Edward M. Daspin
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RE: 3-16509 August 17, 2023

Administrator:
Lawrence C. May
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Dear Ms. Countryman:

I enclose herewith my final addendum for reconsideration of the SEC's dismissal order of June 2, 2023. As you know, I filed the initial reconsideration motion on a timely fashion on June 29, 2023 and prior to my receiving a response from the Commissioners I added 7 reconsideration orders, none of which have been signed yet. I now include with this addendum reconsideration declaration Order # 8.

I did give the Commissioners time to sign some of my orders for relief, as I am being irreparably harmed and defamed by the SEC Complaint's wrongdoing allegations against me not being recanted. Since they remain outstanding, they block my ability to make a living as a private merchant banker. The Commission voluntarily defaulted on signing any of the first 5 orders by 8/15/2023.

Since during the interim period from 6/29/2023 until now I have come to the realization using the inductive method of reasoning that the Government not only violated some of my civil rights but also denied me a fair trial!

If for any reason the Government fails to sign Order #8 by 8/23/2023 which I request to be overnight together with the check for $29.5 million, or that date does not settle this case with me, then I ask that on 8/24/2023 they may and I receive the disc(s) which contains on the documents in my case up to and including in this appeal to enable me to start my lawsuit against the Government of the United States. If the Government wants to negotiate a settlement with me before 8/23/2023 they can do it telephonically. They can call me at my above phone number or if I don't hear the call, call my administrator, Mr. May, who will get in touch with me to arrange a conference and we will call the Commissioners back if they leave their return number. If either of the above is not facilitated by the U.S. Government by 8/23/2023, then I will take the appropriate measures to protect my interest.

I have struggled to act as a pro se in this matter because I am ill and because the McGrath and Murray Enterprises, the Enforcement Enterprise members, and the then Commissioner Enterprise members conspired to defraud me and bribed the investor operator witnesses to suborn their perjury against me. As part of the conspiracy the collective SEC Enterprise

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members permitted Judge ███'s sine di protective order after she found as fact, I had failed all 7 factors that Federal Judges use for adjournment motions and that, if I was forced to testify, I would be irreparably harmed.

To compound the violation of my civil rights Judge ███ dismissed my law firm knowing it would force me to be a Pro Se and he also denied my lawyers' departing motion to give me 60 days to replace them. Judge ███ refused my appeal for her to reverse Judge ███' sinful order dissolving my protection and forcing me to testify in 120 days and she denied reversing Judge ███ when he dismissed my law firm and she denied my motion to give me 60 days to replace the law firm!

It is incredible that after denying my civil rights, including Judge ███ playing musical judge chairs, by evicting Judge ███ from my case for no reason stated that when ███ ███ ███ Can you believe that while I was in the hospital, Judge ███ issued a default judgment against for not attending the hearing. When I was released from the hospital, I filed a motion to appeal Judge ███ default ruling with Judge ███ explaining the reasons I was hospitalized before the hearing and for a week after the hearing date. Despite that, Judge Murray refused to reverse the default judgment.

Judicial notice should be taken that after August of 2018, Judge ███ violated the Supreme Court Justice's Lucia order as that order not only forced her to comply with the appointment clause, but it also ordered any judge that participated in the pre-Lucia hearing adjudication, and if the defendant objected to not participate as a judge in the 2nd hearing. I motioned Judge ███ to recuse herself as she and she alone was responsible for orchestrating and initiating the default judgment with Judge ███ and since Judge ███ had a monetary interest in finding me guilty in the second hearing.

The reason it takes me so many pages to have finally found that my civil rights and my right to a fair trial were denied me is because I am not a lawyer, because I have ill health, because this Commission denied me my civil rights and denied me a fair trial by all of the SEC Enterprises' collective violation of my bill of rights and disregard of the facts of the prima face evidence Worldwide submitted in this case its 10,000 documents pages on December 2012.

I am a loyal citizen of the United States. I was an officer and tank commander in the Army and it would sadden me if I have to sue our country! Unfortunately, the existence of the current inhouse process and the fact that it deprecates and defames our Constitution and violates our Supreme Court's powers because the inhouse Dodd Frank process with its presumption of guilt and its granting 10 times the amount of discovery to the prosecution than the defense has as discussed in the attached declaration makes it impossible for the defendant to get a trial inhouse. Unfortunately, Chair Commissioner ███ and the Director of the Enforcement Division and the Commissioners' General Counsel will not be able to provide innocent defendants with an inhouse solution unless they use my plan as modified by the 4 reconsideration declarations I have submitted. If they use my plan as amended by the 4

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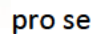
reconsideration declarations and if they sign Order #8, or as negotiated, prior to 8/24/2023, I hereby give them my plan free of charge as a fellow citizen.

Please distribute to each Commissioner copies of this declaration and inform them of the due date to take action, else I will take this case to the appropriate jurisdiction and file a complaint for being denied my Constitutional rights to a fair trial.

Respectfully,

Edward M. Daspin



pro se

P.S. If the Commission uses my plan which permits the inhouse process to overcome the Jaresky and Cochran objections, it will give the administrative law judges new life.

Copies:

President of the United States
Chief of staff to the President

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Edward M. Daspin Case 3-16509 August 17, 2023

Final Addendum of motion for reconsideration. Using the inductive method of reasoning I finally came to the realization that it was not only the SEC Enterprises member(s) that damaged me; but more inclusively it was Commissioners and the Securities and Exchange Commission that violated my civil rights and the facts herein and below also enclosed all of the aforementioned denied me a fair trial.

Dear Ms. Countryman:

I declare under laws of the United States that the foregoing declaration and request for you to open the file in my case is true to the best of my knowledge. I know if I willfully misrepresent, I am subject to punishment.

I herewith attach settlement Order #8 to give the Commissioners who share in the guilt of denial of my bill of rights and a fair trial by ignoring the submissions I sent to the Commissioners from 2016 until today advising them and the President and his Chief of Staff about the violations to my bill of rights and with none of the Commissioner bodies taking corrective action in the interim.

I ask this Commission for $29.5 million in damages, including the three permitted damages: compensatory, punitive, and nominal as described herein and below or the case is settled not later than 8/23/2023. If the Commission elects to settle this matter, I will settle, or sign Exhibit B Order #8 and at that time sign a gag order which releases for all the Commission members and their respective witnesses in a form acceptable to the Commission.

It is in the Commission's financial interest to settle this matter. If the Commissioners do not settle or sign Order #8 in the time required, then I herewith once again ask the Commissioners to sign Order #5 (Exhibit B attached) and direct Ms. Countryman to supply me with the disc(s) on this case no later than 8/24/2023.

The disc(s) should include all documents WMMA sent to the SEC. They should Include all cases including the WMMA Chapter 11. Also include the Craig v. SEC Daspin matter and all depositions of the investor operators. Also include all non-disclosures WMMA signed with its prospective employees and their respective employment contracts. Also include all WMMA/WDI PPMs as well as the Wells Notice and Wells Reply. Also include the transcripts before Judge Grimes of the first pre-Lucia hearing, as well as the submissions Judge Foelak and her protective order and all the motions before Judge [redacted] and Judge [redacted]. It should also include as my motions to recuse Judge [redacted] and the transcript of Judge [redacted]'s proceeding post-Lucia and each and every submission I made to the Commissioners during those proceedings. It should also include [redacted] declaration to Judge Foelak regarding my ill health and the fact that he declared: '…if anyone forced me to testify, I might die…". Also

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include the Brady disclosure document and all the exhibits that Judge Murray refused to accept in her 2019 hearing.

That was the law of the case and the Grimes/Murray, McGrath/ O'Connell, Enforcement, and the Commissioners' collective Enterprise members violated the law of the case right up to today. For this reason alone, my case should not be part of a mass dismissal proceeding and must be treated individually. The facts in this case will show my bill of rights and this Commissioners' denial of giving me a fair trial, as the Commissioners had found me guilty and initiated a complaint against me and then delegated that complaint to an inhouse ALJ, who was an inferior judge and by law had no right to judge me as clearly described in Exhibit E, the SEC v. Jaresky Supreme Court case. (See Exhibit E page 1/7 in the 2nd para. It states:

> "…Dodd Frank's broad grant of unfettered discretion to the SEC to choose between enforcing identical claims in either federal district court or its own administrative tribunal violated the Nondelegation Doctrine because (a) the assignment of claims to a non-Article III tribunal is an Article 1 power, and (b) Congress provided-as the SEC conceded-no intelligible principle to the SEC. Third, the two layers of for-cause removal protections of ALJs violated Article IIs Take Care Clause…"

Judicial notice is pointed out that the SEC conceded that it had no intelligible principle to guide it as to which jurisdiction and which type case they should submit to the inhouse. On page 3/7(.2) it discusses Heckler v. Cheney which the SEC counsel's admitted that it proved that the SEC had no intelligible principle and further that the prosecution had no discretion to choose either jurisdiction because there is no precedent (see Zaring, David (May 2015) stating "enforcement discretion at the SEC". The Heckler case was reviewed in 1985). The Commission's inhouse Dodd Frank violating defendants' civil rights and denying defendants of a fair trial subsequent to 1985 demonstrates that the Supreme Court would change Heckler providing the Commissioners the right to abandon the violations of the bill of rights against defendants. See Exhibit F, which proves that the Commissioners are responsible for the damages that their inhouse judges, enforcement and prosecutors inflicted against me by the Commissioners delegation and/or assignment of my case that the Commissioners created by initiating the complaint against me. I believe are circumstances that the Supreme Court would not let this Commission get away with and which Heckler, a 1985 Federal Court decision, was not intended to be used to provide the Government agencies to defraud innocent defendants by denying their bill of rights and a fair trial.

