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10 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION

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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 SECURITIES AND EXCHANGE COMMISSION,
17 Plaintiff,
18 v.
19 JAMES ALAN CRAIG,
20 Defendant.

Case No. 3:15-cv-05076-CRB

~~[PROPOSED]~~ FINAL JUDGMENT

21
22 The Securities and Exchange Commission having filed a Complaint and Defendant James
23 Alan Craig having entered a general appearance; consented to the Court’s jurisdiction over
24 Defendant and the subject matter of this action; consented to entry of this Final Judgment without
25 admitting or denying the allegations of the Complaint (except as to jurisdiction and except as
26 otherwise provided herein in paragraph III); waived findings of fact and conclusions of law; and
27 waived any right to
28 appeal from this Final Judgment.

I.

1
2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently
3 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
4 Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
5 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or
6 of the mails, or of any facility of any national securities exchange, in connection with the purchase or
7 sale of any security:

8 (a) to employ any device, scheme, or artifice to defraud;

9 (b) to make any untrue statement of a material fact or to omit to state a material fact
10 necessary in order to make the statements made, in the light of the circumstances
11 under which they were made, not misleading; or

12 (c) to engage in any act, practice, or course of business which operates or would
13 operate as a fraud or deceit upon any person.
14

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal
16 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive
17 actual notice of this Final Judgment by personal service or otherwise: (a) Defendant’s officers,
18 agents, servants, employees, and attorneys; and (b) other persons in active concert or participation
19 with Defendant or with anyone described in (a).

20 II.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for
22 disgorgement of \$97, representing profits gained as a result of the conduct alleged in the Complaint,
23 together with prejudgment interest thereon in the amount of \$120. Defendant shall satisfy this
24 obligation by paying \$217 to the Securities and Exchange Commission within 14 days after entry of
25 this Final Judgment.

26 Defendant may transmit payment electronically to the Commission, which will provide
27 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a
28 bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.

1 Defendant may also pay by certified check, bank cashier's check, or United States postal money
2 order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

3 Enterprise Services Center
4 Accounts Receivable Branch
5 6500 South MacArthur Boulevard
6 Oklahoma City, OK 73169

7 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
8 Court; James Alan Craig as a defendant in this action; and specifying that payment is made pursuant
9 to this Final Judgment.

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

15 The Commission may enforce the Court's judgment for disgorgement and prejudgment
16 interest by moving for civil contempt (and/or through other collection procedures authorized by law)
17 at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment
18 interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

19 III.
20

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of
22 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the
23 allegations in the complaint are true and admitted by Defendant, and further, any debt for
24 disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this Final
25 Judgment or any other judgment, order, consent order, decree or settlement agreement entered in
26 connection with this proceeding, is a debt for the violation by Defendant of the federal securities laws
27
28

1 or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the
2 Bankruptcy Code, 11 U.S.C. §523(a)(19).

3 IV.

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

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7 Dated: May 20, 2019



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10 CHARLES R. BREYER
11 UNITED STATES DISTRICT JUDGE
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14 NORTHERN DISTRICT OF CALIFORNIA
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16 SECURITIES AND EXCHANGE COMMISSION,
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19 JAMES ALAN CRAIG,
20 Defendant.

Case No. 3:15-cv-05076-CRB

CONSENT TO FINAL JUDGMENT

21
22 1. Defendant James Alan Craig (“Defendant”) acknowledges having been served with
23 the complaint in this action, enters a general appearance, and admits the Court’s jurisdiction over
24 Defendant and over the subject matter of this action.

25 2. Without admitting or denying the allegations of the complaint (except as provided
26 herein in paragraph 10 and except as to personal and subject matter jurisdiction, which Defendant
27 admits), Defendant hereby consent to the entry of the Final Judgment in the form attached hereto (the
28 “Final Judgment”) and incorporated by reference herein, which, among other things:

1 a. permanently restrains and enjoins Defendant from violation of Section 10(b) of
2 the Securities Exchange Act of 1934 and Rule 10b-5 thereunder; and

3 b. orders Defendant to pay disgorgement in the amount of \$97, plus prejudgment
4 interest thereon in the amount of \$120, for a total of \$217.

5 3. Defendant waives the entry of findings of fact and conclusions of law pursuant to Rule
6 52 of the Federal Rules of Civil Procedure.

7 4. Defendant waives the right, if any, to a jury trial and to appeal from the entry of the
8 Final Judgment.

9 5. Defendant enters into this Consent voluntarily and represents that no threats, offers,
10 promises, or inducements of any kind have been made by the Commission or any member, officer,
11 employee, agent, or representative of the Commission to induce Defendant to enter into this Consent.

12 6. Defendant agrees that this Consent shall be incorporated into the Final Judgment with
13 the same force and effect as if fully set forth therein.

