

JS-6

## NOTE: CHANGES MADE BY THE COURT

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

## SECURITIES AND EXCHANGE COMMISSION,

**Plaintiff:**

VS.

BRADLEY L. RUDERMAN;  
RUDERMAN CAPITAL  
MANAGEMENT, LLC; RUDERMAN  
CAPITAL PARTNERS, LLC; and  
RUDERMAN CAPITAL  
PARTNERS A, LLC;

## Defendants.

Case No. 09-CV-02974-VBF (JCx)

**[PROPOSED] FINAL JUDGMENT  
OF DISGORGEMENT,  
PREJUDGMENT INTEREST, AND  
CIVIL PENALTY**

1                   The Plaintiff, Securities and Exchange Commission (“Commission”),  
2 has filed a Motion for Summary Judgment pursuant to Rule 56, Fed. R. Civ. P  
3 against all Defendants: Bradley L. Ruderman (“Ruderman”), Ruderman Capital  
4 Management, LLC (“RCM”), Ruderman Capital Partners, LLC (“RCP”), and  
5 Ruderman Capital Partners-A, LLC (“RCP-A”) which was originally calendared  
6 for hearing on January 25, 2010. On January 12, 2010, the parties entered into a  
7 Settlement Agreement in this matter on the record before Magistrate Judge  
8 Jacqueline Chooljian.

9                   **I.**

10                  IT IS HEREBY ORDERED that the Settlement reached before Magistrate  
11 Judge Chooljian is approved and accepted and this Final Judgment of  
12 Disgorgement, Prejudgment Interest and Civil Penalty is entered pursuant to that  
13 Settlement and the related Joint Stipulation of the Parties for Entry of Final  
14 Judgment of Disgorgement, Prejudgment Interest and Civil Penalty.

15                  **II.**

16                  On May 7, 2009, this Court entered a Judgment of Permanent Injunction,  
17 order of Disgorgement, Appointment of Permanent Receiver and Other Relief as to  
18 Defendants Bradley L. Ruderman, Ruderman Capital Management, LLC,  
19 Ruderman Capital Partners LLC and Ruderman Capital Parties A, LLC. (Dkt No.  
20 31) (“May 7, 2009 Judgment”). The May 7, 2009 Judgment remains in full force  
21 and effect. This Final Judgment incorporates the May 7, 2009 Judgment as though  
22 fully set forth herein and implements such May 7, 2009 Judgment by specifying  
23 amounts of disgorgement, prejudgment interest and statutory civil penalty.

24                  **III.**

25                  IT IS ORDERED, ADJUDGED AND DECREED that Ruderman, RCM,  
26 RCP and RCP-A shall be liable jointly and severally for disgorgement of  
27 \$25,132,373.00, representing proceeds gained as a result of the conduct alleged in  
28 the Complaint, together with prejudgment interest thereon in the amount of

1 \$97,389.28. Each Defendant Ruderman, RCM, RCP and/or RCP-A shall receive a  
2 credit for any sums paid by any other of these Defendants on this disgorgement  
3 and/or interest obligations. Defendants Ruderman, RCM, RCP and RCP-A shall  
4 also receive a credit made by Ruderman on any Restitution Order imposed in that  
5 proceeding entitled: *United States v. Bradley Lewis Ruderman*, Case No. CR 09-  
6 00757 JFW.

7 Defendants Ruderman, RCM, RCP and RCP-A acknowledge that this  
8 obligation of ~~\$ 25,229,662.28~~ **25,229,762.28** (\$25,132,373.00 plus \$97,389.28) is  
9 due and payable within fourteen (14) business days after entry of this Final  
10 Judgment by certified check, bank cashier's check, or United States Postal money  
11 order payable to the Securities and Exchange Commission. The payment shall be  
12 delivered or mailed to the Court-appointed Receiver, David L. Ray (the  
13 "Receiver"), and shall be transmitted to David L. Ray, Esq., Saltzburg, Ray &  
14 Weissman, 12121 Wilshire Blvd., Suite 600, Los Angeles, CA 90025 under cover  
15 of a letter that identifies the Defendant, the name and case number of this  
16 litigation, and the court. After discharge of the Receiver, payment shall be made to  
17 the Commission or to such other successor in interest to the Receiver as may be  
18 appointed by this Court. Copies of this cover letter and the means of payment shall  
19 be simultaneously transmitted to counsel for the Commission in this action at its  
20 Pacific Regional Office. The Receiver shall apply to this Court for approval of any  
21 allocation of distribution of funds paid under this Disgorgement Order between  
22 investors in RCP and RCP-A.. Defendants are to pay post-judgment interest on  
23 any delinquent amounts pursuant to 28 U.S.C. § 1961.

24 **IV.**

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that  
26 Defendant Ruderman shall pay a civil penalty in the amount of \$130,000.00  
27 pursuant to Section 20(d) of the Securities Act 15 U.S.C. § 77t(d), and Section  
28 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant acknowledges

1 that this payment is due and payable within fourteen (14) days after entry of this  
2 Final Judgment by certified check, bank cashier's check, or United States postal  
3 money order payable to the Securities and Exchange Commission. The payment  
4 shall be delivered or mailed to the Office of Financial Management, Securities and  
5 Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-  
6 3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying the  
7 payer's name as a Defendant in this action; setting forth the title and civil action  
8 number of this action and the name of this Court; and specifying that payment is  
9 made pursuant to this Final Judgment. Defendant agrees to pay post-judgment  
10 interest on any delinquent amounts pursuant to 28 USC § 1961. The Commission  
11 shall remit the funds paid pursuant to this paragraph to the United States Treasury.

12 **V.**

13 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,  
14 the asset freeze, previously granted by this Court, shall continue in effect, until  
15 further order of this Court, on all monies and assets in all accounts at any bank,  
16 financial institution or brokerage firm, all certificates of deposit, and other funds or  
17 assets, held in the name of, for the benefit of, or over which account authority is  
18 held by Ruderman, RCM, RCP and RCP-A. Such asset freeze shall not affect any  
19 accounts held or maintained by the Bankruptcy Trustee on behalf of RCP, all in  
20 accordance with orders issued by the Bankruptcy Court.

21 **VI.**

22 IT IS FURTHER ORDERED that David L. Ray shall remain as Permanent  
23 Receiver of RCM and RCP-A as ordered by this Court in the May 7, 2009  
24 Judgment as modified by the Order dated September 9, 2009 on Petition for  
25 Instructions of Receiver for an Order Approving Stipulation between Receiver and  
26 the Bankruptcy Trustee, et al. (Dkt No. 62) (the "Petition Order"). The Receiver  
27 shall continue to have such powers and duties as specified in the May 7, 2009  
28 Judgment and as modified by the Petition Order until further order of this Court.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment and all orders and decrees which have been entered or may be entered herein, and to grant such other relief as the Court may deem necessary and just.

VIII.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: January 19, 2010

Valerie Baker Fairbank

Valerie Baker Fairbank  
UNITED STATES DISTRICT JUDGE

Presented by:

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Gregory C. Glynn  
Morgan B. Ward Doran  
Attorneys for Plaintiff  
Securities and Exchange Commission