

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES & EXCHANGE
COMMISSION,

Plaintiff,

v.

IGORS NAGAICEVS,

Defendant.

Case No. 12-cv-00413-JST

**ORDER OF JUDGMENT AND
EQUITABLE AND OTHER RELIEF
AGAINST DEFENDANT IGORS
NAGAICEVS**

United States District Court
Northern District of California

With the Securities and Exchange Commission having filed a Complaint and Defendant Igors Nagaicevs (“Defendant”) having failed to appear and therefore being in default, the Court hereby enters this Default Judgment of Equitable and Other Relief against Defendant Igors Nagaicevs (“Judgment”) based upon the Complaint’s allegations, the evidence received and the Order Granting Motion for Default Judgment entered on July 12, 2013:

I.

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

1 (b) to make any untrue statement of a material fact or to omit to state a material fact
2 necessary in order to make the statements made, in the light of the circumstances
3 under which they were made, not misleading; or

4 (c) to engage in any act, practice, or course of business which operates or would
5 operate as a fraud or deceit upon any person.

6 II.

7 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
8 and Defendant's agents, servants, employees, attorneys, and all persons in active concert or
9 participation with them who receive actual notice of this Judgment by personal service or
10 otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities
11 Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the
12 use of any means or instruments of transportation or communication in interstate commerce or by
13 use of the mails, directly or indirectly:

14 (a) to employ any device, scheme, or artifice to defraud;

15 (b) to obtain money or property by means of any untrue statement of a material fact or
16 any omission of a material fact necessary in order to make the statements made, in
17 light of the circumstances under which they were made, not misleading; or

18 (c) to engage in any transaction, practice, or course of business which operates or
19 would operate as a fraud or deceit upon the purchaser.

20 III.

21 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
22 liable for disgorgement in the principal amount of \$874,532, plus prejudgment interest thereon of
23 \$4,519, for a total of \$879,051. Defendant shall satisfy this obligation by paying \$879,051 within
24 30 days after entry of this Judgment to the Securities and Exchange Commission.

25 Defendant may transmit payment electronically to the Commission, which will provide
26 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly
27 from a bank account via Pay.gov through the SEC website at
28 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank

1 cashier's check, or United States postal money order payable to the Securities and Exchange
2 Commission, which shall be delivered or mailed to:

3 Enterprise Services Center
4 Accounts Receivable Branch
5 6500 South MacArthur Boulevard
6 Oklahoma City, OK 73169

7 The check or money order shall be accompanied by a letter identifying the case title, civil action
8 number, and name of this Court; Igors Nagaicevs as a defendant in this action; and specifying that
9 payment is made pursuant to this Judgment.

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

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

19 The Commission may enforce the Court's judgment for disgorgement and prejudgment
20 interest by moving for civil contempt (and/or through other collection procedures authorized by
21 law) at any time after 30 days following entry of this Judgment. Defendant shall pay post
22 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

23 IV.

24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that within 30
25 days of the date of this Judgment, Defendant shall pay a total of \$260,000 in civil penalties
26 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the
27 Exchange Act [15 U.S.C. § 78u(d)(3)] to the Commission.

28 Defendant may transmit payment electronically to the Commission, which will provide
detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly

United States District Court
Northern District of California

1 from a bank account via Pay.gov through the SEC website at
2 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank
3 cashier's check, or United States postal money order payable to the Securities and Exchange
4 Commission, which shall be delivered or mailed to:

5 Enterprise Services Center
6 Accounts Receivable Branch
7 6500 South MacArthur Boulevard
8 Oklahoma City, OK 73169

9 The check or money order shall be accompanied by a letter identifying the case title, civil action
10 number, and name of this Court; Igors Nagaicevs as a defendant in this action; and specifying that
11 payment is made pursuant to this Judgment.

12 Defendant shall simultaneously transmit photocopies of evidence of payment and case
13 identifying information to the Commission's counsel in this action. By making this payment,
14 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of
15 the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to
16 this Judgment to the United States Treasury. Defendant shall pay post-judgment interest on any
17 delinquent amounts pursuant to 28 U.S.C. § 1961.

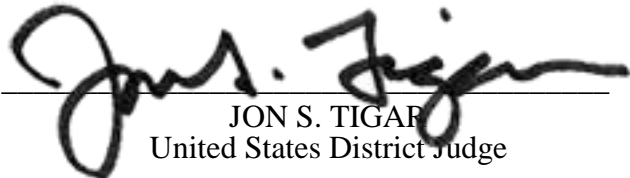
18 V.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain
20 jurisdiction of this matter for the purposes of enforcing the terms of this Judgment and conducting
21 any further hearings.

22 The Clerk is ordered to enter this Judgment forthwith and without further notice.

23 **IT IS SO ORDERED.**

24 Dated: July 18, 2013

25 
26 JON S. TIGAR
27 United States District Judge
28