

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:21-cv-24320-RKA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ALEXANDER KON,

Defendant.

FINAL JUDGMENT

The Plaintiff, Securities and Exchange Commission, filed a Motion for Entry of a Final Judgment against Defendant Alexander Kon (the “Motion”) [ECF No. 43]. The Defendant, Alexander Kon, does not oppose the Motion. *See id.* at 2. After careful review, we **GRANT** the Motion and enter final judgment as follows:

I. DISGORGEMENT, PREJUDGMENT INTEREST, AND CIVIL PENALTY

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kon is liable for disgorgement of \$585,960.00, representing the net profits gained as a result of the conduct alleged in the complaint, together with prejudgment interest thereon in the amount of \$70,508.81. This Court finds that sending the disgorged funds to the United States Treasury, as ordered below, is consistent with equitable principles. This Court further imposes a civil penalty in the amount of \$103,591.00, pursuant to Section 21(d)(3) of the Securities Exchange Act of 1934. Defendant shall satisfy this obligation by paying \$760,059.81 to the Securities and Exchange Commission **within 30 days** after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request.

Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Alexander Kon as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest and civil penalty by using all collection procedures authorized by law, including, but not limited to, moving for civil contempt at any time after 30 days following entry of this Final Judgment. The Commission may enforce the Court's judgment for penalties by the use of all collection procedures authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders issued in this action.

Defendant shall pay post judgment interest on any amounts due after 30 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961.


II. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

III. RULE 54(b) CERTIFICATION

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

DONE AND ORDERED in the Southern District of Florida on February 8, 2023.

A handwritten signature in black ink, appearing to read 'Roy K. Altman', written in a cursive style. The signature is positioned above a horizontal line.

ROY K. ALTMAN
UNITED STATES DISTRICT JUDGE