



**purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true by the Court;** and (d) the Court may determine the issues raised in the motion 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.

(Dkt. 27-2 at ¶ 5 (emphasis added)):

Based on the allegations of fraud contained in the Complaint (Dkt. 1), which Kandalepas agreed to accept as true for the purposes of this motion, and for the reasons stated in the SEC's accompanying memorandum and the Declaration of Craig L. McShane, the Court should:

1. Order Kandalepas to pay \$593,363.25 in disgorgement, representing the ill-gotten proceeds of his fraud, plus prejudgment interest thereon of \$113,554.63;
2. Order Kandalepas to pay civil penalties; and
3. Enter final judgment against Kandalepas.

April 12, 2019

Respectfully submitted,

**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION**

By: /s/ Doressia L. Hutton

Doressia L. Hutton (HuttonD@sec.gov)

John E. Birkenheier (BirkenheierJ@sec.gov)

Michelle Muñoz Durk (MunozdurkM@sec.gov)

Kevin A. Wisniewski (WisniewskiK@sec.gov)

175 West Jackson Boulevard, Suite 1450

Chicago, IL 60604-2615

(312) 353-7390; (312) 353-7398 (fax)

**CERTIFICATE OF SERVICE**

I hereby certify that on April 12, 2019, I served **MOTION FOR JUDGMENT SETTING AMOUNT OF DISGORGEMENT AND CIVIL PENALTIES AGAINST DEFENDANT** on all counsel of record through the Court's ECF filing system and on Defendant Andrew J. Kandalepas via email at [andykandalepas@gmail.com](mailto:andykandalepas@gmail.com) and via overnight delivery at 1527 Lexington Court, Schaumburg, IL 60163.

By: **/s/ Doressia L. Hutton**  
**Doressia L. Hutton**