

restored, and this action will be restored to an active docket. Absent such a timely motion, the Consent and Final Judgment remain in full force and effect.

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is 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.

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

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$242,500, representing profits gained as a result of the conduct alleged in

the Complaint. Defendant's disgorgement liability shall be deemed satisfied by the order of forfeiture entered in *United States v. Kanodia et al.*, Crim. No. 15-cr-10131-NMG (D. Mass.); provided, however, that if the Defendant's criminal conviction is vacated in *United States v. Kanodia et al.*, Crim. No. 15-cr-10131-NMG (D. Mass.), at which time upon motion by the Defendant and/or the Securities and Exchange Commission, the Consent will be withdrawn, this Final Judgment will be vacated, any papers withdrawn under Paragraph 11 of the Consent will be restored, and this action will be restored to an active docket.

III.

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.

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.

V.

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 Final Judgment forthwith and without further notice.

Dated: August 15, 2017

/s/ Allison D. Burroughs
UNITED STATES DISTRICT JUDGE