For the above reasons my case demonstrates why the inhouse proceedings and Dodd Frank must be stopped now or replaced by my plan, which is Exhibit C attached to my first motion and declaration for reconsideration and as the plan was amended in the remaining 3

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declarations and support of the motions for reconsideration. Besides the fact that in 2014 (see Exhibit E pg 2/7 para 2) and a Bankruptcy Federal Judge in the WMMA Chapter 11 found as fact:

> "...Mr. Daspin committed no wrongdoing at WMMA..."

The above proves and further reinforces the fact that this Commission permitted me to be crucified when 2 years before Judge ██████ and ██████ found me guilty of a default judgment they violated the above Res Adjudicata by the bankruptcy court. ████████████ ██ ██ ██. My wife was not an alcohol drinker before those Commissioners permitted its investigators, it's SEC New York Regional office members, Ms. Kazon, all are included as McGrath Enterprise members initiated the complaint against me.

I had also requested in my supplemental reconsideration declaration that the Commission sign Order #4 (a part of Exhibit B) to provide me the right to sue some of the Enterprise members that worked for this Commission during the time I was a defendant as they collectively committed more than 2 predicate acts required for a Civil Rico case within a period of 8 years and which also now will include the Commissioners that were made aware of their division members' wrongdoings against me and not only took no action to protect me from the crucificion, but by taking no action proved that the Commissioners' inaction proved the malice of a forethought and the reckless disregard for my civil rights and the denial of a fair trial; but all of you Commissioners instead from 2015 until now became a cheering section disregarding the injustice I was suffering and instead boasting about the amount of penalties the Division of Enforcement accumulated in 2022. Believe me, the Supreme Court will not be your cheering section, when they hear of your wanton disregard for my civil rights and your denial of a fair trial in my case. Those facts are also the reason I believe the Commissioners used dilatory tactics to hold up the adjudication of my appeal for 3 years and 10 months; knowing the statute of limitations is 4 years. As Exhibit A demonstrates and Judge ██████ protective order shows that this Commission forced me by its Grimes Enterprise members to be a pro se. As Exhibit A demonstrates I am still ill and don't have the time to file a lawsuit against the Commissioner and the Government until Ms. Countryman in Order #5, the disc(s). I ask this Commission to give me a wide berth with respect to its rules as I am not a lawyer and the court requires specificity to each statement of facts of this Commission members wrongdoings in the case I will file against the Commission and Commissioners for violating my civil rights and denying me a fair trial unless your sign Order #8 by 8/23/2023 or settle before that dat.

If the above is not completed by 8/23/2023 (Order # 5 Exhibit B), I request this Commission to sign Order #5 to direct Ms. Countryman to send to me that order. n extension of the statute of limitations for 6 additional months beyond 4 years as in Order #4 (if it can't give me relief by law, then advise me immediately and I will ask for that relief to the Fifth Circuit Court or be forced to add in the Commissioners' denial of a fair trial that the District Court permit me to add the treble in damages against the Commissioners whose dilatory tactics caused me to lose

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the Civil Rico suit portion of my complaint against the current Commissioners). In retrospect, it is obvious that the Enforcement Division Director and the Commissioners' General Counsel with the Commissioners purposely trying to trick me by obstructing my justice which delayed my statute of limitations which I could have filed the Civil Rico lawsuit 60 days after I filed my appeal with this Commission. The predicate acts which the McGrath Enterprise members and which includes the WMMA/WDI Enterprise Members and the MacFarlane Newco Enterprise members all aided and abetted by the Murray/Grimes Enterprise members includes predicate acts, of bribery, extortion, coercion, co-conspiracy to defraud me (but not only limited to those predicate acts) all within the parameters required to file Civil Rico lawsuit.

I also enclose as Order #4 and #5 in Exhibit B (which includes Orders #1 to #8). In those orders I asked the Commission to provide me the right to find the facts which facts I submitted in December 2012 consisting of 10,000 pages of documents to the Commission. Several selected documents i.e. the 8/29/2013 [redacted] deposition specifically includes the 1/20/2011 CBI/Daspin sale of its 5 year consulting service contract to MKMA making Daspin and CBI exclusive subcontractor consultants for MKMA, while barring CBI and/or Daspin from providing such consulting services in the mixed martial arts industry to any individual and/or company except through MKMA, which the contract bars MKMA from providing MMA services to anyone else. In Lux's 8/29/2013 deposition he testifies that Daspin was only a consultant and not a WMMA officer, director, or shareholder. The WMMA bylaws only give control to the WMMA shareholders and the directors they appoint. In addition, the WMMA Chapter 11 proves, which is in my Wells Reply Exhibit A, the 6/19/2012 Dishonest Shareholders's Meeting, is that early as that date, page 17, was suborning the investors' perjury to perjure in essence that "Daspin controlled everything at WMMA" and Judge [redacted] Res Adjudicata discussed in my Wells Reply, Exhibit A, that: "Daspin committed no wrongdoing at WMMA". This was 2 years before the Commissioners, including [redacted] initiated the wrongdoing complaints against me.

If you do not accept the fact that my case should have been dismissed after Judge [redacted] protective order was signed in early 2016, instead of permitting Judge [redacted] to violate it, and to play musical judge chairs and to switch the case to Judge [redacted] and to permit Judge [redacted] to dissolve the protective order, then your complete disregard proves that you directly share in the guilt of denying me a fair trial.

This case proves that the prosecutors, the judges, the prior Commissioners and the Enforcement Division leaders used every trick in the book to deny me a fair trial to run me out of the money and use the Government's $3 billion war chest against me to hold me in, crucifying an innocent defendant and killing my wife. The violations of this case were not meant to be dismissed for no reason.

If you cannot extend the statute of limitations and if the Fifth Circuit cannot extend them for the delays attributable to the Commissioners' dilatory tactics which violated my statute of limitations to file a Civil Rico, then I will add to my complaint for violation of my not receiving a fair trial, and for violation of my bill of rights, requesting that the current Commissioners, the

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Director and the Assistant Director of the Enforcement Division, the Commission's General Counsel, the prosecutors, and the Murray Enterprise to be personally held responsible for the amount of damages I would have received for the Civil Rico violations. All of you collectively obstructed my justice and with malice of forethought and reckless disregard of my civil rights all of you are responsible for my loss of treble damages against this Commission's Civil Rico Enterprise Members to which I shall add you Commissioners as the Commissioners will be the lead defendants.

I had apologized in my motions for reconsideration which I now retract because I had misread the order dismissing the proceedings thinking that the Commission dismissed me and the others for "not being control persons". In fact, I prematurely thanked the Commission for finally admitting the truth that I was not a "control person". Upon rereading the dismissal, it is apparent that as part of the SEC's scheme to deny me a fair trial and deny me my bill of rights the Commissioners chose to hide behind the case law Heckler, Et Al v. SEC. Heckler was a 1985 case. He had already been found guilty as a criminal defendant and was in jail making the SEC's civil complaint redundant because the civil complaint's restrictions would have been while he was still in prison. You gave Heckler ice in the wintertime by dismissing a portion of the SEC complaints' allegations. The 1985 case was before any Dodd Frank Act before presumption of guilt; before any denial of a jury; before judges violated the Appointment Clause inhouse, etc.

I believe just as Roe v. Wade was changed, that the Supreme Court would have changed Heckler. The other cases you recited in the order dismissing proceeding were all based on remands from the Fifth Circuit Court and my case is not a remand and is completely differentiated from the facts recited as in those cases the Commission was forced to dismiss portions of their security violations proceeding.

HISTORY AND RECITATION OF SOME FACTS TO ENABLE THIS COMMISSION TO PROVIDE ME WITH JUSTICE

(I am giving you as an example sufficient facts for you to have adjudicated me innocent if all the disingenuous wrongdoing allegations in the Wells Notice, OIP, and Complaint).

The SEC started its case in 2012 when the Investigative Division and the SEC's New York Region Directors, including Ms. Kazon, chose Ms. Puccio as their whistleblower and after that McGrath and O'Connell confirmed her as their whistleblower. Ms. Puccio suborned the perjury of the other WMMA investor operators on 6/19/2012 in the dishonest shareholders' meeting werein she alleged:

> "…say Ed controlled all small and large things at WMMA…don't say Ed controlled the Board of Directors, because he denied that in writing to us…and I will be the first person to sign it…"

The first declarations I submitted to the then Commissioners with copies to the President, his

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Chief of staff, and the Chief Justice of the Supreme Court proved that: the McGrath SEC prosecutors aided by Judge defrauded Federal District New York City Judge by omission of the material facts that all the SEC judges were all Appointment Clause violators of the Constitution. In the footnotes of my OSC for a TRO to Judge I included that I would be denied a jury trial unless she ordered the Commission to sue me only in Federal District Court and not inhouse. aided and abetted by Jud.ge disclosed to Judge Bachman that Dodd Frank gave the Commission the first right of jurisdiction for either inhouse or Federal District Court. However, Judge and the Enforcement Division from the 2014 Jaresky Federal District Court case (recited in Exhibit E, pg 2/7 (.)2) that the Dodd Frank practice inhouse violated those Constitutional elements. As even a simpleton would know that if the Constitution mandates that an inhouse judge must comply with the Appointment Clause and that any proceeding that had a common law complaint requires a jury trial benefit, the violations by the Commission with malice of forethought, knowingly violated my Constitutional rights which violations were omitted by as aided by Judge as McGrath also concealed that Judge was not Constitutionally appointed either. SEC lawyers, inhouse administrative judges, Commissioners, and certainly the Director and Assistant Director of the Enforcement Division are supposed to know the Constitution at heart, yet they clear cut violated it.

