UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Securities and Exchange Commission v. Padilla et al.

RELIEF DEFENDANT JAMIE QUICK'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT FOR PREJUDGMENT INTEREST

Civil Action No. 1:23-cv-11331-RGS

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UNITED STATES DISTRICT COURT
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SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. JOSEPH A. PADILLA and KEVIN C. DILLS, Defendants, and BRIGHT STAR INTERNATIONAL, INC., LIFE SCIENCES JOURNEYS, INC., CARLOS HERNANDEZ, JAMIE QUICK, ASHLEY ROBINSON, AND ARLENE SANDOVAL, Relief Defendants.	Civil Action No. 1:23-cv-11331-RGS RELIEF DEFENDANT JAMIE QUICK'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT FOR PREJUDGMENT INTEREST

The extent to which the SEC ignores the Supreme Court's analysis in *Liu v. SEC*, 591 U.S. 71, 140. S. Ct. 1936 (2020), in its sledgehammer approach to further punish a non-wrongdoer divorcee is remarkable. But, then again, this case is yet another overreaching retributive relic of the Gensler Commission. The SEC, after having previously suggested to this Court otherwise, now strikingly concedes that it cannot even identify the "victims," which alone should be the basis for this Court reconsidering its award of disgorgement against a relief defendant who was at least two layers removed from the admitted wrongdoing of Joseph Padilla, someone who gave nothing to Jamie Quick and with whom she did not communicate except on limited social occasions. This unconstitutional pursuit of prejudgment interest atop disgorgement is little more than an accretive punitive money-grab. Ms. Quick, a Relief Defendant here, through counsel, addresses the inappropriateness of awarding prejudgment interest against her.

I. INTRODUCTION

Jamie Quick respectfully opposes the SEC's attempt to extract prejudgment interest above-and-beyond the already punitively imposed disgorgement order entered against her as a relief defendant. As discussed further below, the SEC's memorandum mischaracterizes the legal standards for awarding prejudgment interest, relies on fatally flawed declarations from two SEC employees, and fails to acknowledge the significant equitable considerations that weigh decisively against such an award in this case. As a relief defendant who was never accused of any wrongdoing, Ms. Quick should not be subjected to what amounts to a punitive financial penalty disguised as an equitable remedy. The SEC's claim that prejudgment interest is necessary to prevent Ms. Quick from benefiting from an "interest-free loan" ignores altogether the reality that she never knowingly received ill-gotten gains. The SEC's pursuit of prejudgment interest in this context is more akin to a "Due Process penalty," a fee to be imposed for the time it took Ms. Quick to have her day in court and receive a determination from this Court as to whether she was entitled to keep any of the money at issue. To require Ms. Quick to pay prejudgment interest on funds in her account during the pendency of this litigation is tantamount to penalizing her for seeking due process from this Court. The Court should exercise its discretion to deny prejudgment interest in these circumstances and recognize the unconstitutionality of imposing prejudgment interest against someone who undeniably never has been and cannot be characterized as a wrongdoer.

In addition, the SEC has revealed for the first time that it had not in fact identified victims as represented to this Court. In its order granting summary judgment in part, the Court stated: "the court will accept the representation of the lawyers at the SEC, as officers of the court, that the agency has identified 34 specific victims and seeks disgorgement for the benefit of these individuals." (Order Granting in Part Motion for Summary Judgment ("MSJ Order"), ECF No. 88, final paragraph). Based on the SEC's recent submission, it appears as if the Court inadvertently

omitted one word from its Order – "unsupported." Now that the SEC has come clean before the Court, the Court's Order should have read "the court will accept the unsupported representation of the lawyers at the SEC…." As the SEC's memorandum now reveals, the Commission had not itself identified these 34 victims at the time the Commission made these representations to the Court. (Plaintiff's Memorandum of Law in Support of the Prejudgment Interest Component of Its Motion for Summary Judgment Against Relief Defendants Carlos Hernandez and Jamie Quick, "SEC Prejudgment Memo," ECF No. 95, at 2). Nor has the Department of Justice done so. Rather, the SEC relied entirely on second-hand hearsay from the U.S. Attorney's Office regarding victims in a separate criminal proceeding and now has constructed post-hoc opinion analysis that still falls pathetically short of the Court's instructions. This undermines and eviscerates the foundation upon which this Court partially based its disgorgement order, further counseling against adding prejudgment interest on summary judgment.

