

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 13-23115-CIV-MARTINEZ-GOODMAN

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

BERNARD H. BUTTS, JR., *et al.*,
Defendants,

_____ /

FINAL JUDGMENT AS TO DEFENDANT
JAMES BAGGS

THIS CAUSE came before the Court upon the motion of the Plaintiff Securities and Exchange Commission (“Commission”) for entry of a final judgment ordering Defendant James Baggs (“Baggs”) to pay disgorgement, prejudgment interest and civil penalties [ECF No. 184]. The Court has considered the motion [ECF No. 184], Baggs’ *pro se* response [ECF No. 187], and the Commission’s Reply [ECF No. 197]. Upon review of the record, the Court finds there is good cause to **GRANT** the Commission’s motion. Therefore, after careful consideration:

1. IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant James Baggs is liable for disgorgement of \$4,970.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$498.28, and a civil penalty in the amount of \$150,000.00, pursuant to Section 20(d)(2)(C) of the Securities Act and Section 21(d)(3)(B) of the Exchange Act [15 U.S.C. §§ 77t(d)(2)(C) and 78u(d)(3)(B)]. Defendant shall satisfy this obligation by paying \$155,468.28 to the Commission within 14 days after entry of this Final Judgment.

2. 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; James Baggs 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.

3. 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 entry of this Final Judgment. Defendant shall pay post-judgment interest on any delinquent amounts, pursuant to 28 U.S.C. § 1961.

4. *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.

5. 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.

6. This Final Judgment resolves all the claims pending against Defendant James Baggs. 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 Judgment forthwith and without further notice.

DONE AND ORDERED in Chambers at Miami, Florida, this 24 day of October, 2016.



JOSE E. MARTINEZ
UNITED STATES DISTRICT JUDGE

Copies to:
Magistrate Jonathan Goodman
All Counsel of Record
James Baggs, *pro se*