I also submitted additional declarations during the proceedings and up to the Murray post Lucia proceedings that proved that the SEC's Judges Murray/Grimes in the pre-Lucia hearing and Murray in the post-Lucia hearing violated Judge Foelak's protective order 3 times and forced me to testify when Judge Foelak's Postponement sine di order stated as fact that

> "…Mr. Daspin would be irreparably harmed if anyone forced him to testify…".

I also disclosed to the then Commissioners in 2016 that Judge ordered a default judgment against me when the knew that I was hospitalized and could not attend the hearing. In fact, Jarseky v. SEC's 2014 Federal District Court case proved that Congress violated the Constitution by providing in Dodd Frank that the SEC had a right to legislative powers by granting the SEC to have first jurisdiction in either the inhouse process, or in Federal District Court.

The prosecution psychiatrist witness did not see the causal factor of the medication. Pfizer's gross annual sales from Lyrica were $250 billion making the Texas plaintiff's $2.5 billion lawsuit a drop in the bucket and to this day Pfizer still makes and sells Lyrica. Not only did the judges know that a week before I

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In August 2018, the Supreme Court in Lucia v. SEC ordered that none of the inhouse judges had been Constitutionally appointed, and the Justice's voided 150 judgments against inhouse defendants and gave the Commission the right to sue the 150 defendants after the inhouse judges complied with the provisions of the Constitution. In that order, the Justice's ordered that no judge that had participated in the pre-Lucia hearing could conduct the post-Lucia replacement hearing if the defendant objected to that judge hearing the second case. Then Judge [redacted] refused to recuse herself on my motion, which not only informed her that she was an initiator and orchestrator of my default judgment by her violation of Judge [redacted] protective order and by her playing musical judge chairs switching my case from [redacted] to Judge [redacted] for no reason, but she also had a personal monetary interest in finding me guilty. My reason described for her monetary interest was that in 2016 I disclosed to her, Judge [redacted] and the prosecutors that after this case was over, I would sue all of them for Civil Rico violations.

As this Commission should know a judge is not permitted to hear a case in which they have a monetary interest, unless they are Justices of the Supreme Court that have an exemption to that rule. In my disclosure to Judge Murray that her contempt of the Justice's Lucia order refusing to recuse herself on my motion, I made it clear that she could use her guilt finding against me to set up a sour grapes defense, as I had already informed when I sued her for the Civil Rico damages, she could allege that she found me guilty violating the Justice's order.

I repeatedly advised the Commissioners of the aforementioned facts, and each time I did so I copied the President and his Chief of Staff. Despite these Constitutional violations of my civil rights the Commissioners denying me to receive a fair trial, as despite those facts the Commissioners took no action to protect me from Judge Murray, the prosecutors, and Judge Grimes.

I disclosed to the Commissioners the fact that former Judge [redacted] in a 2015 Wall Street Journal editorial had declared that Judge [redacted] pressured her to find more cases for the prosecution. When Presiding Judge [redacted] was asked to submit an affidavit to the WSJ to contravene Judge [redacted] yet Judge [redacted] refused to do so and sent a note instead stating he would never submit an affidavit in that matter!

Instead of Commissioner [redacted] extricating Judge [redacted] despite the 2 layer for cause removal violation of the Constitution, Commissioner [redacted] could have put her on the sidelines with full pay. Instead, the Commissioners it appears aided by Senator [redacted] used the Inspector General to issue a report alleging he could not find sufficient proof against Judge [redacted]. In fact, Judge [redacted] WSJ declarations proved the allegations against Judge [redacted] were for her criminal conduct and the complaint should have gone to the Attorney General and not to the Inspector General.

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The reticence of Commissioners under [redacted] to protect innocent defendants by permitting Chief Judge [redacted] to continue on infecting the inhouse process while Chair Commissioner [redacted] in 2015 lied when he stated "... the prosecution only has a slight edge against defendants...". While Chair Commissioner [redacted] boasts about the $4 billion in penalties in 2022 without disclosing that a lot of those penalties came from the Enforcement Division fixing cases by the inhouse judges against defendants proves to this defendant that the entire SEC 4,500 Commission employees are a club that has made a decision with malic of forethought that they don't care about how many cases are fixed against innocent defendants, but how much money they can collect from the violators of SEC laws and innocent defendants. The Commission and all employees are all together as a club Commissioner [redacted] admits he talks to prior Commissioners all the time. That ex parte conduct with Commissioner [redacted] with Commissioner knowing she would be one of the defendants in my Civil Rico lawsuit along with Judge [redacted] and Judge [redacted] is another reason he may have protracted my case's adjudication and tried to deny me justice by putting my case in with 41 others using a 1985 case to violate my civil rights and denial of a fair trial.

Judge [redacted] refusal to contravene Judge [redacted] statements to the WSJ confirmed that if Commissioner [redacted] had delegated to the judges inhouse her complaint against me when had she performed her duties WHICH REQUIRES EACH COMMISSIONER TO ENFORCE SECURITIES VIOLATIONS FROM ANY ALLEGED PARTICIPANTS! ALL OF HER WHITE JOHN AND JANE DOES COMMISSIONERS SUBCONTRACTED THEIR ENFORCEMENT AGAINST ME WHILE EACH OF THEM ARE DIRECTLY RESPONSIBLE FOR THE DAMAGES I INCURRED BY THEIR SUBORDINATES. SHE KNEW NONE OF HER INHOUSE JUDGES WERE CONSTITUTIONALLY APPOINTED AS DID THE COMMISSIONERS BEFORE, YET WITH MALICE OF FORETHOUGHT AND RECKLESS DISREGARD FOR THE LAW IT TOOK THE SUPREME COURT IN LUCIA TO CORRECT THE CONSTITUTIONAL VIOLATION. THOSE COMMISSIONERS MADE OUR FEDERAL RULES OF CIVIL PROCEDURE AND OUR CONSTITUTIONAL BILL OF RIGHTS LOOK RIDICULOUS BY IGNORING THE DECLARATIONS I SENT TO THE COMMISSIONERS. Commissioner Mary Jo white should have sent the matter to the proper jurisdiction, the AG could have given immunity to Judge [redacted], and it is obvious that he would have testified that Judge [redacted] had pressured other judges to fix cases against defendants. The statistics proved that it was more than a coincidence that over the 3-year period ending 3/2015 the inhouse judges found 90% of the defendants guilty, while during the same period with the same approximate number of cases the Federal District Court Judges in SEC cases found 32% of the defendants were innocent.

Yet the [redacted] and her Commissioners still stuck me with Judge Brenda Murray and Judge [redacted] new Pratt Boy who had the unmitigated gall to dissolve my protective order exposing my life to possible death. In 2019 Commissioner [redacted] and the Clayton and and John Commissioners permitted Judge [redacted] to find me guilty, when the facts and the prosecution fixed the case against me as the facts prove I was an innocent defendant. Judge [redacted] conduct in my case proved that she was fixing it against me. Judge [redacted] switched judges from Judge [redacted] to Judge [redacted] for no reason! This was after Judge [redacted] postponed my case with a protective order and after she found as fact: "...if anyone forces Mr. Daspin to

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testify, he will be irreparably harmed…". It is obvious it what was the sole reason for switching judges, because 3 weeks after Judge [redacted] got my case, he violated the law of the case using a sham reason that Rule 300 disfavored adjournments. Judge [redacted] knew [redacted] Judge [redacted] dissolved the protective order and forced me to testify in 120 days. In addition, my law firm was so upset by the musical judge chairs that Judge [redacted] played, that they motioned and were to be allowed to be dismissed because they also had depleted my $1 million litigation bond. The SEC rules in that regard violate New York and New Jersey's case law which clearly holds in law firms if the defendants run out of money shortly before the trial is supposed to commence.

Judge [redacted] finding of fact proved that I failed all 7 factors which Federal Judges use to find adjournments. Despite her findings, and the fact that I would be irreparably harmed, it is obvious the Grimes/Murray duo not only violated my Constitutional rights to a fair trial by violating a protective order and forcing me to testify, but they also forced me to be a pro se.

The stress associated with forcing me to defend myself, compounded by the fact that Commission's filing of a disingenuous complaint against me knowing I had 3 Res Adjudicates by 3 separate Federal Judges which collectively proved that "…I committed no wrongdoing…" and "…that I did not fraudulently induce Wayne Craig violating securities fraud…" which the Federal Judge dismissed the complaint against me with prejudice, and lastly that the WMMA contract which Nwugugu declared in his Brady recantation in which he attached his OIP answers that he used the Chamco service contract as a template for the WMMA service contract and that "…Daspin did not write the WMMA service contract…" and Nwugugu proved that in my Wells Reply, Exhibit C, Federal Judge Theodore found me "by using the Chamco service contract …" which he found me completely innocent "…of any securities violations…" on 12/31/2012, a Res Adjudicata barring Judge Murray from finding me guilty of violating the Exchange Act.

