

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,**

Plaintiff,

v.

GENE DANIEL LEVOFF,

Defendant.

Civ. No. 2:19-cv-05536 (WJM)

ORDER

THIS MATTER comes before the Court on the motion of the United States Securities and Exchange Commission (“SEC”) for summary judgment pursuant to Fed. R. Civ. P. 56(a) and Local Rule 56.1, ECF No. 22, and on the cross motion of Gene Daniel Levoff (“Defendant”) for summary judgment, ECF No. 24. The SEC alleged that Levoff engaged in insider trading in violation of Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5] and Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)]. Levoff has pled guilty in a related criminal manner before this Court, *US v. Levoff*, 19-cr-00780. For the reasons set forth in the accompanying opinion, and for good cause shown;

IT IS on this 2nd day of July 2024, **ORDERED** that the SEC’s motion for summary judgment is **GRANTED** as follows:

IT IS ORDERED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, the Exchange Act and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security: (a) to employ any device, scheme, or artifice to defraud; (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person; and

IT IS FURTHER ORDERED that as provided in Fed. R. Civ. P. 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant’s officers, agents, servants,

employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a); and

IT IS FURTHER ORDERED that Defendant is permanently restrained and enjoined from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly: (a) to employ any device, scheme, or artifice to defraud; (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser; and

IT IS FURTHER ORDERED as provided in Fed. R. Civ. P. 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendant or with anyone described in (a); and

IT IS FURTHER ORDERED that pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] and Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)], Defendant is prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)]; and

IT IS FURTHER ORDERED that Defendant's obligation to make the disgorgement of ill-gotten gains of \$382,480 and prejudgment interest thereon in the amount of \$57,465 shall be deemed satisfied by the entry of the forfeiture order in the related criminal case *United States v. Gene Levoff*, 19-cr-780 (D.N.J.); and

IT IS FURTHER ORDERED that Defendant shall pay a civil penalty in the amount of \$1,147,440 to the Securities and Exchange Commission pursuant to Section 21A of the Exchange Act, 15 U.S.C. § 78u-1(a). Defendant shall make this payment within 30 days after entry of this Final Judgment. Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to:

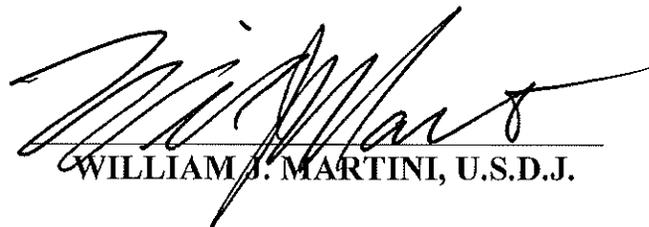
Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Gene Daniel Levoff as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for penalties by the use of all collection procedures authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil contempt for the violation of any Court orders issued in this action. Defendant shall pay post-judgment interest on any amounts due after 30 days of the entry of this Final Judgment pursuant to 28 USC § 1961; and

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment; and

IT IS FURTHER ORDERED that Defendant's cross motion for summary judgment is **DENIED**.


WILLIAM J. MARTINI, U.S.D.J.