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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JULIE A. MINUSKIN, DENNIS R.
DIRICCO, THOMAS F. CASEY,
GOLDEN GENESIS, INC. and
JOSHUA P. STOLL,

Defendants.

Case No. 3:22-cv-0483-RSH-AGH

**FINAL JUDGMENT AS TO
DEFENDANT DENNIS DIRICCO**

1 WHEREAS, on April 28, 2022, the Court entered a bifurcated consent
2 judgment against defendant Dennis DiRicco which imposed injunctive relief, an
3 officer and director bar and a penny stock bar, and ordered that monetary relief would
4 be determined by the Court on motion by the Commission. Dkt. Nos. 3 (Consent), 6
5 (Judgment).

6 WHEREAS, Plaintiff Securities and Exchange Commission (“SEC”) has filed
7 a motion seeking monetary relief against DiRicco, in the form of disgorgement,
8 together with prejudgment interest and civil penalties. Dkt. No. 89.

9 WHEREAS, the Court, having considered the SEC’s motion, its supporting
10 memorandum of points and authorities, the supporting declarations and exhibits,
11 DiRicco’s opposition, and the other evidence and argument presented to the Court,
12 hereby enters this Final Judgment, incorporating all of the terms and conditions of
13 DiRicco’s bifurcated consent judgment and imposing monetary relief.

14 **I.**

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
16 permanently restrained and enjoined from violating Section 17(a) of the Securities
17 Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of any
18 security by the use of any means or instruments of transportation or communication
19 in interstate commerce or by use of the mails, directly or indirectly

- 20 (a) to employ any device, scheme, or artifice to defraud;
21 (b) to obtain money or property by means of any untrue statement of a
22 material fact or any omission of a material fact necessary in order to
23 make the statements made, in light of the circumstances under which
24 they were made, not misleading; or
25 (c) to engage in any transaction, practice, or course of business which
26 operates or would operate as a fraud or deceit upon the purchaser.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
28 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also

1 binds the following who receive actual notice of this Final Judgment by personal
2 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
3 attorneys; and (b) other persons in active concert or participation with Defendant or
4 with anyone described in (a).

5 **II.**

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
7 permanently restrained and enjoined from violating Section 5 of the Securities Act
8 [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable
9 exemption:

- 10 (a) Unless a registration statement is in effect as to a security, making use of
11 any means or instruments of transportation or communication in
12 interstate commerce or of the mails to sell such security through the use
13 or medium of any prospectus or otherwise;
- 14 (b) Unless a registration statement is in effect as to a security, carrying or
15 causing to be carried through the mails or in interstate commerce, by any
16 means or instruments of transportation, any such security for the purpose
17 of sale or for delivery after sale; or
- 18 (c) Making use of any means or instruments of transportation or
19 communication in interstate commerce or of the mails to offer to sell or
20 offer to buy through the use or medium of any prospectus or otherwise
21 any security, unless a registration statement has been filed with the
22 Commission as to such security, or while the registration statement is the
23 subject of a refusal order or stop order or (prior to the effective date of
24 the registration statement) any public proceeding or examination under
25 Section 8 of the Securities Act [15 U.S.C. § 77h].

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
27 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
28 binds the following who receive actual notice of this Final Judgment by personal

1 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and
2 attorneys, and (b) other persons in active concert or participation with Defendant or
3 with anyone described in (a).

4 **III.**

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant is
6 permanently restrained and enjoined from violating, directly or indirectly, Section
7 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
8 78j(b)] and Rule 10b-5 promulgated thereunder, [17 C.F.R. § 240.10b-5], by using
9 any means or instrumentality of interstate commerce, or of the mails, or of any
10 facility of any national securities exchange, in connection with the purchase or sale of
11 any security:

- 12 (a) to employ any device, scheme or artifice to defraud;
13 (b) to make any untrue statement of a material fact or to omit to state a
14 material fact necessary in order to make the statements made, in light of
15 the circumstances under which they were made, not misleading; or
16 (c) to engage in any act, practice, or course of business which operates or
17 would operate as a fraud or deceit upon any person.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
19 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
20 binds the following who receive actual notice of this Final Judgment by personal
21 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and
22 attorneys; and (b) other persons in active concert or participation with Defendant or
23 with anyone described in (a).

