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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

C 13 1292
Case No. _____

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JUAN CARLOS BERTINI,

Defendant.

JCS

FINAL JUDGMENT AS TO DEFENDANT JUAN CARLOS BERTINI

The Securities and Exchange Commission having filed a Complaint and Defendant Juan Carlos Bertini ("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 without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
2 Defendant's agents, servants, employees, attorneys, and all persons in active concert or
3 participation with them who receive actual notice of this Final Judgment by personal service or
4 otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section
5 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule
6 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
7 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
8 connection with the purchase or sale of any security:
9

- 10 (a) to employ any device, scheme, or artifice to defraud;
11 (b) to make any untrue statement of a material fact or to omit to state a material fact
12 necessary in order to make the statements made, in the light of the circumstances
13 under which they were made, not misleading; or
14 (c) to engage in any act, practice, or course of business which operates or would
15 operate as a fraud or deceit upon any person.
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18 II.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
20 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited, for five years
21 following the date of entry of this Final Judgment, from acting as an officer or director of any
22 issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15
23 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15
24 U.S.C. § 78o(d)].
25

26 III.
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for
2 disgorgement of \$16,035, representing profits gained as a result of the conduct alleged in the
3 Complaint, together with prejudgment interest thereon in the amount of \$961, and a civil penalty
4 in the amount of \$32,070 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1].
5 Defendant shall satisfy this obligation by paying \$49,066 to the Securities and Exchange
6 Commission within 14 days after entry of this Final Judgment.
7

8 Defendant may transmit payment electronically to the Commission, which will provide
9 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly
10 from a bank account via Pay.gov through the SEC website at
11 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank
12 cashier's check, or United States postal money order payable to the Securities and Exchange
13 Commission, which shall be delivered or mailed to
14

15 Enterprise Services Center
16 Accounts Receivable Branch
17 6500 South MacArthur Boulevard
18 Oklahoma City, OK 73169

19 and shall be accompanied by a letter identifying the case title, civil action number, and name of
20 this Court; Juan Carlos Bertini as a defendant in this action; and specifying that payment is made
21 pursuant to this Final Judgment.

22 Defendant shall simultaneously transmit photocopies of evidence of payment and case
23 identifying information to the Commission's counsel in this action. By making this payment,
24 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of
25 the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to
26 this Final Judgment to the United States Treasury.

27 The Commission may enforce the Court's judgment for disgorgement and prejudgment
28 interest by moving for civil contempt (and/or through other collection procedures authorized by

1 law) at any time after 14 days following entry of this Final Judgment. Defendant shall pay post
2 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

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4 IV.

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

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9 Dated: 3/29, 2013

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12 UNITED STATES DISTRICT JUDGE
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