

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

U.S. Securities and Exchange Commission,

Plaintiff,

v.

Secure Capital Funding, et al.,

Defendants.

Civ. No. 11-916

ORDER

THOMPSON, U.S.D.J.

For the reasons set forth in the Opinion issued on this same day,

IT IS, on this 29th day of April, 2014,

ORDERED that Defendant Hill is liable for disgorgement of \$758,000; and it is

ORDERED that \$637,977 will be offset from Hill's liability upon the completed transfer of \$170,941 from JP Morgan Chase Account No. xxxxx6052 and \$467,036 from Merrill Lynch Account No. xxx-04099 to an account established by the Distribution Agent; and it is

ORDERED that Hill, upon notification and request from the Securities and Exchange Commission, shall pay the sum of \$120,823 into the account established by the Distribution Agent and shall simultaneously transmit photocopies of evidence of payment and case identifying information to Plaintiff; and it is

ORDERED that Hill, upon notification and request from the Securities and Exchange Commission, shall pay prejudgment interest in the amount of \$69,201.63 into the account established by the Distribution Agent and shall simultaneously transmit photocopies of evidence of payment and case identifying information to Plaintiff; and it is

ORDERED that Hill, upon notification and request from the Securities and Exchange Commission, shall pay a civil penalty in the amount of \$740,000 into the account established by the Distribution Agent and shall simultaneously transmit photocopies of evidence of payment and case identifying information to Plaintiff; and it is

ORDERED that Hill, upon notification and request from the Securities and Exchange Commission, shall transfer \$170,941 from JP Morgan Chase Account No. xxxxx6052 to an account to be established by the Distribution Agent for the benefit of the victims of Defendant's fraudulent conduct; and it is

ORDERED that Merrill Lynch, upon notification and request from the Securities and Exchange Commission, shall liquidate all securities to cash in Merrill Lynch Account No. xxx-04099 and transfer the balance to an account to be established by the Distribution Agent for the benefit of the victims of fraudulent conduct; and it is

ORDERED that the Securities and Exchange Commission may enforce this Order by moving for civil contempt at any time after 14 days following entry of this Order; and it is

ORDERED that Hill shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961 and shall, upon notification and request from the Securities and Exchange Commission, place that amount into the account established by the Distribution Agent. Hill shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action; and it is

ORDERED that this Order shall be treated as penalties paid to the government for all purposes, including all tax purposes; and it is

ORDERED that Hill shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Hill's payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Hill's payment of a civil penalty in this action, ("Penalty Offset"). If a court in any Related Investor Action¹ grants such a Penalty Offset, Hill shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this Judgment; and it is

ORDERED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of the Final Judgment.

Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.

¹ For purposes of this Order, a "Related Investor Action" means a private damages action brought against a party by or on behalf of one or more investors based on substantially the same facts as alleged in the First Amended Complaint in this action