

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SHANE P. FLEMING, BRET J.
BESHEY, CHRISTOPHER M.
BONVISSUTO, PETER A. KOURTIS,
ALEXANDER T. CARLUCCI,
DIMITRI A. KANDALEPAS, AUSTIN
C. MANSUR, and ERIC L. WELLER,

Defendants.

17-CV-7049
Judge Manish S. Shah

**UNOPPOSED MOTION ENTRY OF FINAL JUDGMENT AGAINST
DEFENDANT WELLER PURSUANT TO CONSENT**

Plaintiff Securities and Exchange Commission (“SEC”) respectfully moves this Court for entry of final judgment, pursuant to a settlement, against Defendant Eric Weller.

In support of this motion, the SEC states as follows:

1. On September 29, 2017, the SEC filed a complaint alleging that Weller, along with seven other defendants, violated Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”), and Rule 10b-5 promulgated thereunder, by engaging in insider trading in the securities of Life Time Fitness, Inc. (“Life Time”). (Dkt. No. 1.)

2. Weller has consented to settle the SEC’s claim, in accordance with the terms of the Consent attached hereto as Exhibit A.

3. Specifically, Weller has agreed to the entry of a final judgment that:
 - a. permanently enjoins him from engaging in future violations of Section 10(b) of the Exchange Act and Rule 10b-5 thereunder; and
 - b. orders him to pay disgorgement of \$536,167, together with prejudgment interest thereon in the amount of \$51,583, for a total judgment of \$587,750; and orders that \$536,167 of that amount is deemed satisfied by the \$536,167 order of forfeiture entered against him in *United States v. Bret Beshey, et al.*, Crim. No. 17-643 (N.D. Ill.).

4. The proposed judgment is appended to Weller's Consent (Ex. A).

5. The Final Judgment, if approved and entered by the Court, will fully and finally resolve the SEC's claim in this action against Defendant Weller.¹

WHEREFORE, plaintiff Securities and Exchange Commission respectfully requests that the Court grant the relief requested in this motion.

¹ Final judgments were previously entered against Defendants Shane P. Fleming (Dkt. 48) and Austin C. Mansur (*id.* 59). Partial (or bifurcated) judgments were previously entered against the five remaining Defendants – Bret J. Beshey (*id.* 63), Christopher M. Bonvissuto (*id.* 49), Peter A. Kourtis (*id.* 42), Alexander T. Carlucci (*id.* 41), and Dimitri A. Kandalepas (*id.* 50). The SEC is in the process of negotiating final settlements with the remaining Defendants and has sent proposed settlement papers to them or their counsel for review.

Dated: January 19, 2023

Respectfully submitted,

By: s/Daniel J. Hayes

Daniel J. Hayes

Andrew McFall

U.S. SECURITIES AND EXCHANGE
COMMISSION

175 West Jackson Blvd., Suite 1450

Chicago, IL 60604

Phone: (312) 353-3790

Facsimile: (312) 353-7398

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed with the Court's ECF/CM system on: January 19, 2023, which will automatically cause a copy of the document to be electronically served on all counsel of record.

A copy of the filing also was sent on the same date to Bret Beshey via email to: Bret Beshey at yelapasanctuary@protonmail.com, and via U.S. mail, properly addressed and postage prepaid, to: Bret Beshey, 8778 W. Cory Lane, Boise, ID 83704.

s/Daniel J. Hayes