

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

CASE NO. 5:13-CV-1762

ANTHONY J. DAVIAN and DAVIAN
CAPITAL ADVISORS, LLC,

Defendants.

FINAL JUDGMENT AS TO ANTHONY J. DAVIAN AND
DAVIAN CAPITAL ADVISORS, LLC

The Securities and Exchange Commission having filed a Complaint and Defendants Anthony J. Davian and Davian Capital Advisors, LLC (together the "Defendants") having entered general appearances and consented to the Court's jurisdiction over Defendants and the subject matter of this action, **IT IS THEREFORE ORDERED:**

I.

Defendants, their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from, directly or indirectly, in violation of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], and in connection with the purchase or sale of securities, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

- A. employing any device, scheme or artifice to defraud;
- B. making any untrue statement of material fact or omitting 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. engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

Defendants, their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from, while acting as an investment adviser, by use of the mails, and the means and instrumentalities of interstate commerce directly or indirectly, knowingly, willfully or recklessly, violating Sections 206(1), 206(2), 206(4) and Rule 206(4)-8 of the Advisers Act by:

- A. employing devices, schemes or artifices to defraud its clients or prospective clients;
- B. engaging in transactions, practices and courses of business which have operated as a fraud or deceit upon its clients or prospective clients; or
- C. failing to properly maintain custody of client funds.

III.

Defendants, their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are restrained and enjoined from, directly or indirectly, in violation of Section 17(a) of the Securities Act, in the offer or sale of any security, by using 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 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.

IV.

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.

Date:

July 20, 2015



Hon. Donald C. Nugent
United States District Judge