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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

SAM MIRI,

Defendant.

13 Civ. 8324

ECF CASE

FINAL JUDGMENT AS TO DEFENDANT SAM MIRI

The Securities and Exchange Commission ("Commission") having filed a Complaint and Defendant Sam Miri ("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.

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 FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited, for 5 years following the date of entry of this Final Judgment, from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay disgorgement of \$10,000, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$1,842.90, and a civil penalty in the amount of \$50,000, pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Miri shall pay the total of disgorgement, prejudgment interest, initial post judgment interest in respect of payment deferrals pursuant to the below payment plan, and penalty due of

\$61,867.40 in 4 installments to the Commission according to the following schedule:

- (1) \$24,737.16, within 14 days of entry of this Final Judgment;
- (2) \$12,380.98 within 120 days of entry of this Final Judgment;
- (3) \$12,376.64 within 240 days of entry of this Final Judgment; and
- (4) \$12,372.61 within 360 days of entry of this Final Judgment.

Payments shall be deemed made on the date they are received by the Commission and shall be applied first to post judgment interest. Prior to making the final payment set forth herein, Miri shall contact the staff of the Commission for the amount due for the final payment.

If Miri fails to make any payment in full according to the schedule set forth above, all outstanding payments under this Final Judgment, including unpaid post-judgment interest pursuant to 28 U.S.C. § 1961, minus any payments made, shall become due and payable immediately at the discretion of the staff of the Commission without further application to the Court.

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

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of

this Court; Sam Miri as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

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

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following Miri's failure to make any payments required to be made under this Final Judgment.

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.

Dated: November 26, 2013


UNITED STATES DISTRICT JUDGE



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
NEW YORK REGIONAL OFFICE
3 WORLD FINANCIAL CENTER
ROOM 400
NEW YORK, NEW YORK 10281-1022

November 22, 2013

Via ECF

The Honorable Ronnie Abrams
United States District Judge
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *SEC v. Sam Miri; 13 Civ. 8324*

Dear Judge Abrams:

Plaintiff Securities and Exchange Commission (the "Commission") writes in support of the entry of the Consent and proposed Final Judgment ("Judgment") as to Defendant Sam Miri, submitted on November 21, 2013, to the Judgment Clerk's Office, a courtesy copy of which is attached hereto.

The underlying action, which the Commission also filed yesterday, November 21, 2013, involves allegations of insider trading by Miri while he was an employee of the publicly traded company Marvell Technologies, Ltd. A courtesy copy of the Commission's complaint ("Complaint") accompanies this letter. The Commission alleges that throughout 2008, Miri, who was then an employee in Marvell's communications division, illegally tipped hedge fund co-founder and portfolio manager Ali Far with confidential information about Marvell's sales revenue and profitability, as well as information about the company's projections of its future performance. In exchange for these tips, Far arranged for Spherix Capital, a hedge fund advisory firm that he co-founded, to pay Miri approximately \$2,500 per quarter, for a total of approximately \$10,000. Far used the information Miri provided him to trade Marvell securities on behalf of Spherix Capital advised hedge funds and reaped approximately \$680,000 in illegal profits.

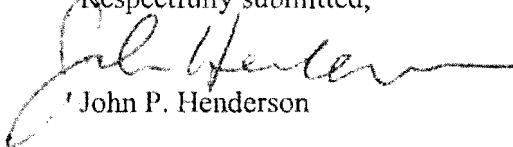
The SEC's Complaint charges Miri with violations of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5.¹ As part of the proposed settlement that the Commission is submitting for the Court's review, Miri agrees to the entry of an order ordering him to pay \$10,000 in disgorgement, \$1,842.90 in prejudgment interest, and a \$50,000 penalty. The proposed order also bars Miri from serving as an officer or director of a public company for five years, and enjoins Miri from future violations of the above specified provisions of the federal

¹ In October 2009, the Commission charged, and ultimately settled with, Far for, among other things, his part in the Miri insider trading scheme that is the subject of this filing.

securities laws. Under the terms of the settlement, Miri neither admits nor denies the allegations in the Commission's Complaint. The disgorgement figure represents amounts Miri received from Spherix Capital during the 2008 scheme. The civil penalty represents a one-time penalty based on Miri's ill-gotten gains, plus an additional \$50,000 penalty for his tipping Far.

