

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**WILLIAM J. BOWSER, et al.**

**Defendants.**

**Case No. 2.20-CV-918 TS**

**ORDER TO  
ESTABLISH A  
FAIR FUND, APPOINT  
A TAX  
ADMINISTRATOR  
AND AUTHORIZE  
PAYMENT OF TAX  
RELATED FEES,  
EXPENSES, AND  
OBLIGATIONS**

The Court having reviewed the United States Securities and Exchange Commission’s (the “Commission” or “SEC”) Motion and Memorandum for an Order to Establish a Fair Fund, Appoint a Tax Administrator, and authorize payment of future tax related fees, expenses and obligations (the “Motion”) and for good cause shown,

**IT IS HEREBY ORDERED:**

1. The Motion is GRANTED.
2. A Fair Fund is hereby established pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002, [15 U.S.C. § 7246(a)] for the funds paid by the Defendants in the captioned matter (the “Fair Fund”). Any interest or earnings on the Fair Fund and any additional timely collections or receipt of funds directed to the Fair Fund will be added to the Fair Fund to be used for the benefit of harmed investors.
3. Miller Kaplan Arase LLP (“Miller Kaplan”) is appointed as the Tax

Administrator (the “Tax Administrator”) to execute all income tax reporting requirements, including the preparation and filing of tax returns, for all funds under the Court’s jurisdiction in this case.

4. Miller Kaplan shall be designated as the Tax Administrator of the Fair Fund, pursuant to Section 468B(g) of the Internal Revenue Code, 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 tax payer 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, Miller Kaplan shall provide copies of any filings to the Commission’s counsel of record.

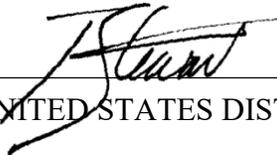
5. The Tax Administrator shall at such times as the Tax Administrator deems necessary to fulfill the tax obligations of the Fair Fund, submit a request to the SEC’s counsel of record for payment from the Fair Fund of any tax obligations of the Fair Fund.

6. The Tax Administrator shall be entitled to charge reasonable fees and expenses for tax compliance services in accordance with its agreement with the Commission for the Tax Years 2019 through 2021. 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.

7. The SEC is authorized to approve and arrange payment of all future tax obligations owed by the Fair Fund and tax administrator fees and expenses owed by the Fair Fund directly from the Fair Fund without further order 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.

**SO ORDERED.**

Dated: November 22, 2021

  
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UNITED STATES DISTRICT JUDGE