

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

vs.

JOHN P. MENDES and ANDRE
DABBAGHIAN,

Defendants.

Case No. 4:22-cv-05340-YGR

FINAL JUDGMENT AS TO DEFENDANT ANDRE DABBAGHIAN

In accordance with the orders entered during the pendency of this case, including the previously entered Judgment as to Defendant Andre Dabbaghian dated December 15, 2022, (ECF No. 14), and pursuant to Fed. R. Civ. P. 58(a) and the stipulation of Plaintiff Securities and Exchange Commission and Defendant Andre Dabbaghian, Final Judgment as to Andre Dabbaghian is hereby entered.

Dated: June 12, 2023


UNITED STATES DISTRICT JUDGE

TERRY R. MILLER (Colo. Bar No. 39007)
SECURITIES AND EXCHANGE COMMISSION
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Case No. 4:22-cv-05340-YGR

**UNOPPOSED ADMINISTRATIVE MOTION
FOR ENTRY OF FINAL JUDGMENT AS
TO DEFENDANT ANDRE DABBAGHIAN**

Plaintiff, the United States Securities and Exchange Commission (“SEC” or “Commission”), brings this unopposed administrative motion under Civil Local Rule 7-11(a) for the entry of a final judgment against Defendant Andre Dabbaghian. This administrative motion is supported by the Stipulated Proposed Final Judgment, which is attached and described more fully below and, together with this motion, constitute a stipulation under Civil Local Rule 7-12.

As background, the SEC filed its Complaint on September 20, 2022. ECF 1. The Complaint alleges that Defendant Mendes engaged in insider trading based on material nonpublic information obtained from his close friend Defendant Dabbaghian about an impending corporate transaction. On the same day, the U.S. Attorney’s Office for the Northern District of California brought a parallel criminal case against Defendant Mendes captioned *United States v. John Mendes*, Case No. 4:22-cr-

1 00359-YGR (N.D. Cal.). Also on September 20, the SEC and both defendants submitted proposed
2 consent judgments to the Court. ECF 3.

3 On December 15, 2022, the Court entered the proposed consent judgments: “Final
4 Judgment as to Defendant John P. Mendes,” ECF 13, and “Judgment as to Defendant Andre
5 Dabbaghian,” ECF 14. The consent judgment as to Mendes resolved all claims and requests for
6 relief asserted in the Complaint as to Mendes.

7 The only issue remaining as to Dabbaghian is explained in Section III of his consent
8 judgment. That section states that, upon motion of the Commission, the Court will determine
9 whether it is appropriate to order a civil penalty pursuant to Section 21A of the Securities Exchange
10 Act of 1934 (“Exchange Act”) [15 U.S.C. § 78u-1], and, if so, the amount of the civil penalty. Upon
11 consideration of the relevant factors under Section 21A of the Exchange Act, the Commission has
12 elected to forego seeking a civil penalty against Dabbaghian and, for that reason, does not intend to
13 file the motion described in Section III of the “Judgment as to Defendant Andre Dabbaghian,” ECF
14 14.

15 Because all issues in this action as to Mendes were resolved in the Final Judgment as to
16 Defendant John P. Mendes, ECF 13, and because the Commission has elected to forego seeking a
17 civil penalty against Dabbaghian, which was the sole remaining issue to resolve in this action, *see*
18 ECF 14 § III, a final judgment under Fed. R. Civ. P. 58(a) is appropriate. A proposed final judgment
19 is attached.

20 While counsel for Dabbaghian has not entered an appearance in this action, the undersigned
21 has conferred with counsel for Dabbaghian, Nanci L. Clarence of Clarence Dyer and Cohen, LLP,
22 about the relief requested in this motion. Counsel stated that Dabbaghian does not oppose this
23 motion and stipulates to entry of the attached proposed final judgment.

1 Dated: June 8, 2023

Respectfully submitted,

2
3 /s/ Terry R. Miller

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