II. ARGUMENT

The SEC seeks prejudgment interest in the amount of $8,826 against divorcee non-wrongdoer Relief Defendant Jamie Quick as part of its summary judgment motion, in addition to the already-awarded disgorgement of $44,159, asserting that such interest is necessary to prevent Ms. Quick from benefiting from an "interest-free loan" derived from alleged ill-gotten gains (SEC Prejudgment Memo, ECF No. 95 at 7). However, this claim fails on multiple legal and equitable grounds. As discussed in further detail below, imposing prejudgment interest here would be punitive rather than remedial, exceeds the SEC's equitable authority under 15 U.S.C. § 78u(d)(5), and violates constitutional protections afforded by the Fifth and Eighth Amendments. Accordingly, this Court should deny the SEC's request for prejudgment interest, which would essentially penalize Ms. Quick simply for asking for her day in court and exercising her legal right to challenge the heavy hand of the SEC.

A. The SEC Fails to Meet Its Burden Set Forth by the Court or Under FRCP 56 to Justify Prejudgment Interest on Summary Judgment.

In awarding disgorgement but reserving whether to award prejudgment interest, the Court stated that it would "accept the representation of the lawyers at the SEC, as officers of the court, that the agency has identified 34 specific victims" but directing the SEC to provide "clarification" "of the identity of the alleged victims and the amount of each victim's loss that is attributable to these relief defendants." (MSJ Order, ECF No. 88, final paragraph). The SEC ignored the Order because the SEC was and continues to be unable to identify the supposed "34 specific victims." Instead of following the Court's instruction, the SEC submitted two declarations by SEC employees rife with hearsay and other evidentiary faults but short on specifics that would "clarify" the precise information that this Court required the SEC to provide. (Declaration of Maxwell Clarke ("Clarke Declaration"), ECF No. 95-1) and Declaration of Kathleen Shields ("Shields Declaration), ECF No. 95-2).

The SEC made its request for prejudgment interest as part of its motion for summary judgment under Federal Rule of Civil Procedure 56(c).[1] Summary judgment, and by extension remedies awarded on a summary judgment record, is appropriate only when the movant demonstrates that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986). A fact is material if it could persuade a reasonable jury to return a verdict for the nonmovant, *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247 (1986) and is genuine if it might "sway the outcome of the litigation under applicable law," *Vineberg v. Bissonnette*, 548 F.3d 50, 56 (1st Cir. 2008). All factual uncertainties must be resolved in favor of the non-moving party, and the movant must "clearly establish[] the

[1]Relief Defendant Quick will not repeat here the unresolved factual disputes set forth in her original opposition to the SEC's motion for summary judgment—such as Ms. Quick's legitimate claim to her wage-derived funds—but those factual disputes preclude entry of summary judgment as to prejudgment interest with the same force as they applied to disgorgement. (Relief Defendant Jamie Quick's Opposition to Motion for Summary Judgment ("Quick Opposition"), ECF No. 73 at 9).

lack of any triable issue." *SEC v. Koracorp, Inc.*, 575 F.2d 692, 698 (9th Cir. 1978). Of particular importance here, "[i]t is black-letter law that hearsay evidence cannot be considered on summary judgment." *Dávila v. Corporación de Puerto Rico para la Difusión Pública*, 498 F.3d 9, 17 (1st Cir. 2007) (disallowing on summary judgment a party's affidavit that demonstrated no personal knowledge). *See also*, Federal Rule of Civil Procedure 56(e) (requiring in relevant part that affidavits filed in support of motions for summary judgment "shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein"). Put differently, that which the First Circuit expressly holds cannot be relied on for summary judgment is the only "factual" basis provided by the SEC.

