

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**U.S. SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

IAN BALINA,

Defendant.

**Civil Action No. 1:22-CV-950
ECF CASE**

JOINT STIPULATION TO DISMISS, AND RELEASES

Plaintiff Securities and Exchange Commission (the “Commission” or the “SEC”) and Defendant Ian Balina (“Balina”) respectfully submit this joint stipulation.

WHEREAS, the Commission filed its complaint in this civil enforcement action (the “Litigation”) on September 19, 2022. ECF 1.

WHEREAS, on May 22, 2024, the Court entered an order granting partial summary judgment to the SEC as to certain liability issues. ECF 44.

WHEREAS, Balina moved to certify an interlocutory appeal under 28 U.S.C. 1292(b) of the Court’s May 22, 2024 Order, this Court granted such motion on August 16, 2024 (ECF 53), and the Fifth Circuit Court of Appeals agreed to take the appeal on September 17, 2024 (ROA.1709-10, 1713).

WHEREAS, the interlocutory appeal has been assigned Fifth Circuit case number No.24-50726 (“Interlocutory Appeal”) and is currently being briefed by the parties.

WHEREAS, on January 21, 2025, the Commission’s Acting Chairman Mark T. Uyeda launched a crypto task force dedicated to helping the Commission further develop the regulatory framework for crypto assets.

WHEREAS, in light of the foregoing, and in the exercise of its discretion and as a policy matter, the Commission believes the dismissal of this case is appropriate.

WHEREAS, the Commission's decision to seek dismissal of this Litigation does not necessarily reflect the Commission's position on any other case.

WHEREAS, by this stipulation, the Commission and Balina agree to have this Litigation dismissed, and Balina agrees to the dismissal of the Interlocutory Appeal.

NOW, THEREFORE,

1. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Commission and Balina stipulate that this Litigation be dismissed with prejudice as to the conduct alleged in the Complaint through the date of the filing of this Stipulation, and without costs or fees to either party.

2. Within 3 business days of the date that this stipulation is filed with the district court, Balina shall file with the Court of Appeals for the Fifth Circuit an unopposed motion to dismiss the Interlocutory Appeal in accordance with Fifth Circuit Rule of Appellate Procedure 42.1.

3. Balina, for himself and any of his agents, attorneys, employees, or representatives, hereby waives and releases:

- a. Any and all rights under the Equal Access to Justice Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from the United States, or any agency, or any official of the United States acting in his or her official capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs expended by Balina that in any way relate to (i) the Litigation, including but not limited to investigative steps taken prior to commencing the Litigation, (ii) the petition for interlocutory review, and (iii) the Interlocutory Appeal.
- b. Any and all claims, demands, rights, and causes of action of every kind and nature, asserted or unasserted, against the Commission and its present and former officers or employees that arise from or in any way relate to (i) the Litigation, including but not limited to investigative steps taken prior to commencing the Litigation, (ii) the petition for interlocutory review, and (iii) the Interlocutory Appeal.

4. Each of the undersigned represents that they have the authority to execute this stipulation on behalf of the party so indicated.

STIPULATED AND AGREED:


SAMUEL J. WALDON
Acting Director
ANTONIA M. APPS
Acting Deputy Director
Enforcement Division
SECURITIES AND EXCHANGE
COMMISSION


MICHAEL NAVARRE
COUNSEL FOR DEFENDANT IAN
BALINA

Dated: March 12th, 2025


MELISSA ARMSTRONG
COUNSEL FOR PLAINTIFF
SECURITIES AND EXCHANGE
COMMISSION

Dated: May 1, 2025