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

10 SECURITIES AND EXCHANGE
11 COMMISSION,

12 Plaintiff,

13 vs.

14 ANDRES LEYVA,

15 Defendant.

Case No. 3:09-cv-1565-JLS-WVG

**FINAL JUDGMENT AS TO
DEFENDANT ANDRES LEYVA**

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18 The Securities and Exchange Commission having filed a Complaint and Defendant
19 Andres Leyva having entered a general appearance; consented to the Court's jurisdiction over
20 Defendant and the subject matter of this action; consented to entry of this Final Judgment
21 without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived
22 findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

23 **I.**

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
25 Defendant's agents, servants, employees, attorneys, and all persons in active concert or
26 participation with them who receive actual notice of this Final Judgment by personal service or
27 otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section
28 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, 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.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Leyva is liable for disgorgement of \$34,739.98, representing profits gained as a result of the conduct alleged in the complaint, prejudgment interest thereon in the amount of \$1,369.73; and a civil penalty in the amount of \$34,739.98 pursuant to Section 21A(a) of the Exchange Act, 15 U.S.C. § 78u-1(a), for a total of \$70,849.69. Leyva shall satisfy this obligation by paying \$20,000.00 within ten (10) business days after entry of this Final Judgment, and by paying the remaining balance of \$50,849.69 in four installments as follows: (1) \$12,712.42 plus \$13.48 in post-judgment interest, for a total payment of \$12,725.90, within 90 days of entry of the Final Judgment; (2) \$12,712.42 plus \$26.96 in post-judgment interest, for a total payment of \$12,739.38, within 180 days of entry of the Final Judgment; (3) \$12,712.42 plus \$40.44 in post-judgment interest, for a total payment of \$12,752.86, within 270 days of entry of the Final Judgment; and (4) \$12,712.43 plus \$53.91 in post-judgment interest, for a total payment of \$12,766.34, within 360 days of entry of the Final Judgment.

Leyva shall make each payment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Leyva as a defendant in this action;

1 setting forth the title and civil action number of this action and the name of this Court; and
2 specifying that payment is made pursuant to this Final Judgment. Leyva shall pay post-judgment
3 interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit
4 the funds paid pursuant to this paragraph to the United States Treasury.

5 If Leyva fails to make any payment by the date agreed and/or in the amount agreed
6 according to the schedule set forth above, all outstanding payments under this Final Judgment,
7 including post-judgment interest, minus any payments made, shall become due and payable
8 immediately without further application to the Court.

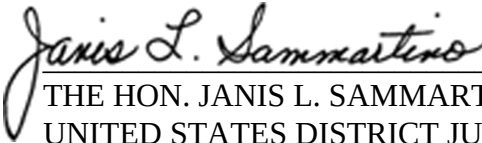
9 **III.**

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

13 **IV.**

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

16 Dated: June 16, 2010

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18 THE HON. JANIS L. SAMMARTINO
19 UNITED STATES DISTRICT JUDGE
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