The Clarke and Shields declarations suffer from multiple deficiencies that render them inadmissible or of minimal probative value in determining whether prejudgment interest should be assessed. In the first instance, it is clear from the Shields Declaration that (contrary to the Court's understanding) the SEC, as officers of the court, had not "identified 34 specific victims." (MSJ Order, ECF No. 88, final paragraph). Instead, the Shields Declaration reflects that one of the SEC's attorneys had "reviewed" at some unspecified time some unspecified "filings" in a separate criminal proceeding to which neither Ms. Quick nor her ex-husband, Carlos Hernandez, was or is a party. (Shields Declaration, ECF No. 95-2, ¶ 2). Only *after* the Court issued its MSJ Order, the SEC attorney reached out to the United States Attorney's Office responsible for the criminal prosecution. An unspecified person at the United States Attorney's Office "shared" with the SEC attorney an unspecified "spreadsheet". *Id.* at ¶ 4. This unspecified "spreadsheet" apparently contains "details" of investor losses that are part of the criminal case. *Id.* The SEC concedes that the "spreadsheet" includes investor losses outside the relevant period for purposes of the criminal matter, but the SEC makes no effort to inform the Court or Ms. Quick how many such investors

exist and how they may relate to the "34 investors" the SEC made representations about to the Court. Rather than "clarifying" the SEC's representation to the Court that the agency had "identified 34 specific victims," the Shields Declaration intentionally obfuscates and confuses the matter.[2]

The Clarke Declaration fares no better. Clarke is an SEC-employed Senior Financial Economist and was asked (at some unspecified time) "by SEC Counsel of record in this case" to identify investors who traded common shares of any of five "over the counter" or "OTC" issuers "during the periods relevant to this litigation." (Clarke Declaration, ECF No. 95-1 at ¶ 2). Thus, even as an initial matter, Clarke was not asked to provide information that would "clarify" the "34 victims" the SEC had represented to the court it had already identified. Nor was Clarke asked to do what the Court directed the SEC to do, that is, "[establish the] identity of the alleged victims and the amount of each victim's loss that is *attributable to these relief defendants*." (MSJ Order, ECF No. 88, final paragraph, emphasis added). Clarke appears to have undertaken an entirely different task than simply to "clarify" the SEC's representation to the Court that it had already identified 34 specific victims – which the SEC had not done – whose loss was attributable to Ms. Quick

[2]The Court also should consider that if anyone at the SEC possibly knows the victims' identities, then the most likely SEC employee is one of the affiants for the SEC, Ms. Shields. She has been and continues to be trial counsel on multiple cases in the District of Massachusetts and the Eastern District of New York, all arising out of the same investigation. The instant enforcement action is but one of many securities fraud cases that flowed from the "Varsity Blues" investigation. If after close to a decade of investigating the SEC cannot identify victims, as here, then there should not be even an award of disgorgement, let alone of prejudgment interest. Moreover, courts should be wary of placing too much reliance on the "word" of Commission staff rather than requiring admissible evidence. *See, e.g., SEC v. Digital Licensing, Inc.*, Slip. Op., Fed. Sec. L. Rep. P 101,826, 2024 WL 1157832 (D. Utah, Mar. 18, 2024) ("Debt Box 1"); Slip Op., Fed. Sec. L. Rep. P 101,869, 2024 WL 2728019 (D. Utah, May 28, 2024) ("Debt Box 2") (where the United States District Court found that "[t]he Commission's conduct demonstrated it knew its representations were false and it was deliberately perpetuating those falsehoods—continuing to abuse the judicial process in defense of the ex parte TRO that should not have issued." *Debt Box 1*, 2024 WL 1157832 at *28. The District Court expressed that "failing 'to identify inaccuracies in those assertions once discovered' means continuing to abuse the judicial process by communicating additional falsehoods to the court in support of prior falsehoods and in violation of professional duties." *Id.* at *29.

specifically.

Even if Clarke had undertaken to do what the Court directed the SEC to do, his methodology and declaration are wholly insufficient to meet the SEC's burden on summary judgment. Clarke based his declaration on calculations by him and other (unidentified) "Commission economists" (plural). (Clarke Declaration, ECF No. 95-1 at ¶ 3). He relies on unspecified "trading records" provided to him by unidentified "SEC Counsel"—records that he concedes were incomplete. (*Id*. at ¶¶ 4 and 7). Without any attempt at laying an evidentiary foundation, he relies on "charts" and "Blue Sheets" with "approximately 815,000 transaction records" excluding or including transactions based on factors he asserts are relevant to his improperly designed undertaking. He reaches conclusions and provides explanations that constitute expert witness testimony dressed up as a lay opinion. *Id*. at ¶¶ 9-14.

