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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
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14 SECURITIES AND EXCHANGE COMMISSION,
15 Plaintiff,
16 v.
17 WALTER NG, KELLY NG, BRUCE HORWITZ,
and THE MORTGAGE FUND, LLC
18 Defendants.
19

Case No. C-13-CV-00895 SC

**CORRECTED FINAL JUDGMENT AS TO
DEFENDANT BRUCE HORWITZ**

20
21 The Securities and Exchange Commission having filed a Complaint and Defendant Bruce
22 Horwitz (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction
23 over Defendant and the subject matter of this action; consented to entry of this Final Judgment
24 without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived
25 findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

26 I.

27 IT IS HEERBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant’s
28 agents, servants, employees, attorneys, and all persons in active concert or participation with them

1 who receive actual notice of this Final Judgment by personal service or otherwise are permanently
2 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
3 Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5(b) promulgated
4 thereunder [17 C.F.R. § 240.10b-5(b)], by using any means or instrumentality of interstate commerce,
5 or of the mails, or of any facility of any national securities exchange, in connection with the purchase
6 or sale of any security, to make any untrue statement of a material fact or to omit to state a material
7 fact necessary in order to make the statements made, in the light of the circumstances under which
8 they were made, not misleading.

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10 II.

11 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and
12 Defendant’s agents, servants, employees, attorneys, and all persons in active concert or participation
13 with them who receive actual notice of this Final Judgment by personal service or otherwise are
14 permanently restrained and enjoined from violating Section 17(a)(2) of the Securities Act of 1933
15 (the “Securities Act”) [15 U.S.C. § 77q(a)(2)] in the offer or sale of any security by the use of any
16 means or instruments of transportation or communication in interstate commerce or by use of the
17 mails, directly or indirectly, to obtain money or property by means of any untrue statement of a
18 material fact or any omission of a material fact necessary in order to make the statements made, in
19 light of the circumstances under which they were made, not misleading.

20 III.

21 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
22 liable for disgorgement of \$615,999, representing profits gained as a result of the conduct alleged in
23 the Complaint, together with prejudgment interest thereon in the amount of \$9,343, and a civil
24 penalty in the amount of \$100,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. §
25 78u(d)(3)] and Section 20(d)(1) of the Securities Act [15 U.S.C. § 77t(d)(1)]. Defendant shall satisfy
26 this obligation by paying \$725,342 to the Securities and Exchange Commission within 60 days after
27 entry of this Final Judgment.
28

1 Defendant may transmit payment electronically to the Commission, which will provide
2 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a
3 bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.
4 Defendant may also pay by certified check, bank cashier's check, or United States postal money
5 order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

6
7 Enterprise Services Center
8 Accounts Receivable Branch
9 6500 South MacArthur Boulevard
10 Oklahoma City, OK 73169

11 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
12 Court; Bruce Horwitz as a defendant in this action; and specifying that payment is made pursuant to
13 this Final Judgment.

14 Defendant shall simultaneously transmit photocopies of evidence of payment and case
15 identifying information to the Commission's counsel in this action. By making this payment,
16 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the
17 funds shall be returned to Defendant.

18 The Commission may enforce the Court's judgment for disgorgement and prejudgment
19 interest by moving for civil contempt (and/or through other collection procedures authorized by law)
20 at any time after 60 days following entry of this Final Judgment. Defendant shall pay post judgment
21 interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall hold the
22 funds, together with any interest and income earned thereon (collectively, the "Fund"), pending
23 further order of the Court.

24 The Commission may propose a plan to distribute the Fund subject to the Court's approval.
25 Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of
26 Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the
27 administration of any distribution of the Fund. If the Commission staff determines that the Fund will
28 not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the
United States Treasury.

1 or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the
2 Bankruptcy Code, 11 U.S.C. § 523(a)(19).

3 VI.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall
5 retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

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7 IT IS SO ORDERED.

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9 Dated: 07/31/2014


10 SAMUEL CONTI, UNITED STATES
11 DISTRICT JUDGE
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