

3. Attached as Exhibit 2 is a Consent signed by Defendant Mueller, in which, without admitting or denying the allegations of the Complaint (except as provided in paragraph 12 of the Consent and as to personal and subject matter jurisdiction, which he admits), Mueller agrees to the relief sought in the proposed Judgment.

4. The proposed Judgment avoids the need to litigate the merits of Defendant Mueller's liability and permanently enjoins him from violations of the provisions of the federal securities laws at issue in the Complaint.

5. The proposed Judgment provides that the remaining relief sought by the SEC – disgorgement, with prejudgment interest, and civil penalties – shall be resolved by the Court at a later date, upon motion by the SEC. For purposes of the determination of such other relief, Defendant Mueller agrees that the Court shall accept the allegations in the Complaint as true. (*See* Exhibit 2, at ¶ 4.) This type of partial settlement is often referred to as a “bifurcated” settlement and is common in SEC enforcement actions. *See, e.g., SEC v. Williky*, 942 F.3d 389, 392 (7th Cir. 2019) (“[Defendant] entered into a bifurcated settlement with the SEC, in which [he] would accept the SEC’s proposed injunctions, and the district court would determine the financial remedies to be assessed against [him] based on the facts of the complaint.”).

6. In his signed Consent, Defendant Mueller agrees that the SEC “may present the Judgment to the Court for signature and entry without further notice.” (Exhibit 2, at ¶ 14.)

WHEREFORE, for the reasons cited above, the SEC respectfully requests that the Court grant this motion and enter the proposed Judgment.

Respectfully submitted,

**U.S. SECURITIES AND EXCHANGE
COMMISSION**

By its attorneys,

/s/ Michael D. Foster
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CERTIFICATE OF SERVICE

I hereby certify that I provided service of the foregoing Motion, via ECF filing, to all counsel of record on February 4, 2020.

/s/ Michael D. Foster
Michael D. Foster