

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 1:08-cv-2224
	:	
JASON R. HYATT, JAY JOHNSON, and HYATT JOHNSON CAPITAL, LLC	:	Honorable Rebecca R. Pallmeyer
	:	
Defendants.	:	
	:	

FINAL JUDGMENT AS TO DEFENDANT JAY JOHNSON

Plaintiff, U.S. Securities and Exchange Commission ("SEC") filed a complaint in this matter, and Defendant Jay D. Johnson ("Defendant Johnson") has, in his Consent hereto and incorporated herein, acknowledged receipt of the complaint and admitted the personal jurisdiction of the Court over him and over the subject matter thereof, and without admitting or denying the allegations of the complaint, except as to jurisdiction, and without trial, argument or adjudication of any facts or law herein, consented to the entry of this Final Judgment. The SEC and Defendant Johnson have waived the entry of findings of fact and conclusions of law, as provided by Rule 52 of the Federal Rules of Civil Procedure and Defendant Johnson has waived any right to appeal from this Final Judgment. The Court having jurisdiction over the parties and the subject matter hereof, and being fully advised in the premises, hereby states:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Johnson is liable for disgorgement of \$233,198, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$56,647, for a total of \$289,845. Based on (1) Defendant Johnson's sworn representations in his Statement of Financial Condition Dated September 18, 2012, and other personal financial documents and information submitted to the Commission, the Court is not ordering Defendant to pay a civil penalty, and payment of the disgorgement (and any prejudgment interest) is waived. The determination not to impose a civil penalty, and to waive payment of the disgorgement and prejudgment interest, is contingent upon the accuracy and completeness of Defendant Johnson's Statement of Financial Condition Dated September 18, 2012 and other personal financial documents and information submitted to the Commission. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Defendant Johnson, petition the Court for an order requiring Defendant to pay the disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Defendant Johnson was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, or whether the Defendant Johnson has made the payments required by the Receiver Settlement. In its petition, the Commission may move this Court to consider all available remedies, including, but

not limited to, ordering Defendant Johnson to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Defendant Johnson may not, by way of defense to such petition: (1) challenge the validity of the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Johnson's Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant Johnson shall comply with all of the undertakings and agreements set forth herein.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the SEC is expressly authorized to engage in continued discovery regarding any unresolved issue in this case.

IV.

IT IS HEREBY FURTHER ORDERED that notice of this Order may be accomplished by delivery of a copy of the Order by first class mail, overnight delivery, facsimile, or personally by agents or employees of the Commission, upon the Defendant.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court shall retain jurisdiction of this matter for all purposes, including, but not limited to, enforcement of this Final Judgment.

VI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is hereby directed to enter this Final Judgment.

SO ORDERED:


Rebecca R. Pallmeyer
U.S. DISTRICT COURT JUDGE
Northern District of Illinois

Dated: Feb. 22, 2013