

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

UNITED STATES SECURITIES	)	
AND EXCHANGE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	No. 3:12-CV-60
v.	)	
	)	
RICHARD J. SENIOR et al.,	)	
	)	
Defendants.	)	

**FINAL JUDGMENT AS TO DEFENDANT RICHARD J. SENIOR**

The motion by Plaintiff Securities and Exchange Commission ("Commission" or "SEC") for entry of a final judgment establishing disgorgement amounts to be paid by Defendant Richard J. Senior ("Defendant" or "Senior") has been submitted to the Court. By its motion, the Commission seeks monetary remedies, consisting of disgorgement and prejudgment interest against Defendant Senior.

The Court, having considered the Commission's motion, Senior's response<sup>1</sup>, and good cause appearing therefrom, hereby finds that Defendant Senior shall disgorge his ill-gotten gains (i.e., the amounts by which he has been unjustly enriched) with

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<sup>1</sup>In a letter responding to the instant motion, Senior cursorily raises four reasons why the Government's requested disgorgement amounts should be reduced. Notably, though, Senior does not provide a single piece of evidence or any legal authority to support any of his assertions. These unsupported and unsubstantiated assertions are insufficient to rebut the extensive, thorough and uncontroverted evidence submitted by the Government establishing the amount of Senior's unjust enrichment. Moreover, despite Senior's response's shortcomings, Senior's arguments are legally availing, too. Even assuming what he claimed to be true, the SEC has correctly pointed out in its reply brief that Senior's arguments do nothing to reduce the amount owed.

prejudgment interest as follows:

I.

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant Senior is liable for disgorgement of \$922,364.40, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$368,546.52, for a total of \$1,290,910.92. Defendant shall satisfy this obligation by paying \$1,290,910.92 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to:

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Richard J. Senior as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant.

The Commission shall hold the funds (collectively, the "Fund") and may propose a plan to distribute the Fund subject to the Court's approval. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

**II.**

**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.

**DATED: June 27, 2013**

**/s/RUDY LOZANO, Judge  
United States District Court**