[redacted] In 1978 I promised my wife I would never violate any US laws again, when I had to serve 6 months in Federal prison for participating in concealing a DIP's assets. When I got out of jail in 1978, I promised my wife I would never violate any US laws again.

Who would believe the Government of the United States and the Commissioners then and now would concoct a phony disingenuous securities cases against innocent defendants including me knowingly, recklessly, and with malice of forethought particularly when a Federal Bankruptcy Judge found in WMMA's 2014 Chapter 11: "…that Daspin committed no wrongdoings…" (that finding eradicates Judge Murray's allegation that I violated scienter)

The prior Commissioners supervising my case permitted the McGrath O'Connell prosecutors with the Commissioners initiated a complaint when the prima face evidence disproved the wrongdoing allegations. The judges and SEC prosecutors' conduct unchecked by the

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Commissioners, who violated my rights to a fair trial and my civil rights under the bill of rights of the Constitution.

As if that was not enough violations of my civil rights, when you review Judge Murray October 16, 2019 initial decision which is in my appeal as Exhibit B1, I disproved each allegation in the first 14 pages of Judge [redacted] opinion (B1 took me 29 pages, but if I contravened Judge [redacted] remaining 36, it would take me another 100 pages, which the SEC rules don't permit). In Judge [redacted]'s opinion you will see that she used the testimony of proven investor operator perjurers as her evidence when the SEC prosecutors admitted that Lockett, Heisterkamp, and Puccio perjured their respective subscription agreements that they were accredited investors and when my 2 Reply declarations in WMMA's Chapter 11, my exhibits proved Main, Beckedejian, and Sullivan were perjurers as well. In addition, in the Chapter 11 that non-investor MacFarlane, who was WMMA's President from 2/17/2012 to 8/10/2012, denied that he was ever WMMA's President. My Reply declaration attached 2 exhibits with contracts with In Demand and Bell Canada where he signed them as WMMA's President.

> THE COMMISSIONERS USED THE ALJS AS THEIR RESPECTIVE AGENTS AND REPRESENTATIVES MAKING THE COMMISSIONERS LIABLE FOR THE DAMAGES I INCURRED AS A RESULT OF THE RESPECTIVE VIOLATIONS OF MY CIVIL RIGHTS AND DENIAL OF A FAIR TRIAL, BECAUSE I SPECIFICALLY COPIED THE COMMISSIONERS AND THE PRESIDENT AND CHIEF OF STAFF WITH THE MURRAY/GRIMES DENIAL OF MY CIVIL RIGHTS WITH THE PROSECUTORS DENIAL OF MY CIVIL RIGHTS AND WITH MY RECEIVING NO FAIR TRIAL.

Judge [redacted] not only disregarded the 3 Res Adjudicates issued by the 3 Federal Judges before the Complaint and Wells Notice were filed against me!! Judge [redacted] in her initial decision knew by her admission that she read my Wells Replies Exhibit A, the Dishonest Shareholders Meeting Page 17 that the SEC whistleblower, Ms. Puccio, who in 6/19/2012 suborned the perjury of all WMMA investors to fabricate I was a control person. Judge [redacted] abused her discretion by using the investor operator's testimony, violated Judge [redacted]s protective order, violated the Justice's Lucia order, violated my recusal motion, by using the investor operators' testimony in her initial decision. Judge [redacted] disregarded the prima face evidence, the facts contained in the 15,000 pages of documents submitted in this case, and the 3 res adjudicates from Federal judges. All the aforementioned facts proved I committed no wrongdoing at WMMA.

Now this Commission comes to me hiding behind Heckler v. Chancy when Heckler v. Chancy has no bearing denying me a fair trial other than that this Commission refuses to admit its violation of my civil rights and refuses to admit it and its staff denied me a fair trial. In Heckler the court made a 1985 decision long before the Commission's use of Dodd Frank Act and who violated defendants' right to a jury trial after 1985 the Commission's use of inhouse who were the Commission's agents and delegates making the judges fiduciaries for the Complaint initiators made that 1985 case law obsolete with respect to the Commission's subsequent violation of my civil rights. The 1985 case law was made before the Commission permitted its judges to violate

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the Appointment Clause for 8 years before the Supreme Court stepped in and violations of this and other defendants' civil rights; violations of not receiving a fair trial; violation of the Supreme Court Lucia prohibition that if a judge participated in the pre-Lucia adjudication and if the defendant objected, that judge could not hear the second hearing.

The indiscretions of the Commission before 1985 do not have any comparison to the gross commission injustice perpetrated against me and other innocent defendants after Dodd Frank in 2011. I believe the Supreme Court would take a different view regarding Carley v. SEC, the Division's dismissal of certain wrongdoing allegations arose from of the Fifth Circuit Court remand of Carley's case making the dismissals by the SEC in actuality a requirements imposed by the Fifth Circuit Court rather than from the Commission voluntarily. Lastly, in Nicholas Howard v. SEC, again the Fifth Circuit Court found that the SEC's opinion holding Howard liable as an aider and abettor "…was confused and confusing...". Further the Fifth Circuit held that the SEC did not fully explain recklessly as an aider and abettor. In summation the cases alleged to give this Commission power were all based upon orders from the Fifth Circuit except in the Heckler matter, and that was a 1985 Federal Court order which the SEC unjustly used to attempt to eliminate my Constitutional rights to a fair trial.

EXTORTION AND COERCION

Heckler was long before the Commission's and its Division's series of predicate acts by the 4 SEC Enterprises, including 3 of its Divisions, plus the Commission itself as an Enterprise member as it aided and abetted the other 3 SEC Enterprises, which all collectively conspired to defraud me, aided and abetted by the Enterprise members and each other to commit bribery of witnesses as a tradeoff for suborning their perjury and permitted the McGrath Enterprise Members including the WMMA/WDI investor operators to extort me as discussed in the 6/19/2012 Dishonest Shareholders' Meeting.

As reported by Mr. Lockett in the glossary of the Dishonest Shareholders' meeting he stated that he would in essence "…break Daspin's head against the wall unless he gave MacFarlane's Newco WMMA on the cheap…". It is apparent that the SEC Commissioners and their respective Enforcement Division prosecutors such as McGrath and O'Connell not only permit their Enterprise Members to suborn the investors' perjury and bribe them, but to extort innocent defendants 2 months after the El Paso event in 3/31/2012. Had the SEC not involved itself in an exempt securities transaction, I and Agostini could have turned WMMA around, but the SEC gave the investor operators false hope and by bribing them along with MacFarlane's Newco bribes these otherwise seemingly honest investor operators became crooks.

Chair Commissioner ██████ bragged about the 2022 $4 billion penalties that the Enforcement Division facilitated, yet Commissioner knew that those defendants ran out of money because they did not have a $3 billion budget from Congress. Before If a President I believe that the tiger of protecting citizens of the United States is the Supreme Court and further that that tiger by its recent findings of fact in Cochran, Lucia, and possibly Jarseky, has decided to put the Commission in its mouth because our Supreme Court has found that this

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entire Dodd Frank mess is filthy and that Congress tried to circumvent the tiger's powers. That tiger is the reason that we are the greatest nation in the world. If the President can't get away with a crime, neither can Congress permit it's SEC Commissioners to get away with many crimes against this defendant that its agent and representatives, the Administrative Law Judges committed against me.

From the very beginning, the Commission knew that the inhouse administrative proceedings violated 4 of the 10 Bill of Rights Constitutional Amendments. Upon rereading the order dismissing proceedings, it is apparent that part of the SEC's new plan for denying me a fair trial have concocted an alleged "control deficiency wherein the Commissioners allege that they are dismissing all of us as there was an alleged error of a "control deficiency" related to the separation of enforcement and adjudicatory functions within our system for administrative adjudications".

I find it incredible that the Commissioners would dismiss the proceedings they are their subcontractors, the ALJ, launched against me in bad faith and in violation of my civil rights and by this Commission not allowing me to have a fair trial and my civil rights based upon this Commission's attempt to allege control deficiency that the Commission's counsel invented as if it was relevant to my case, which it is not. The Commission alleged that there was no evidence that the control deficiency resulted in harm to me or the other respondents! However, this Commission concocted a complaint against me which alleged I was a control person when the facts proved the reverse was true; yet you let your prosecutors and judges get away with conspiring to defraud me and your respective enterprises' members coerced and extorted me, bribed investors to perjure themselves against me knowing the falsity of the case against me in its entirety.

This Commissioners needs to fess up. You are members of an agency of Congress, and each of you swear as a condition precedent to holding office, that each of you will protect and abide by the Constitution and that you, as a Commissioner, swear to enforce the security laws and prohibit violators of those laws from harming our society. Your oath did not permit you to fabricate wrongdoing allegations against innocent defendants denying them and me our civil rights, and denying me a fair trial. At the same time, Congress violated the powers of the Supreme Court by encroaching on its terrain and defaming our system of Constitutional Government by eliminating a jury trial, by providing the SEC legislative powers, and by knowingly permitting the SEC to have its inhouse judges violate the Appointment Clause for 8 years after Dodd Frank was initiated.

