

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

_____)	
SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 09 cv 6261
)	
v.)	Honorable James F. Holderman
)	
RANDY M. CHO,)	Magistrate Judge Michael T. Mason
)	
Defendant.)	
_____)	

MOTION TO ENTER JUDGMENT ORDER AGAINST RANDY M. CHO

Plaintiff, the Securities and Exchange Commission (“SEC”) respectfully submits this motion for entry of the attached proposed Judgment Order Against Randy M. Cho (“Cho”). In support of this motion, the SEC states as follows:

1. On October 7, 2009, the SEC commenced this action. (Docket #1).
2. On October 27, 2009, the Court entered an Order of Permanent Injunction with Defendant Cho’s consent. (Docket # 25). The Order of Permanent Injunction, Section VI, incorporated the consent executed by Cho on October 21, 2009. (Docket #21-2, hereinafter “Cho Consent”)(attached as Exhibit 1). The Cho Consent contains Cho’s agreement to pay disgorgement, prejudgment interest and a civil penalty. (Cho Consent at ¶ 3). The Cho Consent also contains Cho’s agreement that he is precluded from denying the allegations in the SEC’s Complaint, and from arguing that he did not violate the federal securities laws in the manner set out in the SEC’s Complaint. (*Id.*). Finally, the Cho Consent states that the Court may consider the issues raised by motion and on the basis of affidavits, declarations, excerpts of sworn

deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. (Id.).

3. The SEC moves the Court to set the following amounts against Cho:

- a. Disgorgement: \$7,783,767.02;
- b. Prejudgment Interest: \$289,320.08;
- c. Civil Penalty: \$150,000.00.

4. In support of its motion, the SEC has filed: a Memorandum of Law; the Declaration of John E. Kustus dated September 1, 2010; and Declarations from representative Investors -- James P. Emma, Joseph B. Magri, James Benjamin Emma, Karl Kehrer, and Kevin B. Kaspar.

5. The text of a proposed order of Judgment Against Randy M. Cho is attached as Exhibit 2.

WHEREFORE, the SEC asks the Court to grant this motion based on the facts set forth in the SEC's Complaint and the evidence presented in the support of this motion, or, in the alternative, after the evidentiary hearing currently scheduled for 10:00 a.m. on September 14, 2010.

Respectfully submitted,

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION**

/s/ Amy S. Cotter

By: One of its Attorneys

Amy Cotter (IL Bar No. 6238157)
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