The Court should disregard both SEC employee declarations. Neither declaration satisfies Federal Rule of Evidence ("FRE") 602, as neither declarant provided an adequate foundation nor demonstrated personal knowledge of the matters about which they provided a non-specific and non-responsive declaration. Both declarations rely on unspecified documents the SEC has not provided to the Court or to Ms. Quick, in violation of FRE 1002. Both declarations constitute improper summary under FRE 1006. Both declarations are improper opinion testimony under FRE 701 and 702. *See, e.g., United States v. Figueroa-Lopez*, 125 F.3d 1241, 1246 (9th Cir. 1997) (finding district court erred in allowing in evidence as "lay opinion" testimony what was in fact specialized opinion testimony from law-enforcement officers). Both declarations include multiple levels of impermissible hearsay and, accordingly, are improper under FRE 802. In short, the SEC employee declarations entirely fail to present evidence admissible under Federal Rule of Procedure 56(c) (or under any other standard) and are wholly insufficient to support the SEC's burden as a movant on summary judgment. *Cermetek, Inc. v. Butler Avpak, Inc.*, 573 F.2d 1370, 1372 (9th Cir.

1978) (holding district court properly disregarded an affiant's factual assertions for purposes of post-liability remedies summary judgment proceeding).

The SEC is not entitled to prejudgment interest on this summary judgment record.

B. Prejudgment Interest is Punitive, Not Equitable, When Applied to a Non-Wrongdoer Relief Defendant Like Ms. Quick.

Under 15 U.S.C. § 78u(d)(5), the SEC's authority to seek relief is limited to remedies "typically available in equity," which must not be punitive in nature. *Liu v. SEC*, 591 U.S. 71, 140. S. Ct. 1942 (2020). *Liu*. Disgorgement, and by extension prejudgment interest, is intended to prevent unjust enrichment, not to penalize. *SEC v. First Jersey Sec., Inc.*, 101 F.3d 1450, 1474 (2d Cir. 1996) ("The primary purpose of disgorgement ... is to deprive violators of their ill-gotten gains, thereby effectuating the deterrence objectives of those laws."). However, courts have recognized that prejudgment interest is discretionary and must be assessed for fairness, particularly where the recipient is not a wrongdoer. *SEC v. Carrillo*,[3] 325 F.3d 1268, 1273 (11th Cir. 2003) ("Whether to award prejudgment interest and, if so, at what rate constitute matters falling within the Court's discretion.").

Here, Ms. Quick is a relief defendant, not an alleged violator of securities laws. Imposing prejudgment interest on a non-culpable party such as Ms. Quick transforms the remedy from equitable to punitive, exceeding the SEC's authority under *Liu*. In *SEC v. GMC Holding Corp.*, 2009 WL 506872, at *6 (M.D. Fla. Feb. 27, 2009), the court held that "[w]hether to award prejudgment interest is a question of fairness," and in *SEC v. K.W. Brown & Co.*, 555 F. Supp. 2d 1275, 1313 (S.D. Fla. 2007), prejudgment interest was justified only upon "proof of a defendant's scienter." No such scienter exists here—Ms. Quick neither participated in nor had knowledge of

[3] The "Carrillo" in the cited case is a different "Carrillo" than the defendant in *SEC v. Carrillo, et al.*, Civil Action No. 1:21-CV-11272-WGY (D. Mass., Complaint filed Aug. 4, 2021) presumably related to this investigation, and based on questions the SEC posed to co-Relief Defendant Hernandez during his deposition. (Tr. 52-54, Dep. of Carlos Hernandez, Oct. 9, 2024). The cross-appellee in the cited case is a "Bosque Puerto Carrillo, not Luis Jimenez Carrillo.

Joseph Padilla's fraudulent scheme (Quick Opposition, ECF No. 73 at 7). Awarding prejudgment interest against her would thus serve no remedial purpose but instead penalize her for actions she did not commit, contravening the equitable principles articulated in *Liu* and rendering the remedy impermissible under 15 U.S.C. § 78u(d)(5).

