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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 SECURITIES AND EXCHANGE  
11 COMMISSION,

Plaintiff,

v.

12  
13 ANDY SHIN FONG CHEN, et al.,

14 Defendants.  
15

CASE NO. C17-0405JLR

ORDER

16 Before the court is Defendants Andy Shin Fong Chen and Aero Space Port  
17 International Group, Inc.'s ("ASPI") (collectively, "Defendants") renewed motion to  
18 dismiss Relief Defendants North American Foreign Trade Zone Industries, LLC  
19 ("NAFTZI"), Washington Economic Development Capital II, LLC ("EDC II"), Moses  
20 Lake 96000 Building LLC ("Moses Lake"), Sun Basin Orchards, LLC ("Sun Basin"),  
21 John Chen, Tom Chen, Bobby Chen, and Heidi Chen (collectively, the "remaining Relief  
22 Defendants"). (Mot. (Dkt. # 184).) Plaintiff the Securities and Exchange Commission

1 (the “SEC”) does not oppose the motion. (Resp. (Dkt. # 189).) The court has considered  
2 the submissions of the parties, the relevant portions of the record, and the applicable law.  
3 Being fully advised, the court GRANTS Defendants’ renewed motion to dismiss the  
4 remaining Relief Defendants.

5 On August 16, 2022, the court ruled on the SEC’s third motion for partial final  
6 judgment and entered a final judgment against Defendants.<sup>1</sup> (See 8/16/22 Order;  
7 Judgment (Dkt. # 181).) The court concluded, in relevant part, that no disgorgement  
8 should be awarded against Defendants; that Defendant Mr. Chen must pay a civil penalty  
9 of \$75,000; and that Defendant ASPI must pay a civil penalty of \$375,000. (See 8/16/22  
10 Order at 8-10, 17; *see also* 10/18/21 Order at 8-12; Judgment at 4-7.) Defendants paid  
11 their civil penalties to the Receiver in accordance with the court’s order. (See Receiver  
12 Dist. Mot. (Dkt. # 182) at 2; 8/16/22 Order at 17; Judgment at 4-7.)

13 In its August 16, 2022 order, the court also denied Defendants’ motion to dismiss  
14 the remaining Relief Defendants, concluding that dismissal of the remaining Relief  
15 Defendants was not appropriate at that time because: “(1) Defendants have not  
16 adequately verified that they have sufficient funds at their disposal to satisfy any  
17 judgment this court may enter; and (2) the SEC is not currently seeking a judgment  
18 against the remaining Relief Defendants.” (8/16/22 Order at 16.) However, Defendants  
19 have since satisfied their monetary obligations under the judgment entered by this court  
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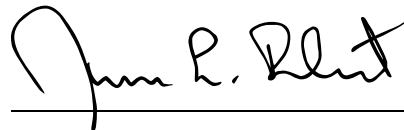
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21 <sup>1</sup> The court set forth the factual and procedural background of this case in detail in its  
22 February 15, 2019, October 18, 2021, and August 16, 2022 orders (*see* 2/15/19 Order (Dkt. # 53)  
at 2-18; 10/18/21 Order (Dkt. # 119) at 2-5; 8/16/22 Order (Dkt. # 180)) and does not repeat  
them here.

1 (see Receiver Dist. Mot. at 2), and the SEC has confirmed that it does not intend to seek a  
2 judgment against the remaining Relief Defendants (*see generally* Resp.).

3 Accordingly, the court finds that dismissal of the remaining Relief Defendants is  
4 now appropriate and GRANTS Defendants' renewed motion to dismiss the remaining  
5 Relief Defendants (Dkt. # 184).

6 Dated this 17th day of October, 2022.

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9 JAMES L. ROBART  
10 United States District Judge  
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