

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JUSTIN SUN, *et al.*,

Defendants.

Case No. 1:23-cv-2433 (ER)

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff Securities and Exchange Commission (the “SEC”) provides notice that it voluntarily dismisses the claims alleged against DeAndre Cortez Way in this action. The SEC’s decision to seek dismissal of this enforcement action is an exercise of its discretion and does not necessarily reflect the SEC’s position on any other case. Defendant Way has not served “an answer or a motion for summary judgment” so the SEC may dismiss this action against him “without a court order by filing a notice of dismissal.” Fed R. Civ. P. 41(a)(1)(A)(i). *Gugliano v. Danbury Hospital*, 396 F. Supp. 2d 220, 224 (D. Conn. 2005) (permitting dismissal of claims against a defendant who had not served an answer while litigation continued against a second defendant); *see also Blaize-Sampeur v. McDowell*, No. 05-CV-4275, 2007 WL 1958909, at *2 (E.D.N.Y. June 29, 2007) (collecting cases supporting the use of Rule 41(a)(1)(A)(i) to dismiss single claims or specific defendants).

Dated: March 5, 2026

Respectfully submitted,

/s/ Adam B. Gottlieb
Adam B. Gottlieb
Securities and Exchange Commission
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Washington, DC 20549
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SO ORDERED:



HON. EDGARDO RAMOS
UNITED STATES DISTRICT JUDGE

Date: March 9, 2026
New York, New York

CERTIFICATE OF SERVICE

I certify that on March 5, 2026, I caused a copy of the foregoing document to be filed through the Court's ECF system, which will serve a copy on all counsel of record.

/s/ Adam B. Gottlieb
Adam B. Gottlieb