

UNITED STATES OF AMERICA
Before the
UNITED STATES SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING
File No. 3-22214

In the Matter of
EVAN H. KATZ

Respondent.

Reply Declaration by Respondent
Evan H. Katz in Support of Application
to Vacate Order Instituting Proceedings

Respondent Evan H. Katz (“Mr. Katz” or “Respondent”) hereby declares as follows:

1. I make this Reply Declaration to correct inaccurate assertions that were made by the Division of Enforcement in its opposition to my application to vacate the OIP (“Enf. Opp.”) and in the related Declaration of Christopher Dunnigan (“Dunnigan Decl.”). In particular, I make this submission with respect to the disclosure of various performance data, including as it relates to the granting to the Fund¹ of several awards based on that performance. See Enf. Opp. at 5.

2. With respect to statements regarding the reported performance of the Kamboj Brothers’ pre-Fund personal trading track record, *see* Enf. Opp. at 5, sometime before or about the very beginning of the Fund’s formation and operation, I expressly disclosed to the awards company that the multiyear track record submitted to it was the Kamboj Brothers’ pre-Fund personal track record, which went back to 2016, and not that of the Fund itself, which just was being or had been formed, and which first began trading, both only in 2022.

¹ Abbreviations used herein that are not otherwise defined have the same meanings as set out in the initial September 22, 2025 Application and its supporting declaration.

3. In response, the awards company expressly acknowledged, in writing, that I indeed had made that accurate, timely and truthful disclosure to them (and it also said that it had “made a procedural error when we onboarded your organization”). *See* August 10, 2022 email, attached hereto as Exhibit A.

4. In order to likewise ensure the dissemination of full and accurate disclosure to investors as well, I also fully disclosed the awards situation to all of the Fund’s investors, both actual and prospective, by adding an express disclosure about the situation to our Fund’s presentation to investors. The page of the presentation containing that disclosure (highlighting added here) is attached hereto as Exhibit B.

5. In response to the Division of Enforcement’s argument that I should have directed my application for relief to the District Court, and not to the Commission, I attach a transcript of a proceeding before the District Court, in which the SEC attorney argued, to the contrary, that the District Court could not in fact review the merits of such an application. *See* Transcript, attached hereto as Exhibit C, at 11 (*see also* at 13).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 19th day of December 2025.


Evan H. Katz 