14 7. Defendant will not oppose the enforcement of the Final Judgment on the ground, if
15 any exists, that it fails to comply with Rule 65(d) of the Federal Rules of Civil Procedure, and hereby
16 waives any objection based thereon.

17 8. Defendant waives service of the Final Judgment and agrees that entry of the Final
18 Judgment by the Court and filing with the Clerk of the Court will constitute notice to Defendant of its
19 terms and conditions. Defendant further agrees to provide counsel for the Commission, within thirty
20 days after the Final Judgment is filed with the Clerk of the Court, with an affidavit or declaration
21 stating that Defendant has received and read a copy of the Final Judgment.

22 9. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims asserted
23 against Defendant in this civil proceeding. Defendant acknowledges that no promise or
24 representation has been made by the Commission or any member, officer, employee, agent, or
25 representative of the Commission with regard to any criminal liability that may have arisen or may
26 arise from the facts underlying this action or immunity from any such criminal liability. Defendant
27 waives any claim of Double Jeopardy based upon the settlement of this proceeding, including the
28 imposition of any remedy or civil penalty herein. Defendant further acknowledges that the Court's

1 entry of a permanent injunction may have collateral consequences under federal or state law and the
2 rules and regulations of self-regulatory organizations, licensing boards, and other regulatory
3 organizations. Such collateral consequences include, but are not limited to, a statutory
4 disqualification with respect to membership or participation in, or association with a member of, a
5 self-regulatory organization. This statutory disqualification has consequences that are separate from
6 any sanction imposed in an administrative proceeding. In addition, in any disciplinary proceeding
7 before the Commission based on the entry of the injunction in this action, Defendant understands that
8 he shall not be permitted to contest the factual allegations of the complaint in this action.

9 10. Defendant understands and agrees to comply with the terms of 17 C.F.R. § 202.5(e),
10 which provides in part that it is the Commission’s policy “not to permit a defendant or respondent to
11 consent to a judgment or order that imposes a sanction while denying the allegations in the complaint
12 or order for proceedings,” and “a refusal to admit the allegations is equivalent to a denial, unless the
13 defendant or respondent states that he neither admits nor denies the allegations.” As part of
14 Defendant’s agreement to comply with the terms of Section 202.5(e), Defendant: (i) will not take
15 any action or make or permit to be made any public statement denying, directly or indirectly, any
16 allegation in the complaint or creating the impression that the complaint is without factual basis;
17 (ii) will not make or permit to be made any public statement to the effect that Defendant does not
18 admit the allegations of the complaint, or that this Consent contains no admission of the allegations,
19 without also stating that Defendant does not deny the allegations; (iii) upon the filing of this Consent,
20 Defendant hereby withdraws any papers filed in this action to the extent that they deny any allegation
21 in the complaint; and (iv) stipulates solely for purposes of exceptions to discharge set forth in Section
22 523 of the Bankruptcy Code, 11 U.S.C. §523, that the allegations in the complaint are true, and
23 further, that any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by
24 Defendant under the Final Judgment or any other judgment, order, consent order, decree or
25 settlement agreement entered in connection with this proceeding, is a debt for the violation by
26 Defendant of the federal securities laws or any regulation or order issued under such laws, as set forth
27 in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19). If Defendant breaches this
28 agreement, the Commission may petition the Court to vacate the Final Judgment and restore this

1 action to its active docket. Nothing in this paragraph affects Defendant's: (i) testimonial obligations;
2 or (ii) right to take legal or factual positions in litigation or other legal proceedings in which the
3 Commission is not a party.

4 11. Defendant hereby waives any rights under the Equal Access to Justice Act, the Small
5 Business Regulatory Enforcement Fairness Act of 1996, or any other provision of law to seek from
6 the United States, or any agency, or any official of the United States acting in his or her official
7 capacity, directly or indirectly, reimbursement of attorney's fees or other fees, expenses, or costs
8 expended by Defendant to defend against this action. For these purposes, Defendant agrees that
9 Defendant is not the prevailing party in this action since the parties have reached a good faith
10 settlement.

11 12. Defendant agrees that the Commission may present the Final Judgment to the Court
12 for signature and entry without further notice.

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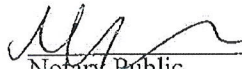
1 13. Defendant agrees that this Court shall retain jurisdiction over this matter for the
2 purpose of enforcing the terms of the Final Judgment.

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4 Dated: 12-2-19



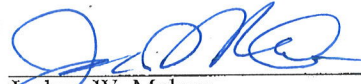
James Alan Craig

6 On 12th February 2019, James Alan Craig, a person known to me, personally
7 appeared before me and acknowledged executing the foregoing Consent.

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Notary Public
Commission expires:

10 Approved as to form:

11 
12 _____
13 Joshua W. Malone
14 Farella Braun & Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
(415) 954-4400
15 Attorney for Defendant

FERGUSON & COMPANY
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