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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **WESTERN DIVISION**

15 SECURITIES AND EXCHANGE
16 COMMISSION,

17 Plaintiff,

18 vs.

19 ANGELO MOZILO, DAVID SAMBOL,
20 AND ERIC SIERACKI,

21 Defendants.

Case No. CV 09-3994 JFW (MANx)

**FINAL JUDGMENT AS TO
DEFENDANT ERIC SIERACKI**

1 The Securities and Exchange Commission having filed a Complaint For
2 Violations of the Federal Securities Laws (“Complaint”) and Defendant Eric
3 Sieracki (“Sieracki”) having entered a general appearance; consented to the
4 Court’s jurisdiction over Sieracki and the subject matter of this action; consented
5 to entry of this Final Judgment without admitting or denying the allegations of the
6 Complaint (except as to jurisdiction); waived findings of fact and conclusions of
7 law; and waived any right to appeal from this Final Judgment:

8 **I.**

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Sieracki
10 and Sieracki’s, servants, employees, attorneys-in-fact, and all persons in active
11 concert or participation with them who receive actual notice of this Final Judgment
12 by personal service or otherwise are permanently restrained and enjoined from
13 violating Sections 17(a) (2) and (3) of the Securities Act of 1933 (the “Securities
14 Act”), 15 U.S.C. § 77q(a)(2) and (3), in the offer or sale of any security by the use
15 of any means or instruments of transportation or communication in interstate
16 commerce or by use of the mails, directly or indirectly:

17 to obtain money or property by means of any untrue statement of a
18 material fact or any omission of a material fact necessary in order to
19 make the statements made, in light of the circumstances under which
20 they were made, not misleading; or
21 to engage in any transaction, practice, or course of business which
22 operates or would operate as a fraud or deceit upon the purchaser.

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24 **II.**

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Sieracki
26 shall pay a civil penalty in the amount of \$130,000 pursuant to Section 20(d)(1) of
27 the Securities Act, 15 U.S.C. § 77t(d)(1), and Section 21(d)(3) of the Exchange
28 Act, 15 U.S.C. § 78u(d)(3).

1 Sieracki shall satisfy his obligation to pay the civil penalty by causing the
2 payment of \$130,000 within twenty business days of the issuance of this Final
3 Judgment, as directed in writing by the Commission’s counsel in this action, either
4 to the Clerk of this Court or to the designated escrow agent for the settlement funds
5 in the action styled *In re Countrywide Financial Corporation Securities Litigation*,
6 Lead Case No. CV 07-05295 MRP (MANx) (C.D. Cal.) (“CFCSL”), together with
7 a cover letter identifying Sieracki as a defendant in this action; setting forth the
8 title and civil action number of this action and the name of this Court; and
9 specifying that payment is being made pursuant to this Final Judgment. Sieracki
10 shall simultaneously transmit photocopies of such payment and letter to the
11 Commission’s counsel in this action. By making this payment, Sieracki
12 relinquishes all legal and equitable right, title, and interest in such funds, and no
13 part of the funds shall be returned to Sieracki. Sieracki shall pay post-judgment
14 interest on any delinquent amounts pursuant to 28 U.S. C. § 1961.

15 The Clerk shall deposit any such funds received by the Clerk into an interest
16 bearing account. These funds, together with any interest and income earned
17 thereon (collectively, the “Fund”), shall be held in the interest bearing account
18 until further order of the Court. In accordance with 28 U.S.C. § 1914 and the
19 guidelines set by the Director of the Administrative Office of the United States
20 Courts, the Clerk is directed, without further order of this Court, to deduct from the
21 income earned on the money in the Fund a fee equal to ten percent of the income
22 earned on the Fund. Such fee shall not exceed that authorized by the Judicial
23 Conference of the United States.

24 The Commission may propose by motion, or the parties may propose by
25 stipulation, a plan to distribute the Fund subject to the Court’s approval. Such a
26 plan may provide that the Fund shall be distributed pursuant to the Fair Fund
27 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.
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III.

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

IV.

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

V.

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. This Final Judgment shall fully and finally dispose of all claims asserted in the complaint against Sieracki.

Dated: 10/15/10



HONORABLE JOHN F. WALTER
UNITED STATES DISTRICT JUDGE