

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BRADLEY A. HOLCOM,

Defendant.

CASE NO. 12-CV-1623-H (JMA)

ORDER:

**(1) ENTERING FINAL
JUDGMENT;**

**(2) VACATING TELEPHONIC
STATUS CONFERENCE SET
FOR FEBRUARY 9, 2015**

On January 8, 2015, the Court granted Plaintiff Securities and Exchange Commission's motion for summary judgment on liability and its request for a permanent injunction against further violations of the securities laws by Defendant Bradley A. Holcom. (Doc. No. 39.) The sole remaining issue was the amount of damages. In a related criminal case, Defendant agreed to pay \$26,233,661 in restitution to the victims of his crime, and Defendant was willing to have the restitution amount of \$26,233,661 be the judgment in this case. (See Case No. 13-cr-017230-CAB, Doc. No. 56; Doc. No. 41.) The Court set a telephonic hearing for February 9,


1 2015 at 3:00 p.m. but stated that it would vacate the hearing if Plaintiff advised the
2 Court that it agreed to judgment in this case for \$26,233,661. (Doc. No. 41.) On
3 February 6, 2015, Plaintiff filed a motion to forgo its claims for disgorgement,
4 prejudgment interest, and civil penalties, as well as a request for final judgment. (Doc.
5 No. 42.) Plaintiff also moved to vacate the telephonic status conference set for
6 February 9, 2015. (Id.)

7 Plaintiff seeks no additional penalty against Defendant in this civil case. (Doc.
8 No. 42.) Accordingly, the Court grants Plaintiff's motion to forgo its claims for
9 disgorgement, prejudgment interest, and civil penalties. (Id.) The Court also grants
10 Plaintiff's motion to vacate the telephonic status conference set for February 9, 2015.
11 (Id.)

12 The Court enters judgment for Plaintiff on the remaining issues in the case.
13 Defendant and his agents, servants, employees, attorneys, and all persons acting in
14 concert or participating with them are permanently restrained and enjoined from
15 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934,
16 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5;
17 Section 17(a) of the Securities Act of 1933, 15 U.S.C. § 77q(a); Section 5(a) and (c)
18 of the Securities Act of 1933, 15 U.S.C. § 77(e); and Section 15(a)(1) of the Securities
19 Exchange Act of 1934, 15 U.S.C. § 78o(a)(1)(b).

20 **IT IS SO ORDERED.**

21 DATED: February 6, 2015

22 
23 MARILYN L. HUFF, District Judge
24 UNITED STATES DISTRICT COURT
25
26
27
28