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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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11 **SECURITIES AND EXCHANGE**
12 **COMMISSION,**

13 **Plaintiff,**

14 **vs.**

15 **WORLD CAPITAL MARKET, INC.;**
16 **WCM777, INC.; WCM777, LTD. dba**
WCM777 ENTERPRISES, INC.; and
17 **MING XU a/k/a "PHIL" MING XU,**

18 **Defendants,**

19 **and**

20 **KINGDOM CAPITAL MARKET,**
21 **LLC; MANNA HOLDING GROUP,**
LLC; MANNA SOURCE
22 **INTERNATIONAL, INC.; WCM**
RESOURCES, INC.; AEON
23 **OPERATING, INC.; PMX JEWELS,**
LTD.; TOPACIFIC INC.; TO
24 **PACIFIC INC.; VINCENT J.**
MESSINA; and INTERNATIONAL
25 **MARKET VENTURES,**

26 **Relief Defendants.**

Case No. 2:14-cv-02334-JFW-MRW

FINAL JUDGMENT AS TO
DEFENDANT MING XU

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1 Plaintiff Securities and Exchange Commission (“SEC”) having filed a Complaint
2 and Defendant Ming Xu a/k/a “Phil” Ming Xu (“Xu”) having entered a general
3 appearance; having consented to the Court’s jurisdiction over Defendant and over the
4 subject matter of this action; without admitting or denying the allegations of the
5 Complaint (except as to jurisdiction and except as otherwise provided in the Consent
6 (Dkt. No. 123), having consented to the entry of a Judgment which, among other things,
7 (a) permanently restrained and enjoined Defendant from violating certain provisions of
8 the federal securities laws and (b) ordered Defendant to pay disgorgement, prejudgment
9 interest thereon, and a civil penalty in amounts to be determined at a later date; having
10 waived findings of fact and conclusions of law; having waved any right to appeal from
11 this Final Judgment; and the Court having entered a permanent injunction which remains
12 fully in force (Dkt. No. 124); and

13 This matter having come before the Court on the SEC’s Motion for Monetary and
14 Other Relief Against Defendant Ming Xu (“Motion”) (Dkt. No. 318); and

15 The Court having issued its Order Granting Plaintiff’s Motion for Monetary and
16 Other Relief Against Defendant Ming Xu (“Order”) (Dkt. No. 326), which ordered
17 Defendant Xu to disgorge \$57,175,385, along with \$85,298.88 in prejudgment interest; to
18 pay a third-tier civil penalty in the amount of \$57,175,385; and which barred him from
19 serving as an officer or director of any public company; and

20 The Order having fully adjudicated the issues and claims involving Defendant Xu;
21 now therefore:

22 **I.**

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Xu
24 shall be liable for disgorgement of \$57,175,385, representing ill-gotten gains received as
25 a result of the conduct alleged in the Complaint, together with prejudgment interest
26 thereon in the amount of \$85,298.88, for a total of \$57,260,683.88. Xu shall receive a
27 credit for any sums paid by Relief Defendants Vincent J. Messina and/or International
28 Market Ventures on their disgorgement and/or prejudgment interest obligations.

1 Defendant Xu shall satisfy this obligation by paying \$57,260,683.88 to the Permanent
2 Receiver, Krista J. Freitag, pursuant to the terms of this Court's Order Granting
3 Plaintiff's Motion for Disgorgement. The Plaintiff may enforce the Court's judgment for
4 disgorgement by moving for civil contempt (and/or through other collection procedures
5 authorized by law) at any time after 14 days following entry of this Final Judgment.
6 Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28
7 U.S.C. § 1961.

8 **II.**

9 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
10 Defendant Xu shall pay a civil penalty in the amount of \$57,175,385 pursuant to Section
11 20(d) of the Securities Act of 1933 and Section 21(d)(3) of the Securities Exchange Act
12 of 1934. Xu shall make this payment within 14 days after entry of this Final Judgment.
13 Defendant may transmit payment electronically to the SEC, which will provide detailed
14 ACH transfer/Fedwire instructions upon request. Payment may also be made directly
15 from a bank account via Pay.gov through the SEC website at
16 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check,
17 bank cashier's check, or United States postal money order payable to the Securities and
18 Exchange Commission, which shall be delivered or mailed to:

19 Enterprise Services Center
20 Accounts Receivable Branch
21 6500 South MacArthur Boulevard
22 Oklahoma City, OK 73169

23 and shall be accompanied by a letter identifying the case title, civil action number, and
24 name of this Court; Ming Xu as a defendant in this action; and specifying that payment is
25 made pursuant to this Final Judgment.

26 Defendant shall simultaneously transmit photocopies of evidence of payment and
27 case identifying information to the Commission's general counsel in this action. By
28 making this payment, Defendant relinquishes all legal and equitable right, title, and
interest to such funds and no part of the funds shall be returned to Defendant. The

1 Commission shall send the funds paid pursuant to this Final Judgment to the United
2 States Treasury. Defendant shall pay post-judgment interest on any delinquent amounts
3 pursuant to 28 U.S.C. § 1961.

4 **III.**

5 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED THAT,
6 pursuant to Section 21(d)(2) of the Exchange Act and Section 20(e) of the Securities Act,
7 Defendant Xu is prohibited from acting as an officer or director of any issuer that has a
8 class of securities registered pursuant to Section 12 of the Exchange Act or that is
9 required to file reports pursuant to Section 15(d) of the Exchange Act.


10 **IV.**

11 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED THAT
12 this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of
13 this Final Judgment.

14 **V.**

15 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of
16 Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without
17 further notice.

18
19 Dated: December 6, 2016



HON JOHN F. WALTER
UNITED STATES DISTRICT JUDGE