

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

HARRY H. YIM,

Defendant.

Case No. 07-CV-2065 IEG (AJx)

**FINAL JUDGMENT AS TO
DEFENDANT HARRY H. YIM
[Doc. No. 13]**

Presently before the Court is Plaintiff's Motion to Approve the Judgment. The Securities and Exchange Commission (the "Commission") having filed a Complaint and Defendant Harry H. Yim ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting

1 or denying the allegations of the Complaint (except as to jurisdiction); waived
2 findings of fact and conclusions of law; and waived any right to appeal from this
3 Final Judgment:

4 **I.**

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
6 and Defendant's agents, servants, employees, attorneys, and all persons in active
7 concert or participation with them who receive actual notice of this Final Judgment
8 by personal service or otherwise are permanently restrained and enjoined from
9 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
10 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
11 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
12 interstate commerce, or of the mails, or of any facility of any national securities
13 exchange, in connection with the purchase or sale of any security:

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

21 **II.**

22 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
23 that Defendant and Defendant's agents, servants, employees, attorneys, and all
24 persons in active concert or participation with them who receive actual notice of
25 this Final Judgment by personal service or otherwise are permanently restrained
26 and enjoined from violating Section 17(a) of the Securities Act of 1933 (the
27 "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use
28

1 of any means or instruments of transportation or communication in interstate
2 commerce or by use of the mails, directly or indirectly:

- 3 (a) to employ any device, scheme, or artifice to defraud;
- 4 (b) to obtain money or property by means of any untrue statement of a
5 material fact or any omission of a material fact necessary in order to
6 make the statements made, in light of the circumstances under which
7 they were made, not misleading; or
- 8 (c) to engage in any transaction, practice, or course of business which
9 operates or would operate as a fraud or deceit upon the purchaser

10 **III.**

11 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
12 that Defendant is liable for disgorgement of \$79,581.00, representing losses
13 avoided as a result of the conduct alleged in the Complaint, together with
14 prejudgment interest thereon in the amount of \$6,124.84, and a civil penalty in the
15 amount of \$79,581.00 pursuant to Section 20(d) of the Securities Act [15 U.S.C. §
16 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].
17 Defendant shall satisfy this obligation by paying \$165,286.84 within ten (10)
18 business days after entry of this Final Judgment by certified check, bank cashier's
19 check, or United States postal money order payable to the Securities and Exchange
20 Commission. The payment shall be delivered or mailed to the Office of Financial
21 Management, Securities and Exchange Commission, Operations Center, 6432
22 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be
23 accompanied by a letter identifying Harry H. Yim as a defendant in this action;
24 setting forth the title and civil action number of this action and the name of this
25 Court; and specifying that payment is made pursuant to this Final Judgment.
26 Defendant shall pay post-judgment interest on any delinquent amounts pursuant to
27 28 USC § 1961. The Commission shall remit the funds paid pursuant to this
28 paragraph to the United States Treasury.


1 IV.

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

6 V.

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

10
11 Dated: ___April 23, 2008___

12 
13 _____
14 IRMA E. GONZALEZ
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28