To make matters worse Congress permitted the Commission to violate due process and to assume the defendants are guilty before they are tried!! In the guise of saving money Congress permitted the inhouse prosecutors to have up to 10 times more discovery than the defendant's lawyers by the prosecution withholding its Wells Notice and then after they filed it, forcing the defense to respond in about 60 days. Then Congress created 2 layers of cause needed to fire the inhouse judges and it gave the Commissioners the first appellate right to hear appeals on cases the Commissioners initiated in the first place. The aforementioned is a conflict of interest

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because it is not just for the Commissioners issue a complaint and then after their own representatives find innocence, take the first appellate right and find those defendants guilt again. The safeguards to protect defendants were eliminated when the SEC rules permit hearsay evidence and attributable to the Commissioners' first right of appeal, they barred the Article 3 judges in Federal District Court to review and change the facts that the inhouse judges found if proven wrong. This is attributable to the fact that after this Commission hears my appeal, I can only appeal to the Circuit Court and I cannot appeal the alleged facts of my wrongdoing, but only appeal on Constitutional grounds. If Order #8 is not signed or if the case is not settled by 8/23/2023 by 5 pm, I will file a civil rights action for denial of a fair trial and I will name all of you for purposely and malice of forethought not stopping this practical joke when Judge Foelak filed her protective order.

I have Constitutional grounds to sue the Government because you violated my civil rights and denied me a fair trial. Congress had a conflict of interest by providing the Commission with its wish list for the Dodd Frank inhouse litigation process. It is apparent that Congress attempted to circumvent the powers of the Federal District Court and our Supreme Court by concocting an adjudicatory process that presumed the guilt of defendants, by permitting the inhouse judges to be agents of the Commissioners. The inhouse judges are delegates of the Commissioners so that regardless of their compliance of the Appointment Clause by a judge, after being appointed, by the judge's acceptance of their being delegates of the Commissioners, that judge now has a fiduciary to the Commissioners as the Commissioners' agent, representative, and delegate and can no longer judge independently.

I originally thought that the Commissioners were independent and would irradicate any wrongdoings within the SEC five divisions. How many more unconstitutional administrative trials must our citizens endure before getting the chance to argue our cases in an Article 3 Court? (I have given this Commission one last chance to use my plan, which is Exhibit 3 to my initial motion for reconsideration as I amended it in the other 3 reconsideration motions filed by me subsequent thereto). If you sign Order #8 or settle no later than 8/23/2023 by 5 pm, I believe that the Supreme Court may permit this Commission to save the inhouse judges and use the modified inhouse process as long as the Commissioners no longer having any appellate right as you are the ones who initiated the complaint in the first place and your administrative law judges are your own representatives. I believe the tiger will no longer permit the malconduct of the SEC Commissioners as the Article 3 courts must have the right to adjudicate each SEC case's facts. Since the inhouse process uses the 5 Commissioners and their 5 Divisions all of whom are on the prosecutor's side, the only way to even off and provide defendants pre-complaint justice is to adopt my ombudsman plan using standby Federal judges as advocates for defendants so that the Commissioners will receive a meaningful judicial review of the Wells party disputes before they permit their prosecutors bullying pre-complaint initiation settlements based upon concocted wrongdoing allegations against innocent defendants.

I now know it is impossible for the Commissioners to be impartial unless you reformat my plan and the inhouse process. If you do that you will be confronted by a standby Federal Judge as an

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advocate pre-complaint initiation giving the Commissioners a meaningful judicial review. In this manner the Commissioners will know the truth about any Wells Notice wrongdoing allegations. Right now each of you are each cheering fans for the 5 division's 4500 employees that you supervise. Even SEC Chair [redacted] stated, in a recent article the press release dated November 15, 2022 captioned SEC ANNOUNCES ENFORCEMENT RESULTS FOR FY 2022. In page 1, paragraph 3 Chairman Gensler stated:

"…I continue to be impressed with our Division of Enforcement…what stays the same is the staff's commitment to follow the facts wherever they lead…".

In the same article, [redacted], the Director of the Enforcement Division, stated on page 1 paragraph 4:

> "…as reflected in these results, the Enforcement Division is working with a sense of urgency to protect investors, hold wrongdoers accountable and deter future misconduct in our financial markets…".

Then he said:

> "… a centerpiece of those efforts is assuring that we are using every tool in our tool kit, including penalties that have a deterrent effect and are viewed as more than the cost of doing business…".

What Director [redacted] forgot to inform the public was that the Division concocts wrongdoing cases against innocent defendants like me. What Director [redacted] omitted was that his division permits some of the prosecutors that are suborning the perjury of witnesses to obtain penalties from innocent individuals!

The facts spelled out in this article prove that Congress's budget annually is $3 billion a year and that approximately 90% of the penalties come from forced Government settlements which amounted to $4.2 billion in 2022. Without the penalties the SEC lost $600 million because the SEC admits in the article that the total money it took in was $6.4 billion less $4.2 billion in penalties leaves $2.2 billion in cash flow when the cost to the SEC is $3 billion a year. It is obvious, that Commissioner Chairman [redacted] being impressed with the SEC financial performance is in part disingenuous because the Enforcement Division and the Commissioners permit the crucifixion of innocent defendants to settle penalties to break even and then to show a profit. The financial motivation of the SEC Commissioners and its judges and prosecutors demonstrates the reason that the Commissioners look the other way when confronted with the criminal conduct of some of its judges and prosecutors.

Unfortunately, I must retract my misunderstanding by thanking the Commission for finding I was not a control person. In fact, this self-serving order dismissing proceedings is further proof that I have not only have denied my civil rights by not receiving a fair trial or hearing, but that the Commissioners refused to admit that its staff and its government employees violated my

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civil rights under 42U.S.C.@1983, also known as the civil rights act of 1871, a Federal law and refused to give me a fair trial. A 1983 lawsuit is the nickname for a civil rights lawsuit.

The Commissioners and the Commission's employees violated my bill of rights and denied me a fair trial as government officials that they all have the authority and/or perceived authority to carry out the enforcement of the law and they misused that authority in my case! The facts of this case are described in my appeal of Judge ███'s October 16, 2019 initial decision and documents with respect to Exhibit B1 of my appeal on Judge ███s first 14 pages of her opinion. This addendum reconsideration motion declaration and Order #8 represents my attempt to provide the Commissioners with the facts so that instead of using a cop out, and particularly prosecuting me over six years, the Commissioners do the right thing. Settle this case so Joan can rest in peace and based upon my facts find me innocent of any wrongdoings as in Order #1 and Order #8.

Although you think you have a right to dismiss the proceedings for no reasons according to Heckler, I believe that the Commission's inhouse process and the Constitutional violations in Dodd Frank as evidenced in my pleadings and by the Supreme Court's findings in Cochran v. SEC, Lucia v. SEC and the Fifth Circuit's Jaresky v. SEC proves that the Supreme Court would not have made that finding had they known this Commission's actions subsequent to using Dodd Frank in 2010. The Supreme Court did not intend, I believe, that Congress would encroach on its powers and pervert our Constitution's rights to the presumption of innocence, nor do I believe the Supreme Court would permit the inhouse process to dramatically reduce the defendant's discovery in my case the prosecution had 18 times more discovery than my defense lawyers were permitted. I also do not believe the Supreme Court would permit that the Commissioners get the first right of appeal on the inhouse cases they initiated in the first place. At the same time I don't believe that the Supreme Court would agree that its Article 3 judges would be blocked from changing the inhouse judges' findings of fact. We have already seen that between Lucia, Cochran, and the Fifth Circuit's findings in Jaresky that this Commission is not allowed to deny a jury trial to inhouse defendants; that this Commission is not allowed to have 2 layers for removal for cause and in my case I submitted the reasons that the prior Commissioners had an obligation to remove Judge ███ for her various violations of my Constitutional civil rights and in collusion with Judge ███ the prior Commissioners attempted to whitewash Judge Murray by submitting the declaration of former Judge ███ to the Inspector General when Judge McEwen's declarations gave cause for the Attorney General because Judge Murray fixing cases against defendants is a criminal violation of the law. Now this Commission wants to cover that up with a dismissal for no cause when you denied me my bill of rights and denied me a fair trial.

Your attempt to eliminate my damages sustained as a result of your division's and your prior colleagues' violation of my rights also prove that you have disregarded the malconduct of your subordinates, particularly Mr. McGrath and Judge James ███ McGrath suborned the perjury of Larry Lux, I.e. in 8/29/2013 McGrath asked ███ who wrote the WMMA PPMs. ███ testified and answered: "… ███ wrote the lion's share…". Then in 2019 in ███'s direct of ███ he asked ███ the same question after six more years had passed and after Lux had

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[redacted]. [redacted] changed his 2013 testimony obviously because in the interim Lux settled the case as a defendant without having to pay one penny of any consideration to the Government. In 2019 Lux testified: "…Daspin wrote the entire WMMA PPM…"!!!

