UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

No. 1:23-cv-1346 (JSR)

TERRAFORM LABS PTE LTD. and DO HYEONG KWON,

Defendants.

PLAINTIFF'S MOTION FOR FINAL JUDGMENT AGAINST DEFENDANTS

Plaintiff Securities and Exchange Commission ("SEC") respectfully moves the Court to enter final judgment against Defendants Terraform Labs PTE LTD. and Do Hyeong Kwon (collectively, "the Defendants"). On April 5, 2024, the jury returned a verdict against the Defendants on all counts. For the reasons set forth in the SEC's memorandum of law and the accompanying declarations of Avron Elbaum and Donald Battle, submitted herewith, the Court should (1) enjoin Defendants from further violation of Sections 5 and 17(a) of the Securities Act of 1933, and Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder; (2) jointly and severally order them to pay disgorgement of \$4,192,147,847 plus \$545,748,909 in prejudgment interest; (3) ordering Terraform and Kwon to pay a \$420 million and a \$100 million civil penalty, respectively; (4) imposing a conduct-based injunction on Defendants, and an officer-and-director bar on and a sworn accounting from Kwon; and (5) holding that the fraud-related monetary remedies imposed on Terraform are non-dischargeable in bankruptcy, and enter final judgment.

Dated: April 19, 2024 Respectfully submitted,

/s/ Christopher J. Carney

Christopher J. Carney
James P. Connor, admitted pro hac vice
Carina A. Cuellar, admitted pro hac vice
Roger J. Landsman, admitted pro hac vice
Laura E. Meehan
Devon L. Staren, admitted pro hac vice
Attorneys for Plaintiff
U.S. SECURITIES AND EXCHANGE
COMMISSION
100 F Street NE
Washington, DC 20549

Tel: (202) 551-2379 Email: <u>carneyc@sec.gov</u>

Of Counsel:

Alistaire Bambach Michael Kelly Therese A. Scheuer William M. Uptegrove