The Commission respectfully requests that Your Honor enter the proposed Final Judgment with respect to Miri, which would resolve this action. We are available for a conference should the Court have any questions.

Respectfully submitted,



John P. Henderson

Attachments (as stated)

Cc: Jahan Raissi, Esq. (by e mail)
Counsel to Sam Miri

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

Ruby J. Krajick
CLERK OF COURT

Date

Re: _____ **No.** ____ **Civ.** _____ ()

Dear Litigant:

Enclosed is a copy of the judgment entered in your case.

Should you disagree with the decision of the district court, you may request that a higher federal court review your case by filing an appeal. You may appeal your case from the Southern District of New York to the United States Court of Appeals for the Second Circuit by filing a "Notice of Appeal" with the *Pro Se* Office. Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure your notice of appeal must be filed within thirty (30) days of the date that the judgment is entered onto the Court's docket, or sixty (60) days if the United States or an officer or agency of the United States is a party.

If you wish to appeal the judgment but you are unable to file your notice of appeal within the required time, you may make a motion for extension of time in accordance with the provisions of Rule 4(a)(5) of the Federal Rules of Appellate Procedure. That rule requires that you show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the *Pro Se* Office no later than sixty (60) days from the date of entry of the judgment, or ninety (90) days if the United States or an officer or agency of the United States is a party.

Please note that the notice of appeal is a one-page document containing your name, a description of the final order or judgment (or part thereof) being appealed, and the name of the court to which the appeal is taken (the Second Circuit). The notice of appeal does not include your reasons or grounds for the appeal. Once your appeal is processed by the district court, your notice of appeal will be sent to the Court of Appeals and a Court of Appeals docket number will be assigned to your case. Once you receive a docket number from the Court of Appeals, all further questions regarding your appeal must be directed to that court.

The filing fee for a notice of appeal is \$455 payable in cash, by credit card, or by bank check, certified check, or money order, made payable to "Clerk of Court, S.D.N.Y." No personal checks are accepted. If you are unable to pay the \$455 filing fee, you may request that the Judge grant you *in forma pauperis* status and waive the appeal fee. You make this request by submitting an application to proceed *in forma pauperis* on appeal with your notice of appeal to the *Pro Se* Office. If the Judge has certified that an appeal would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3), you must submit an application to proceed *in forma pauperis* on appeal even if you have been previously granted *in forma pauperis* status by the district court.

Ruby J. Krajick
Clerk of Court

By _____
Deputy Clerk

PRO SE OFFICE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE
500 PEARL STREET, ROOM 230
NEW YORK, NEW YORK 10007

Ruby J. Krajick
CLERK OF COURT

**HOW TO APPEAL YOUR CASE TO THE
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT**

Should you disagree with the decision of the district court, you may request that a higher federal court review your case by filing an appeal. You may appeal your case from the Southern District of New York to the United States Court of Appeals for the Second Circuit by filing a "Notice of Appeal" with the *Pro Se* Office. Pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure your notice of appeal must be filed within thirty (30) days of the date that the judgment is entered onto the Court's docket, or sixty (60) days if the United States or an officer or agency of the United States is a party.

If you wish to appeal the judgment but you are unable to file your notice of appeal within the required time, you may make a motion for extension of time in accordance with the provisions of Rule 4(a)(5) of the Federal Rules of Appellate Procedure. That rule requires that you show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the *Pro Se* Office no later than sixty (60) days from the date of entry of the judgment, or ninety (90) days if the United States or an officer or agency of the United States is a party.

