UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CIVIL DIVISION

JAMES L. KOUTOULAS

Case No.: 1:23-cv-22345

Plaintiff,

vs.

UNITED STATES SECURITIES AND EXCHANGE COMMISSION

Defendant.
_____/

UNOPPOSED MOVANT'S MOTION TO DISMISS AS MOOT FOLLOWING REMAND

COMES NOW, Movant, JAMES L. KOUTOULAS ("Mr. Koutoulas"), by and through the undersigned counsel, hereby moves this Court to enter an order of dismissal deeming the current action moot in light of remand by the 11th Circuit Court of Appeals and states as follow:

1. Mr. Koutoulas initially moved to quash an investigative subpoena issued by the United States Securities and Exchange Commission ("SEC") on the grounds that the subject of the investigation, LGBcoin, was not a security. [ECF 1].
2. The SEC opposed Mr. Koutoulas's motion but notably declined to make any good faith allegation that LGBcoin constituted a security under the Securities Act or the Exchange Act. [ECF 6].
3. This Court denied Mr. Koutoulas's motion to quash and his request for a stay pending appeal. In compliance with the Court's order, Mr. Koutoulas subsequently cooperated with the SEC investigation. [ECF 19].

4. Thereafter, the SEC formally concurred with Mr. Koutoulas's position, admitting it could not allege that LGBcoin was a security and closed its investigation without issuing any findings of wrongdoing. *See* **Exhibit A** ("Stipulated Order").
5. As a result, both the appeal and the underlying enforcement action were rendered moot. The Eleventh Circuit accordingly remanded the matter to this Court for dismissal. *See* **Exhibit B** ("Remand Order").

WHEREFORE, Movant James Koutoulas respectfully requests that this Court enter an order dismissing the matter as moot and closing the case.

Local Rule 3.01(g) Certification

Prior to this filing, counsel for the Respondent and the undersigned conferred via email. The Respondent does not oppose the relief sought in this motion.

Dated: June 24, 2024.

Respectfully submitted,

/s/ Nicole Martell
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 24, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses on the Electronic Mail Notice List.

/s/ Nicole Martell

SERVICE LIST

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