The subornation of perjury in my case is rampant. In addition, the prosecution invented wrongdoing allegations and then described the wrongdoing they invented as if I were the perpetrator, I.e. in the Wells Notice and Complaint and as spelled out in the OIP the Government found that I disguised investment banking fees to look like human resources fees. In the 1/20/2011 five-year consulting service contract wherein my company, CBI, sold its contract for WMMA services to MKMA and in that contract I and CBI became subcontractors to MKMA with me getting half the fees charged by MKMA and the contract further prohibits me and MKMA from binding WMMA. The contract also provides that MKMA and me could not provide mixed martial arts services to any company for five years unless as subcontractors of MKMA. Fortunately, on December 2012 WMMA delivered 10,000 pages of its documents to the SEC, all of which came out of Mike Nwugugu's computer. I believe the 4th document was Nwugugu's Chartis insurance claim, which in paragraph 6 he admits:

> "…I (Nwugugu) wrote 100% of WMMA's PPMs…"

[redacted] was listed as an SEC witness for the 2016 hearing. The reason the SEC concocted that allegation was because they alleged that I disguised investment banking fees to circumvent the Exchange Act, which requires a license by the person raising funds to receive a fee. In addition, Nwugugu contravened in his Chartis Insurance claim in paragraph 6: "…I wrote 100% of the WMMA PPM…"

The SEC and the McGrath prosecutors which the Commission initiated a complaint against me also alleged that I was a control person of WMMA. The Commission's disingenuous reprehensible concocted allegation that I was a control person is contravened by the fact that Mr. Lux's 2013 deposition disproved that when he testified:

> "…Mr. Daspin was not an officer, director, or shareholder of WMMA…he was a consultant…Daspin had to be invited by a director to attend a WMMA board meeting…none of the Directors had to accept any of Daspin's opinions…"

The Complaint and Wells also alleged I milked $1 million in fees from a startup causing it to go out of business; but the books and records we gave to the SEC in December 2012 disproved that allegation since I, CBI, and MKMA only received $240,000 in total of paid fees. Further, the SEC's own fraud analyst in her direct testimony testified that:

> "…Mr. Daspin, CBI, and MKMA in total collectively only received $240,000 in fees…two weeks before the WMMA 3/31/2012 El Paso event the WMMA financial team officers submitted a budget of $450,000 (to the WMMA Board of Directors and to the 7 investor operators and CBI, and me) for the WMMA charitable event, yet the event cost WMMA lose $1 million for that event…"

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In Mr. Lux's 2013 deposition he testified that:

> "…William MacFarlane was WMMA's President and that he ran the charitable event for WMMA and that he lost $1 million at that event because of his gross negligence…"

Judicial notice should be taken that prosecutor [redacted] 8/29/2013 SEC deposition, so that McGrath knew that the Wells Notice and Complaint against me with respect to the aforementioned deficiencies and alleged wrongdoings was completely false, yet he persisted in defaming me with reckless disregard and malice of forethought the Wells Notice wrongdoing allegations were disproven before he submitted the Wells Notice. The 10,000 pages of documents submitted to McGrath in December 2012 disproved those allegations. I alerted the President, the Chief, and the former Commissioners of the violations to my civil rights. I alerted to the Commissioners my illnesses and that Judge Foelak's protective order was trespassed by the Murray/Grimes Enterprise members to no avail! Yet that was the Government's allegation that I took that million in fees, milking WMMA, when the McGrath Enterprise knew 3 years before they filed their Wells Notice and Complaint against me that I did not milk $1 million in fees and it was MacFarlane that lost the million as WMMA's President

Judicial notice should be taken that the books and records of WMMA delivered on 12/2012 delivered to the SEC proved incontrovertibly that on January 15, 2011 I forgave $1 million in fees for the IMC contract and that on December 8, 2011 that I, CBI, and MKMA capitalized WMMA with an additional $3, 460,000 while we collectively only received $240,000 paid by WMMA. The four Government Enterprises referred hereto and above knowingly, and with malice of forethought, concocted wrongdoing allegations co-conspiring with each other, while committing a series of predicate acts including subornation of perjury, bribery, extortionistic threats against me all in pursuit of forcing me to give the MacFarlane Enterprise WMMA on the cheap. In fact, when [redacted] used me to submit his claim to Chartis Insurance to receive a return of his investment because of his allegation that MacFarlane fraudulently induced him to invest, and when Mr. Lockett did the same thing on the same day, because he alleged that Ms. Puccio fraudulently induced him to invest after I sent their respective claims to Chartis Insurance by email around September 2012 when I became a WMMA officer from 5/11/2012 and I had exercised my wife's warrants from [redacted] and owned about 60% of WHLD which owned 90% of WMMA/WDI. [redacted] kept me on the phone. In that phone call he asked me to get smart and I asked him what did he mean? He clearly stated that MacFarlane has the power to stop the SEC investigation against me if I give MacFarlane's Newco WMMA "on the cheap without a down payment…then Then MacFarlane told me if Daspin doesn't do it, he and some of the MacFarlane Newco Enterprise members knew where I lived and they have agreed to beat the shit out of me unless I gave his Newco WMMA on the cheap.The Lockett said I could solve 2 problems at the same time and then he laughed as if it what he quoted was a joke. Just read the Dishonest Shareholders' Meeting glossary under Lockett and "on the cheap" to see the threats that Lockett orally threatened me as above declared by me.

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The Wells Notice, OIP, and Complaint alleged the following wrongdoing allegations against me:

1) Daspin and MKMA appraised the IMC database of 830 million double opt on emails as having a FMV appraised value of $83 million. The Complaint alleges that:

> "…the reason Daspin exaggerated the IMC value on WMMA's balance sheet which [redacted] prepared was to defraud prospective investors…"

The facts prove that the Government's Brady disclosure document in the Mr. Beryl Wolk section and Mr. Wolk was IMC's owner:

> "…I was offered $40 million from one buyer and $90 million from another buyer to purchase the IMC database…"

[redacted] admission proved that the Government knew that my fair market appraisal of the IMC database was conservative and was $7 million below the highest offer he had received. Another willful, malicious, disingenuous wrongdoing allegation against me that the prosecutor's own facts disproved their allegation.

2) The Government alleged that I exaggerated the projections in the WMMA PPM to defraud prospective investors, yet in his direct Mr. Main testified:

> "…I and [redacted] wrote the WMMA projections…"

Main was a witness for the SEC and he was the President and Secretary of WMMA prior to MacFarlane becoming President and after MacFarlane resigned, he became President again. Main was one of 3 Directors of WMMA and as you will see below, Main admitted that he and Mr. Lux collectively controlled WMMA without anyone else's opinion.

3) As my Wells Reply disclosed Federal Bankruptcy Judge, Judge Gambredella found as fact with her trustee [redacted] in 2014 in the WMMA Chapter 11, that:

> "…Mr. Daspin committed no wrongdoings at WMMA…"

Since the Wells Notice, OIP, and Complaint were filed in 2015, the Government knew they should not have sued me, because the elements they had in this case proved they knew I was not a control person by Mr. Lux's 8/29/2013 testimony and because the books and records that WMMA delivered in 12/2012 proved WMMA was controlled by the shareholders voting in the Directors, and the Directors having final control. McGrath had direct knowledge of the WMMA/Daspin/CBI/MKMA 5-year consulting service contract because in 8/29/2013 when he subpoenaed Lux, he had Lux testify about that very contract and in it Mr. Lux testified that:

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> "… Daspin was not a WMMA officer, director, or shareholder of WMMA…he was only a consultant…none of the Board members had any requirement to honor Daspin's opinion…"

In fact, I could not be accused of any wrongdoing unless they could prove I was a control person, yet the only way they could try to prove that was by using [REDACTED], the whistleblower who in 6/19/2012 in the Dishonest Shareholders' Meeting directed that all the other WMMA/WDI (see my Wells Reply page 17) wherein [REDACTED] said:

> "…say that Ed controlled all large and small things at WMMA…but don't say that Ed controlled the WMMA Board of Directors, because Ed denied that in writing to all of us…and I will be the first to sign it…"

Because the investor operators knew that [REDACTED] was an overt whistleblower for the SEC transmitting their directives to her, the investors' subsequent perjury alleging I was a "control person" proves the conspiracy to defraud me by the SEC.

Therefore in WMMA's Chapter 11 in 2014, [REDACTED] perjured his allegation that "…Mr. Daspin directed me not to file a 1099 against WMMA…". The SEC rule permitting hearsay came in handy, because [REDACTED] corroborated Sullivan's perjury, but my Reply exhibits prove that alleged declaration was fake because I attached the 6/19/2012 Dishonest Shareholders' Meeting glossary under Price Water and KPMG in which [REDACTED] declared to all the investors, including Sullivan, that partners of Price and KPMG that WMMA was in the clear by WMMA not filing a 1099 against MKMA. I also enclose Sullivan's employment contract which proved he only reported to Main, WMMA's President.

4) Incredibly, and because Judge [REDACTED] was a delegatee of the Commissioners who were delegators making [REDACTED] an agent, representative, and fiduciary of the Commissioners. After Judge [REDACTED] had complied with the Constitution's Appointment Clause; but in the Supreme Court Lucia v. SEC case the lawyer representing the SEC from the Justice Department tricked the Justice's of the Supreme Court by his not informing the Justices that even if all the inhouse judges complied with the appointment clause none of them would independent because delegates of the Commissioners after each complied with the Appointment Clause, they each violated it by accepting being a delagatee from the Commissioners for each and every case thereafter!

In that regard, Judge [REDACTED] disingenuously in her initial decision of 10/16/2019 while continuing to be an agent of the Commissioners found as fact that:

> "…Mr. Daspin committed scienter against WMMA…"

Judicial notice should be taken that scienter is defined as knowledge of a wrongdoing and does not disclose it and participating in a wrongdoing. Five years before Judge

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Murray fraudulently concocted the scienter allegation, Judge Gambredella found in WMMA's Chapter 11:

> "…Mr. Daspin committed no wrongdoings at WMMA…" (A Res Adjudicata preventing Judge Murray from concocting that scienter allegation against me.)