Please note that the notice of appeal is a one-page document containing your name, a description of the final order or judgment (or part thereof) being appealed, and the name of the court to which the appeal is taken (the Second Circuit). The notice of appeal does not include your reasons or grounds for the appeal. Once your appeal is processed by the district court, your notice of appeal will be sent to the Court of Appeals and a Court of Appeals docket number will be assigned to your case. Once you receive a docket number from the Court of Appeals, all further questions regarding your appeal must be directed to that court.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

___ Civ. _____ () ()

- against -

**NOTICE OF APPEAL
IN A CIVIL CASE**

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

Notice is hereby given that _____
(party)

hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment

(describe the judgment)

entered in this action on the _____ day of _____, 20____.
(date) (month) (year)

Signature

Address

City, State & Zip Code

DATED: _____, 20____

() - _____
Telephone Number

NOTE: To take an appeal, this form must be received by the *Pro Se* Office of the Southern District of New York within thirty (30) days of the date on which the judgment was entered, or sixty (60) days if the United States or an officer or agency of the United States is a party.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

-against-

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

___ Civ. ____ () ()

**REQUEST TO PROCEED
IN FORMA PAUPERIS
ON APPEAL**

I, _____, (print or type your name) am the plaintiff/petitioner in the above entitled case and I hereby request to proceed *in forma pauperis* on appeal and without being required to prepay fees or costs or give security. I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, and that I believe I am entitled to redress.

The issues I desire to present on appeal are the following: _____

1. If you are presently employed:
 - a) give the name and address of your employer
 - b) state the amount of your earnings per month

2. If you are NOT PRESENTLY EMPLOYED:
 - a) state the date of start and termination of your last employment
 - b) state your earnings per month

YOU MUST ANSWER THIS QUESTION EVEN IF YOU ARE INCARCERATED.

3. Have you received, within the past twelve months, any money from any source? If so, name the source and the amount of money you received.

a) Are you receiving any public benefits? No. Yes, \$_____.

b) Do you receive any income from any other source? No. Yes, \$_____.

4. Do you have any money, including any money in a checking or savings account? If so, how much?

No. Yes, \$_____.

5. Do you own any apartment, house, or building, stock, bonds, notes, automobiles or other property? If the answer is yes, describe the property and state its approximate value.

No. Yes, \$ _____.

6. Do you pay for rent or for a mortgage? If so, how much each month?

No. Yes, _____.

7. List the person(s) that you pay money to support and the amount you pay each month.

8. State any special financial circumstances which the Court should consider.

I understand that a false statement or answer to any question in this declaration shall subject me to the penalties for perjury.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, _____
date month year

Signature

Let the applicant proceed on appeal without prepayment of cost or fees or the necessity of giving security therefor.

United States District Judge

DATED: _____, 20__
_____, New York

Rev. 07/2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(In the space above enter the full name(s) of the plaintiff(s)/petitioner(s).)

___ Civ. _____ () ()

- against -

**MOTION FOR AN EXTENSION
OF TIME TO FILE A NOTICE
OF APPEAL**

(In the space above enter the full name(s) of the defendant(s)/respondent(s).)

Pursuant to Rule 4(a) (5) of the Federal Rules of Appellate Procedure, _____
(party)

respectfully requests leave to file the within notice of appeal out of time. _____
(party)

desires to appeal the judgment in this action entered on _____, but failed to
(date)

file a notice of appeal within the required number of days because: *(Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.)*

DATED: _____, 20__

Signature

Address

City, State & Zip Code

() - _____
Telephone Number

NOTE: You may use this form, together with a copy of the Notice of Appeal, if you are seeking to appeal a judgment and did not file a copy of the Notice of Appeal within the required time. If you follow this procedure, these forms must be received in the *Pro Se* Office no later than sixty (60) days from the date on which the judgment was entered, or ninety (90) days if the United States or an officer or agency of the United States is a party.