

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 99237 / December 22, 2023

ADMINISTRATIVE PROCEEDING
File No. 3-19927

In the Matter of

Super Micro Computer, Inc.,

Respondent.

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**ORDER DIRECTING A SECOND
DISBURSEMENT OF FAIR FUND**

ADMINISTRATIVE PROCEEDING
File No. 3-19928

In the Matter of

Howard Hideshima,

Respondent.

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On February 3, 2021, the Division of Enforcement, pursuant to delegated authority, published a Notice of Proposed Plan of Distribution and Opportunity for Comment (“Notice”),¹ pursuant to Rule 1103 of the Commission’s Rules on Fair Fund and Disgorgement Plans (“Commission’s Rules”);² and simultaneously posted the Proposed Plan of Distribution (the “Proposed Plan”). The Notice advised interested persons that they could obtain a copy of the Proposed Plan from the Commission’s public website or by submitting a written request to Catherine Pappas, United States Securities and Exchange Commission, One Penn Center, 1617

¹ Exchange Act Rel. No. 91046 (Feb. 3, 2021).

² 17 C.F.R. § 201.1103.

JFK Blvd., Ste. 520, Philadelphia, PA 19103. The Notice also advised that all persons desiring to comment on the Proposed Plan could submit their comments, in writing, within 30 days of the Notice. The Commission received no comments on the Proposed Plan during the comment period. On April 8, 2021, the Division of Enforcement, pursuant to delegated authority, issued an order approving the Proposed Plan,³ and posted the approved Plan of Distribution (the “Plan”).

Upon implementation of the Plan, the Fund Administrator, in consultation with the Commission staff, found an inconsistency in the Plan and on February 7, 2022, the Commission issued an order modifying the Plan and ordering the approved Amended Plan of Distribution (the “Amended Plan”) be simultaneously posted.⁴

The Amended Plan provides for the distribution of the Net Available Fair Fund⁵ to harmed investors according to the Plan of Allocation set forth in the Amended Plan. In accordance with the Amended Plan, the Claims Bar Date has passed, all timely submitted claims have been processed by the Fund Administrator, and the third-party independent review has been completed in accordance with paragraph 77 of the Amended Plan. All investors whose claims have been denied, in whole or in part, have been notified and provided the opportunity to cure.

On September 22, 2023, the Commission issued an Order Directing Disbursement of Fair Fund (“Disbursement Order”) directing the disbursement of \$17,593,975.87 from the Fair Fund to the Fair Fund’s escrow account at The Huntington National Bank (the “Escrow Account”) for distribution by the Fund Administrator in accordance with the Plan. Pursuant to the Disbursement Order, the Fund Administrator has successfully disbursed \$17,593,975.87 in

³ See Order Approving Plan of Distribution, Exchange Act Rel. No. 91507 (Apr. 8, 2021).

⁴ See Order Approving Amended Plan of Distribution, Exchange Act Rel. No. 94170 (Feb. 7, 2022).

⁵ Capitalized terms used in this Order but not defined are used as defined in the Amended Plan.

accordance with the Amended Plan (the “First Disbursement”); outreach on the First Disbursement is ongoing. Excluding the amount of the First Disbursement, as of November 28, 2023, the Fair Fund held \$882,784.22.

The Fund Administrator excluded from the First Distribution certain Potential Claimants pending the solicitation and return of certain tax related documentation. That process is now complete, and the Fund Administrator recommends distribution of \$95,201.35 to seven (7) additional Eligible Claimants.

Pursuant to the Amended Plan, the Fund Administrator has submitted a Payee List for these additional Eligible Claimants to the Commission staff with a reasonable assurances letter as to the completeness and accuracy of the information contained therein. The Commission staff has reviewed and accepted the Payee List and requests, pursuant to Rule 1101(b)(6) of the Commission’s Rules, 17 C.F.R. § 201.1101(b)(6), that the Commission authorize the transfer of \$95,201.35 from the Fair Fund to the Fair Fund’s escrow account at The Huntington National Bank for distribution by the Fund Administrator in accordance with the Amended Plan.

Accordingly, it is hereby ORDERED that Commission staff shall transfer \$95,201.35 from the Fair Fund to the Fair Fund’s escrow account at The Huntington National Bank, N.A. and the Fund Administrator shall distribute such monies in accordance with the Amended Plan.

For the Commission, by the Division of Enforcement, pursuant to delegated authority.⁶

Vanessa A. Countryman
Secretary

⁶ 17 C.F.R. § 200.30-4(a)(21)(v).