The SEC argues that prejudgment interest is warranted to prevent Ms. Quick from retaining the benefit of ill-gotten gains, citing *First Jersey* for the proposition that it "reflects what it would have cost to borrow the money." (SEC Prejudgment Memo, ECF No. 95 at 7). However, this rationale applies to wrongdoers who knowingly profit from fraud, not innocent third parties. In *SEC v. Yun*, 148 F. Supp. 2d 1287, 1293 (M.D. Fla. 2001), prejudgment interest was imposed "to prevent those found liable under the securities laws from enjoying any benefit," a condition inapplicable to Ms. Quick, who is not "liable" for any violation. Her lack of culpability distinguishes her from the defendants in *First Jersey* and *Yun*, making the imposition of prejudgment interest an abuse of discretion under *Carrillo*.

C. The Dissipation of Alleged Ill-Gotten Funds Renders Prejudgment Interest a Legal, Not Equitable, Remedy.

The SEC admits that Ms. Quick dissipated the alleged ill-gotten funds, noting that she "made withdrawals from her E*TRADE account" and "spent some of those funds to purchase a luxury handbag and to make payments on her luxury SUV" (ECF No. 57 at 8). Where funds are no longer traceable, the remedy sought shifts from equitable to legal, falling outside the SEC's authority under 15 U.S.C. § 78u(d)(5). The Supreme Court in *Great-W. Life & Annuity Ins. Co. v. Knudson*, 534 U.S. 204, 212-13 (2002), distinguishes equitable restitution, which requires traceable property in the defendant's possession, from legal restitution, which seeks a money judgment for dissipated funds. Similarly, in *Montanile v. Bd. of Trs. of Nat. Elevator Indus. Health Benefit Plan*, 577 U.S. 136, 144-45 (2016), the Supreme Court held that "where a traceable fund has been dissipated, the only available remedy is legal restitution," not an equitable one like disgorgement or

its adjunct, prejudgment interest.

In *Akers v. Md. State Educ. Ass'n*, 990 F.3d 375, 381 (4th Cir. 2021), the Fourth Circuit clarified that recovery from a defendant's general assets, when specific property is no longer traceable, constitutes a legal remedy. Here, the SEC seeks prejudgment interest on a disgorgement amount tied to funds Ms. Quick no longer possesses, effectively demanding payment from her personal assets rather than traceable ill-gotten gains. This approach mirrors the legal remedy rejected in *Montanile* and *Knudson*, as it does not restore identifiable property but imposes a monetary penalty. Those same personal assets post-date Ms. Quick's divorce from Mr. Hernandez by several years, so at issue truly are Ms. Quick's personal funds from subsequently earned personal assets and earned away from the securities markets. The SEC's reliance on *SEC v. First Jersey* (SEC Prejudgment Memo, ECF No. 95 at 6) is misplaced, as that case involved disgorgement from a defendant liable for violations of the federal securities laws with traceable profits, not a relief defendant who dissipated funds unknowingly.

Rather than make any attempt at tracing losses to Ms. Quick's account, the SEC disregarded the Court's instruction to the SEC to "clarify" the "identity of the alleged victims and the amount of each victim's loss that is *attributable to these relief defendants*." (MSJ Order, ECF No. 88, final paragraph, emphasis added). Instead, as discussed above, the two declarations provided by SEC employees made no attempt to trace any particular loss from any particular victim attributable or traceable to the now-dissipated funds in Ms. Quick's account. Instead, the SEC employee declarations make sweeping, inadmissible statements about unidentified investors who (the SEC employees say) lost money as a result of conduct by a defendant two steps removed from Ms. Quick and a relief defendant one-step removed from Ms. Quick.

Thus, prejudgment interest here exceeds the equitable scope of 15 U.S.C. § 78u(d)(5), and the Court should deny it.

D. Prejudgment Interest Violates the Fifth and Eighth Amendments When Imposed on an Innocent Relief Defendant.

Imposing prejudgment interest on Ms. Quick also infringes her constitutional rights under the Fifth Amendment's Takings Clause and the Eighth Amendment's Excessive Fines Clause. The funds in Ms. Quick's account, derived from her employment wages (Quick Opposition, ECF No. 73 at 9), constitute her private property. *Cedar Point Nursery v. Hassid*, 594 U.S. 139, 141 S. Ct. 2063, 2072 (2021), affirms that government appropriation of private property, regardless of the branch involved, triggers Fifth Amendment scrutiny. In *Stop the Beach Renourishment, Inc. v. Fla. Dep't of Env't Prot.*, 560 U.S. 702, 715 (2010) (plurality op.), the Supreme Court recognized that altering established property rights constitutes a taking. Here, stripping Ms. Quick of $8,826 in prejudgment interest—beyond the disgorgement of funds she legitimately claims as her own—effects an uncompensated taking, violating the Fifth Amendment.

