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JS-6
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
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13 SECURITIES AND EXCHANGE
14 COMMISSION,

15 Plaintiff,

16 vs.

17 S. BLAIR ABERNATHY,

18 Defendant.
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Case No. 11-1308-JFW (SSx)

**FINAL JUDGMENT AS TO
DEFENDANT S. BLAIR ABERNATHY**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant S. Blair Abernathy having entered a general appearance; consented to
3 the Court's jurisdiction over Defendant and the subject matter of this action;
4 consented to entry of this Final Judgment without admitting or denying the
5 allegations of the Complaint (except as to jurisdiction); waived findings of fact and
6 conclusions of law; and waived any right to appeal from this Final Judgment:

7 **I.**

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
9 and Defendant's agents, servants, employees, attorneys, and all persons in active
10 concert or participation with them who receive actual notice of this Final Judgment
11 by personal service or otherwise are permanently restrained and enjoined from
12 violating Sections 17(a)(2) and 17(a)(3) of the Securities Act of 1933 (the
13 "Securities Act") [15 U.S.C. §§ 77q(a)(2) & (a)(3)] in the offer or sale of any
14 security by the use of any means or instruments of transportation or
15 communication in interstate commerce or by use of the mails, directly or
16 indirectly, (a) to obtain money or property by means of any untrue statement of a
17 material fact or any omission of a material fact necessary in order to make the
18 statements made, in light of the circumstances under which they were made, not
19 misleading; or (b) to engage in any transaction, practice, or course of business
20 which operates or would operate as a fraud or deceit upon the purchaser.

21 **II.**

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
23 liable for disgorgement of \$25,000, representing profits gained as a result of the conduct
24 alleged in the Complaint, together with prejudgment interest thereon in the amount of
25 \$1592.26, and a civil penalty in the amount of \$100,000 pursuant to Section 20(d)(1) of
26 the Securities Act [15 U.S.C. § 77t(d)(1)]. Defendant shall satisfy this obligation by
27 paying \$126,592.26 within 14 days after entry of this Final Judgment by certified check,
28 bank cashier's check, or United States postal money order payable to the Securities and

1 Exchange Commission. The payment shall be delivered or mailed to the Office of
2 Financial Management, Securities and Exchange Commission, Operations Center, 6432
3 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be
4 accompanied by a letter identifying S. Blair Abernathy as a defendant in this action;
5 setting forth the title and civil action number of this action and the name of this Court;
6 and specifying that payment is made pursuant to this Final Judgment. Defendant shall
7 pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.
8 The Commission shall remit the funds paid pursuant to this paragraph to the United
9 States Treasury.

10 **III.**

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

14 **IV.**

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

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20 DATED: February 17, 2011


UNITED STATES DISTRICT JUDGE