24 **IV.**

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant
26 to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] and Section 20(e) of
27 the Securities Act 15 U.S.C. § 77t(e)], Defendant is prohibited from acting as an
28 officer or director of any issuer that has a class of securities registered pursuant to

1 Section 12 of the Exchange Act [15 U.S.C. § 781] or that is required to file reports
2 pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

3 **V.**

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
5 Defendant is permanently barred from participating in an offering of penny stock,
6 including engaging in activities with a broker, dealer, or issuer for purposes of
7 issuing, trading, or inducing or attempting to induce the purchase or sale of any penny
8 stock. A penny stock is any equity security that has a price of less than five dollars,
9 except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. 240.3a51-1].

10 **VI.**

11 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
12 Defendant is liable for disgorgement of \$183,298, representing net profits gained as
13 a result of the conduct alleged in the Complaint, together with prejudgment interest
14 thereon in the amount of \$66,979.47, and a civil penalty in the amount of \$300,000
15 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section
16 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall satisfy this
17 obligation by paying \$550,277.47 to the Securities and Exchange Commission within
18 30 days after entry of this Final Judgment.

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

25 Enterprise Services Center
26 Accounts Receivable Branch
27 6500 South MacArthur Boulevard
28 Oklahoma City, OK 73169

1 and shall be accompanied by a letter identifying the case title, civil action number,
2 and name of this Court; Dennis DiRicco as a defendant in this action; and specifying
3 that payment is made pursuant to this Final Judgment.

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

8 The Commission may enforce the Court's judgment for disgorgement and
9 prejudgment interest by using all collection procedures authorized by law, including,
10 but not limited to, moving for civil contempt at any time after 30 days following entry
11 of this Final Judgment.

12 The Commission may enforce the Court's judgment for penalties by the use of
13 all collection procedures authorized by law, including the Federal Debt Collection
14 Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil contempt for the
15 violation of any Court orders issued in this action. Defendant shall pay post judgment
16 interest on any amounts due after 30 days of the entry of this Final Judgment pursuant
17 to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any interest
18 and income earned thereon (collectively, the "Fund"), pending further order of the
19 Court.

20 The Commission may propose a plan to distribute the Fund subject to the
21 Court's approval. Such a plan may provide that the Fund shall be distributed pursuant
22 to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The
23 Court shall retain jurisdiction over the administration of any distribution of the Fund
24 and the Fund may only be disbursed pursuant to an Order of the Court.

25 Regardless of whether any such Fair Fund distribution is made, amounts
26 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as
27 penalties paid to the government for all purposes, including all tax purposes. To
28 preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or

1 reduction of any award of compensatory damages in any Related Investor Action
2 based on Defendant’s payment of disgorgement in this action, argue that he is entitled
3 to, nor shall he, she further benefit by, offset or reduction of such compensatory
4 damages award by the amount of any part of Defendant’s payment of a civil penalty
5 in this action (“Penalty Offset”). If the court in any Related Investor Action grants
6 such a Penalty Offset, Defendant shall, within 30 days after entry of a final order
7 granting the Penalty Offset, notify the Commission’s counsel in this action and pay
8 the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as
9 the Commission directs. Such a payment shall not be deemed an additional civil
10 penalty and shall not be deemed to change the amount of the civil penalty imposed in
11 this Judgment. For purposes of this paragraph, a “Related Investor Action” means a
12 private damages action brought against Defendant by or on behalf of one or more
13 investors based on substantially the same facts as alleged in the Complaint in this
14 action.

15 **VII.**

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
17 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
18 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
19 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
20 amounts due by Defendant under this Final Judgment or any other judgment, order,
21 consent order, decree or settlement agreement entered in connection with this
22 proceeding, is a debt for the violation by Defendant of the federal securities laws or
23 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
24 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

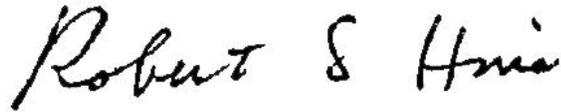
25 **VIII.**

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

IX.

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: February 28, 2025



HONORABLE ROBERT S. HUIE
UNITED STATES DISTRICT JUDGE

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