UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA

SECURITIES AND EXCHANGE COMMISSION,

. 4: CC

Plaintiff,

RUDOLF PAMEIJER, : No. 1:12-cv-1364-TWP-TAB

LINDSAY R. SAYER, RYAN W. KOESTER,

RYKOWORKS CAPITAL GROUP, LLC.,

v.

Defendants.

FINAL JUDGMENT AS TO DEFENDANT RYAN W. KOESTER

The Securities and Exchange Commission having filed a Complaint and Defendant Ryan W. Koester ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; waived any right to appeal from this Final Judgment; and the Court, having previously issued an Order, which is incorporated herein, granting the Commission's motion for summary judgment:

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 Final 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;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER 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 Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) to engage in any transaction, practice, or course of business which operates or

would operate as a fraud or deceit upon the purchaser.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$382,475, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$57,645, for a total of \$440,120, on a joint and several basis with Defendant Rykoworks Capital Group, LLC. This amount shall be deemed satisfied by the criminal sentencing order entered on January 30, 2014, in *Indiana v. Ryan Koester*, which orders Defendant to pay restitution of \$517,121. No civil penalty is being imposed in light of the criminal sentencing order, pursuant to which Defendant was sentenced to two years imprisonment.

IV.

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 Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

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.

VI.

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.

SO ORDERED.

Dated:	08/06/2014	
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Hon. Tanya Walton Pratt, Judge United States District Court Southern District of Indiana

Distribution:

Service will be made electronically on all ECF-registered counsel of record via email generated by the Court's ECF system.