

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

-against-

Civil Action No. 23-MC-432

MARKMAN BIOLOGICS CORP. and
ALAN SHINDERMAN,
Defendants,

-and-

ASPEN ASSET MANAGEMENT SERVICES, LLC
Relief Defendant

**ORDER AND JUDGMENT AWARDING
FEES AND COSTS TO MOVANTS**

THIS CAUSE came before the Court and the Court having considered all papers, argument, responses, and specifically having considered the Movants' Excel Spreadsheet[s] submitted on or about May 24, 2024, does hereby find and determine the fairness and reasonableness of the costs and fees requested by Movants in the amount of THIRTY-TWO THOUSAND, ONE HUNDRED THREE AND 75/100 U.S. DOLLARS [\$32,103.75].

NOW, THEREFORE, IT IS HEREBY ADJUDGED AND ORDERED THAT:

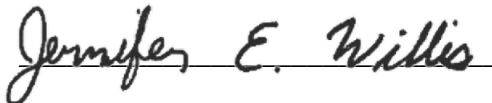
1. This Order and Judgment incorporates by reference the materials identifying the costs and fees incurred by the Movants Alan Shinderman and Aspen Asset Management Services, LLC [hereinafter, collectively: "Movants"].
2. This Court has jurisdiction to enter this Judgment and Order and over matter of this action and over all parties and counsel.

3. This Court previously ruled that Movants shall have an award of costs and reasonable attorney's fees to be paid jointly and severally by parties Dr. Barry Markman and Judith Markman as well as attorney Sanft, their counsel.
4. In finalizing this Judgment and Order, the Court specifically has considered and found that:
 - A. The costs incurred by Movants and the amount of hours through May 24, 2024 and corresponding hourly rates of the attorneys are reasonable and necessary; specific reference is made to the Excel Spreadsheets and the Declaration of Matthew Ross in the Record of this case;
 - B. The award of attorney's fees herein is fair and reasonable and consistent with other fee awards in this Circuit;
 - C. Because previous counsel for the Movants have sought and been granted leave to withdraw from this matter, it is specifically ordered herein that payment of the costs and fees be made directly to recently entered counsel for the Movants: Mr. Wertz. Unless otherwise directed by Mr. Wertz, any and all payments hereunder shall be submitted in good funds payable to Mr. Wertz' IOLTA trust account with payee denoted as: "Jeffrey Wertz, Attorney at Law."
 - D. It is appropriate for the fees and costs to be paid jointly and severally by Dr. and Mrs. Markman and their counsel: Mr. Sanft; and
 - E. This Court will retain personal jurisdiction over all parties and counsel until further order.

5. Any appeal or challenge affecting this Order shall in no way disturb or affect the finality or collectability of this Judgment. This Judgment shall remain independent of the related litigation now pending in Nevada in every way.
6. There is no just reason for delay in the entry of this Judgment and Order, and immediate entry by the Clerk of the Court is expressly directed.
7. This Court will expeditiously entertain future motion practice herein by the Movants if such is deemed necessary to enforce this Judgment absent prompt full satisfaction of same and this would include the need, in Movants' sole discretion, to file periodic reports/letters with the Court advising the Court that the Judgment is not satisfied in full at regular intervals moving forward.

DATED: this 23rd day of October, 2024.

BY THE COURT:



United States District Judge