UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v. Case No: 6:23-cv-1539-JSS-RMN

ASHRAF MUFAREH, ONPASSIVE LLC, and ASMAHAN MUFAREH,

Defendants.
___________________________________/

ORDER

Plaintiff has filed an unopposed motion (Dkt. 61) to establish a fair fund, appoint a tax administrator, and authorize Plaintiff to approve payment of tax-related fees, expenses, and obligations. *See* 15 U.S.C. § 7246(a); 26 U.S.C. § 468B(g). Upon consideration, the unopposed motion (Dkt. 61) is **GRANTED**.

In accordance with section 7246(a), the court establishes a fair fund regarding the $4,000,000.00 paid by Ashraf Mufareh and any future funds collected from Defendants plus accrued interest and earnings. (*See* Dkt. 58 at 6 ("[P]ursuant to 15 U.S.C. §§ 77t(d) and 78u(d)(3), . . . Ashraf Mufareh shall . . . pay a civil penalty in the amount of $4,000,000.00." (emphasis omitted)).) In light of section 468B(g) and associated regulations, the court appoints Heffler, Radetich & Saitta, LLP (HRS) as the tax administrator of the fair fund, such that HRS will execute all income tax reporting requirements, including the preparation and filing of tax returns, with respect to the fair fund and will provide tax compliance services relating to the fair fund as agreed with Plaintiff. The court also authorizes Plaintiff to approve and arrange for the payment of all tax obligations of the fair fund and reasonable related fees and expenses of the tax administrator from the fair fund without further court order. *See Sec. & Exch. Comm'n v. Wellcare Health Plans, Inc.*, No. 8:09-cv-910-T-33JSS, 2019 WL 13232539, 2019 U.S. Dist. LEXIS 246429 (M.D. Fla. Aug. 13, 2019) (granting a substantially similar motion).

ORDERED in Orlando, Florida, on June 9, 2026.

JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record