The prima face evidence and Judge [redacted]s finding of fact in 2014 incontrovertibly proved that I committed no wrongdoings at WMMA.

5) In fact, right in front of Judge [redacted]s face in my cross examination of [redacted] on one day and of [redacted] on the next day without either of them hearing each other's testimony, they each testified in essence:

> "…we both jointly controlled WMMA…we interviewed and selected the investor operators, and we did not accept anyone else's opinion on them…"

The books prove as does Lux's 2013 SEC testimony that I was not an officer, director, or shareholder of WMMA (when it had money in its bank accounts from 1/11/2011 to 4/1/2012).

I became an officer of WMMA by [redacted] unanimously on 5/11/2012 voting me as WMMA's Senior VP Troubleshooting. The reason I took that job was because Mr. [redacted] submitted to WMMA a self-serving email as he was WMMA's United States sole regional promoter having contracts for all 8 regions. The email was 40 days after he, MacFarlane, Jeryll, and all of the other MacFarlane Newco Enterprise members had lost and stolen $1 million of WMMA's equity. The Dishonest Shareholders' Meeting in 6/19/2012 demonstrates that before we got the [redacted] self-serving email they all had visited the SEC's New York Regional office, in which the investors agreed to be covert whistleblowers with Puccio, the only overt whistleblower as after Theresa Puccio directed all of the investors to allege I was a control person, on page17, Mr. Lockett said to Puccio and the rest of the investors:

> "…but Theresa, we already gave them all that stuff…"

The "them" was the SEC and the quote "stuff" was the alleged control allegations that the SEC needed to fraudulently concoct a securities fraud case against me. [redacted] was a member of MacFarlane's Newco Enterprise, which also included [redacted] [redacted], as in 2014 she suborned the perjury in the WMMA Chapter 11 of [redacted] [redacted]

The self-serving [redacted] email was another one of MacFarlane's tools used to put pressure on me to give them WMMA free. He concocted the SEC case. He bribed the investor operators as discussed in the 6/19/2012 Dishonest Shareholders' meeting, and

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in his effort to cripple WMMA, he directed [redacted] to threaten suit against WMMA and me in his 5/10/2012 self-serving email. In that email he admitted he stole 15,000 WMMA t-shirts (which had a retail value at $20 each for a value of $300,000). He alleged it was a tradeoff for letting WMMA use his octagon ring at WMMA's Charitable event. Only a moron or a criminal MacFarlane Newco Enterprise member could invent such a reason, because his octagon ring cost $15,000 brand new. WMMA only used it for 2 weeks. MacFarlane and Jeryll permitted him to rape WMMA, because Jeryll subsequently admitted the three of them were partners and worked out of the same building in Scottsdale, Arizona.

In the email, [redacted] and the Newco Enterprise coerced and extorted WMMA and me by threatening us that not only would he sue me, Agostini, and WMMA for securities violations, but that he would cancel the 24 Regional events in the USA that he had a contractual obligation to put on from April 2012 to October 31, 2012 in order to crown 7 USA different weight class National champions to compete against the WMMA Brazil Champions and the WMMA United Kingdom Champions and the WMMA Irish Champions. He threatened that if WMMA did not give him 25% of WUSA (WMMA USA) and if WMMA did not fund the 24 Regional events held in the USA regions' live event costs he would cancel the schedule, which WMMA needed for its operating cash flow to sell internet pay-for-view tickets. When I read Don Lockett's Brady disclosure it became clear that MacFarlane was trying to hold up Black Ops WMMA's software developer from finishing WMMA's website and interfacing it with the IMC database. In other words, Lockett disclosed that MacFarlane, Jeryll, and Wayne Craig had positioned themselves to either take over WMMA on the cheap or kill it, while Jeryll, a lawyer, and MacFarlane, who was a CPA and a crook, were still officers of WMMA and the reason the MacFarlane Newco Enterprise and the WMMA/WDI/WHLD Enterprise members both joined McGrath/O'Connell's Enterprise co-conspiring with the Murray/Grimes Enterprise Members to defraud me and aided and abetted by the Mary Jo White Commissioners so that unless I gave MacFarlane's Newco WMMA free the SEC's intrusion would allow MacFarlane to kill off WMMA.

In order to build up the pressure on me, MacFarlane had Wayne Craig sue WMMA, me, and Agostini in 2014. He sued in state court Arizona for securities fraud and in his complaint, he mentioned 2 signed contracts which he did not show as exhibits. We removed the case to Federal District in Newark, NJ and in our answer, we showed both contracts referred to in the complaint. The signed contracts incontrovertibly proved the falsity of each and every wrongdoing allegation in the securities fraud complaint of Wayne Craig. The Federal District Judge dismissed the case with prejudice proving I did not commit securities fraud. Another Res Adjudicata. In order to mount more pressure against me, MacFarlane had his lawyer, Katherine Richter, prepare 3 perjurious declarations in the WMMA Chapter 11 by Mr. Main, Mr. Sullivan, and Mr. Beckedejian. After my 2 Reply declarations, which enclosed exhibits, proved the three were perjurers and also proved that MacFarlane's denial that he was WMMA's President as I attached 2

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exhibits that he signed as WMMA's President. Without my asking Judge Gambredella found as fact that:

> "…Mr. Daspin committed no wrongdoing at WMMA…"

Thus far I had not succumbed to the MacFarlane's Newco and McGrath Enterprise members to give MacFarlane's Newco "WMMA on the cheap", so MacFarlane sent another missile by suing WMMA by having Monica Petty sue WMMA before the Texas Boxing Commission's Accounting Division in Dallas, Texas. Monica alleged that WMMA owed her $10,000 for its not giving her 2 events to be WMMA's event planner for April 2012 and the May 2012 alleged events at $5000 each.

Fortunately, we subpoenaed all of Monica Petty's records, and she accidentally sent emails between her and MacFarlane. Those emails incontrovertibly proved that MacFarlane was suborning her perjury to shake down WMMA as an event planner. He was telling her he would back her by alleging that he had agreed to pay her for those 2 alleged events for $5000 each. The funny thing is that Sam Tropello, WMMA's COO of Scheduling, had no events scheduled for WMMA until November and December of 2012 reserved for the 4 WMMA countries: the USA, Brazil, UK, and Ireland to fight against each other for the World Championship. WMMA schedule proved that WMMA could not possibly have given her a contract for those 2 months since the 4 countries' regional championships that the promoters held preceded the world championships. In fact, Wayne Craig cancelled all his USA events when WMMA didn't succumb to his extortion of giving him free 25% of WUSA and paying for each of the 24 Regional tournament events when Craig's contract required for him to pay for those events. Monica Petty lost before the Texas Boxing Commission for her claim against WMMA. At the same time Wayne Craig defaulted on the 24 regional events destroying WMMA's pay per view contact and in effect putting WMMA out of business. While at the same time he, MacFarlane, and Jeryll stole $410,000 of WMMA's t-shirt and live gate seat sales putting WMMA out of business while launching the SEC investigation, by launching the Boxing Commission lawsuit, by perjuring Chapter 11 declarations in opposition to my dismissal motion, and all the while the SEC Commissioners were permitting the McGrath Prosecution Enterprise members to conspire to defraud me, defame my reputation when I was knowingly innocent, and permit Judge Murray to fix my case against me by violating Judge Foelak's protective order, then playing musical judge chairs to get Grimes to dissolve the protective order using a sham SEC rule 300 and then permitting Judge Murray to violate the Justices' Lucia order, and then after a decision to defame me in violation of the Res Adjudicata you Commissioners permitted your own lawyer to stretch my appeal's adjudication for 3 years and 10 months despite the fact that your own Presiding Administrative Law Judge stopped the case by making the law of the case I.e. "…Daspin is too ill to testify…"

On 3/31/2012 my wife and I attended the El Paso Charitable event and counted the number of seats occupied during the intermission and right after everyone came back to

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their seats. There were 5,500 seats occupied, but Ticketmaster only paid us for 1,100 seats sold. It is obvious Wayne Craig and MacFarlane stole the cash from the 4,400 seats at $25 per seat for a total of $110,000 plus the $300,000 of t-shirts they stole for a combined total of $410,000. If WMMA had that money it could have jump started the tournament without USA by adding WMMA Germany that the promoters already agreed to join, but the SEC interfered and fraudulently induced the investor operators to perjure themselves, co-conspiring with MacFarlane and giving a false sense of security with the investors empowering them to lie to steal back their investments. Judicial notice should be taken that research and MacFarlane proved that he was a crook long before he was President of WMMA. In fact, the internet discloses that MacFarlane represented a bank liquidating the assets of North Face, a winter apparel manufacturer. MacFarlane had bound himself to not participate in the assets he was selling. Despite that, 2 months after the sale, the bank found out that MacFarlane owned 30% of the buyer of North Face and MacFarlane rushed to the bank with a check for $1 million to settle the claim. I can guarantee you that if MacFarlane had competitive bidding, the bank would have made an extra $30 million, but the bank was too embarrassed it had selected for shareholders that it was cheated by its own business broker.