Moreover, prejudgment interest operates as an excessive fine under the Eighth Amendment when applied to a non-culpable party. *Tyler v. Hennepin Cnty., Minnesota*, 598 U.S. 631, 648-50 (2023) (Gorsuch, J., concurring), holds that economic penalties serving punitive ends, even if partially remedial, are subject to Eighth Amendment review, rejecting the notion that culpability is a prerequisite. The SEC's request for $8,826—more than 20% of the disgorgement amount (Quick Opposition, ECF No. 73 at 13)—is grossly disproportionate to Ms. Quick's zero culpability, as she committed no civil violation of the federal securities laws or any other law. In *United States v. Bajakajian*, 524 U.S. 321, 334 (1998), the Supreme Court deemed a penalty excessive if it is "grossly disproportional to the gravity of a defendant's offense." With no "offense" attributable to Ms. Quick, prejudgment interest functions as a punitive "fine by any other name" (*Tyler*, 598 U.S. at 650), violating the Eighth Amendment.

The SEC counters that prejudgment interest is remedial, not punitive, again misplacing reliance on *First Jersey* (SEC Prejudgment Memo, ECF No. 95 at 6). However, *First Jersey*

addressed a liable defendant, not an innocent relief defendant, and *Tyler* clarifies that deterrence objectives—like those the SEC invokes (SEC Prejudgment Memo, ECF No. 95 at 6)—render a remedy punitive when applied to non-wrongdoers (Quick Opposition, ECF No. at 12). Absent an ability to attribute to Ms. Quick scienter or harm causation, prejudgment interest is constitutionally impermissible.

E. Equity and Fairness Preclude Prejudgment Interest Under These Circumstances.

Finally, equity demands that the Court deny prejudgment interest. In *SEC v. GMC Holding Corp.*, 2009 WL 506872, at *6, and *Osterneck v. E.T. Barwick Indus., Inc.*, 825 F.2d 1521, 1536 (11th Cir. 1987), the courts emphasize that fairness governs the award of prejudgment interest. Ms. Quick's status as a victim (Quick Opposition, ECF No. at 1 n.1, 12), her lack of knowledge of Padilla's scheme (Quick Opposition, ECF No. at 7), and the SEC's failure to identify specific harmed investors tied to unspecified trades in an account in her name that she did not make weigh against an award. Imposing prejudgment interest on Ms. Quick would unjustly punish her for others' actions, contravening equitable principles.

Moreover, the SEC could have pursued disgorgement and prejudgment interest from the relief defendant who actually spoke with Mr. Padilla and traded in Ms. Quick's account, the trading details of which Ms. Quick had no knowledge. The SEC chose not to do so. In other words, equity and fairness weigh in favor of reversing the decision to impose disgorgement altogether, not to reward the SEC for choosing to seek disgorgement and prejudgment interest from the wrong party.

III. CONCLUSION

If the Court wishes to reach the correct, fair and just result but seeks further clarity regarding victims' identity, which is the correct question under *Liu*, then the Court should make one demand of the SEC: provide the Court (in-camera if necessary) with the investigative testimony or sworn declaration of even one victim who executed a "losing" transaction as a

counterparty to Carlos Hernandez using Ms. Quick's account, where a conversation between Joseph Padilla and Mr. Hernandez drove Mr. Hernandez to execute the trade, and the resulting trading profits appeared in Ms. Quick's account. The probability of the SEC producing such evidence is extremely doubtful.

The SEC's request for prejudgment interest against Ms. Quick lacks legal and equitable grounding. It is punitive rather than remedial, exceeds the SEC's equitable authority due to the dissipation of funds, violates her Fifth and Eighth Amendment rights, and offends notions of fairness. The Court should decline to impose what amounts to a Due Process penalty against Ms. Quick.

Respectfully submitted this 11th day of April, 2025.

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CERTIFICATE OF SERVICE

I, Jacob S. Frenkel, hereby certify that pursuant to Local Rule 5.4(c), this document has been filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). For those parties indicated as non-registered participants, if any, a paper copy will be sent by facsimile and/or U.S. First Class Mail on April 11, 2025.

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