 6 failed to submit information on-line through the Commission's website or on a Form TCR.<sup>3</sup> Because Claimants 3, 4, 5, and 6 did not submit information in the form and manner set forth in Rule 21F-9(a), they are ineligible for awards in connection with the Covered Action.

By: Claims Review Staff

Date: April 25, 2019

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<sup>2</sup> In preliminarily finding that the information Claimant 2 provided to the Commission did not lead to the success of the action, we have relied on the following facts that are identified in a declaration provided by one of the principal attorneys involved with the Covered Action: by the time Claimant 2 submitted information to the Commission, Enforcement staff had already been investigating the fraud for over a year; was aware of the underlying conduct, had identified the primary defendants, and had subpoenaed documents; Claimant 2's information did not cause the staff to look in a new direction; nor did it save the staff time or resources; Enforcement staff would have brought an action based on the same conduct without Claimant 2's information; and Claimant 2's information did not allow the staff to bring additional charges or charge additional defendants and did not significantly advance the investigation or litigation.

<sup>3</sup> We further note that Claimants 3, 4, 5, and 6 each failed to provide a declaration under penalty of perjury at the time they submitted their information, as required by Rule 21F-9(b).