Judicial notice shall be taken that I will be irreparably harmed unless these Commissioners pay me for the damages I sustained as a result of their violations of my bill of rights and by their denying me a fair trial. Congress had no right and had a conflict of interest in providing the SEC it's legislative rights to select one jurisdiction or another. If this Commission adopts my PLAN which will require the President and Chief Justice's support, then you can save the jobs of the 5 Administrative Law Judges and add 3 additional judges all of whom will make initial decisions reviewed and finalized by the 2 inhouse judges, Judge Foelak and another judge selected by Judge Foelak and the then Commissioners for the then President to appoint. At the same time, all the SEC inhouse cases will be funneled inhouse after the ombudsman and advocate spend 30 days on each case, reporting to the Commissioners pre-complaint initiation a meaningful judicial review of the Wells submissions. I project that 30% of the Complaint Initiations left after the advocate's prove to the Commissioners that about 100 out of 400 Wells disputes should be no bill leaving a balance of 300 cases for Complaint initiation of which I project 100 will elect the reference to Federal District Court to obtain a jury trial. That leaves a balance of 200 cases of which I project 50 will settle out, leaving 150 cases for the 6 administrative law judges plus the 2 Presidentially appointed judges to dispose of. None of the judges will be delegates of the Commissioners and the Commissioners will have no appellate right. Based on my projection saving 100 cases, my prior submissions prove the Commission will save $150 million after all incremental expenses. The SEC rules will be changed to the uniform rules of civil procedure. There is no longer a need for the presumption of guilt as Dodd Frank has died a slow death and doesn't fit in our society.

Congress's allegation that the Dodd Frank and inhouse process will save litigation costs for the Government is false as proven by the protracted time it has taken this Commission to go over 3 times my case and the others. The first time when the judges cheated on the Appointment Clause, and Grimes defaulted me when I was in the hospital. The second time when Murray

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cheated on the Justices' Lucia order. The third time when this Commission and its General Counsel tried to conceal the Commissions' own conspiracy, fraud, bribery, perjury, coercion and extortion by trying to make my case go away using Heckler. I promised my wife before she died that I wouldn't let you get away with this, and before I die, I won't, so if you want to settle it before 8/24/2023 or sign Order #8, but that is the last concession I will make to you.

I outlined the violations in my final reconsideration declaration and orders for this Commission to sign. Those violations prove that your staff and you violated my civil rights under U.S.C.@1983 and denied me a fair trial. I finally found as fact by using the inductive method of reasoning that that this Commission is also guilty of violating my civil rights by ignoring my entire case and the facts in it that prove you owe me damages. That is why I seek this Commission's approval to either settle the case or by signing Order #8 attached hereto on a confidentiality basis in which I will sign a general release against all SEC persons if it is signed no later than August 23, 2023 no later than 5 pm otherwise I respectfully request that your Secretary provide me the disc(s) of this case on that date so that I can file a lawsuit in Federal District Court against this Commission and some of its selected members. I have given you 2 telephone numbers in the beginning of this declaration, so that if you call me and for some reason I don't answer before August 23, 2023 you can call Larry May, whose number is also listed and he will find me so that I and he can return the call.

I enclose here and below, Exhibit A, my prescriptions which are the same ones I have been taking since 2015 and in part because Judge Foelak gave me a protective order which the Murray/Grimes Enterprise violated. I enclose Exhibit B, the orders #1 thru #7 and Order #8, which I ask you to sign by 8/23/2023 or settle. The next Exhibit C is the press release which quoted on page 1 by Chair Gary Gensler and under him Gubir Grewal, the Director of Enforcement on page 1/8. I also enclose Exhibit D, the Cato Institute's Amicus Briefs of Lucia v. SEC. On page 1/2 it proves in paragraph 1 that "AN ADMINISTRATIVE LAW JUDGE BRAGGED ABOUT NEVER RULING AGAINST THE GOVERNMENT". Can you believe the corruption of our Constitutional rights that is permitted against defendants by your own inhouse judges? It is almost as bad as former Judge Lilian McEwen's declaration to the WSJ that:

> "…Judge Brenda Murray pressured me to find more cases for the prosecution…"

Congress permitted Dodd Frank to permit your inhouse judges and your prior Chief Administrative Judge to boast about denying innocent defendants their respective civil rights and a fair trial while having the audacity to brag about it and or fix more cases for the prosecution by fixing more cases against defendants by your own prior Administrative Judge.

In closing, I can see by your resumes that you are all extremely intelligent and so in particular I ask Chairman Gensler to settle, else there is the distinct possibility that when I file my case against the Government for denying me a fair trial and my civil rights that some of the remaining 41 case defendants that were dismissed on June 2nd which will probably also latch on to their respective denial of justice and in those cases which were denied a fair trial it could cumulatively cost the SEC billions. As you know the law supports settlements between adverse

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parties. I don't want to sue my country and neither should you. If you settle, no one will know what you have done to me, as I have agreed to sign a gag order. Your predecesors force me to be a pro se when they knew I was too ill to testify! Please don't think that the Federal District Court will deny me the courtesies that forced Pro Se(s) need help.

The cases which this Commission used wherein the Supreme Court permitted it not to have to adjudicate the appeal is completely differentiated from my case and its facts, I.e. Heckler had already been convicted of criminal wrongdoing by the Justice Department, so obviously the SEC's findings whether on the record or not for the same civil crime would be meaningless and redundant.

I am not a lawyer, but a pro se. The SEC prosecution and Judge Murray forced me to be a pro se because they defrauded Federal Judge Bachman and me; forced me to spend my litigation fund in the wrong jurisdiction. I finally received the protective order from Judge Foelak. Judge Grimes and Judge Murray violated her protective order 3 times over a sham SEC Rule 300, when Judge Foelak had already taken that Rule 300 into consideration before she signed the protective order! Despite Rule 300 disfavoring adjournments, Judge Foelak found my illnesses warranted an adjournment after a 2 ½ months of a heavily contested adjournment motion. Judge Foelak found that I failed all 7 factors. To compound the violation of my civil rights, Judge Grimes dismissed my law firm knowing it would force me to be a Pro Se because he also dismissed my lawyer's motion to give me 60 days to replace them. Judge Murray refused my appeal for her to reverse Judge Grimes' sinful order dissolving my protection and forcing me to testify. Judge Grimes then forced me to be my own law firm. By doing so, Judge Grimes knew I could not only not adequately defend myself, but he denied of my civil rights to a fair trial persisted and then he defaulted me when I was hospitalized during the hearing. When I got out of the hospital and proved the Lyrica medicine was responsible for my hospitalization, Judge Murray refused to dismiss my default judgment.

In addition, Judge Murray violated the Supreme Court Justice's Lucia order as it restricted her from hearing the second hearing after she obtained the Appointment Clause compliance. She refused to recuse herself when I motioned her to do so. Judge Murray alone was responsible for orchestrating and initiating the default judgment with Judge Grimes. Based upon the Lucia order I had an absolute right for her to recuse herself. In addition, Judge Murray she had a monetary interest in finding me guilty in the second hearing. The reason she violated the Justice's order was obviously for Judge Murray to be able to say when I sued her for Civil Rico with the other SEC Enterprise members that she could say the only reason I sued her was that she could say that the only reason was because she found me guilty in this case (a sour grapes defense).

The reason it has taken me so many pages to find the truth is because I am not a lawyer, because I have ill health, because I was forced to defend myself when your own current Chief Administrative Judge ordered as fact that if I was forced to defend myself, I would be irreparably harmed. This Commission denied me my civil rights and denied me a fair trial. I now give it the right to cure the damages it inflicted on me. If you do not sign Order #8 or settle

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before 8/24/2023 ask Ms. Countryman to deliver the disc(s) to me. Please try to look at it in my point of view.

Respectfully,

Edward M. Daspin

pro se

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Securities and Exchange Commission

Commissioner Order #8 8/__/2023

Based upon this Commission's review of Mr. Daspin's 8/17/2023 declaration for reconsideration and his proposed settlement contained therein, this Commission finds cause to pay Mr. Daspin for his punitive, compensatory, and nominal damage:

1)$17 million representing his average projected losses of pretax income for 10 years commencing the beginning of 2013 until the middle of 2023 at an average of $1.7 million per year. This is what Mr. Daspin represents is the average pretax fees he received and invested in as capital in the two startup companies he co-founded from the beginning of 2007 to the end of the first quarter of 2012, wherein Mr. Daspin represents his total fees were $8.5 million for those 5 years.

2)In addition, Mr. Daspin's wife and Mr. Daspin collectively during the period from when the SEC interfered with my life and informed me I was a target lost $2.5 million of their assets as a direct result of the SEC's actions against Mr. Daspin and as described in the attached declarations.

3)In addition, Mr. Daspin seeks $1 million a year for each year he lost his wife's companionship attributed to her alcohol induced Alzheimer's which Mr. Daspin represents was directly caused by the Government's intrusion on Mr. Daspin disingenuously making him a target of securities fraud violations while the prosecutors knew he had no control and knew he was not an officer, director, or shareholder of WMMA for a total of $10 million.

The total compensation for damages Daspin claims he is $29.5 million due for the Government denying him a fair trial and violating his civil rights.

If Daspin receives this order settlement by 8/23/2023 or accepts the Government's settlement offer, Daspin declares he will sign a general release in favor of all SEC, its current and prior officers and any witnesses against intended or used at his 2nd hearing, and all witnesses purported to be used in this case.

____________________________ ___________

By the Commissioners date

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