

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-61861-CIV-ZLOCH

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MANNY J. SHULMAN and
DAVID K. HIRSCHMAN,

Defendants.

**FINAL JUDGMENT SETTING DISGORGEMENT, PREJUDGMENT INTEREST,
AND CIVIL PENALTY AMOUNTS AGAINST DEFENDANT DAVID K. HIRSCHMAN**

THIS MATTER before the Court upon Plaintiff's Motion To Set Disgorgement, Prejudgment Interest, And Civil Penalty Amounts Against Defendants (DE 10). The Court has carefully reviewed said Motion, the entire court file and is otherwise fully advised in the premises.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Plaintiff's Motion To Set Disgorgement, Prejudgment Interest, And Civil Penalty Amounts Against Defendants (DE 10) be and the same is hereby **GRANTED** as follows:

1. Defendant Hirschman is jointly and severally liable, with Defendant Manny J. Shulman, for disgorgement of

\$269,300.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$34,198.95. Additionally, Defendant Hirschman is liable for a civil penalty in the amount of \$269,300.00 pursuant to Section 20(d) of the Securities Act of 1933, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u(d)(3). Defendant Hirschman shall satisfy this obligation by paying \$572,798.95 to the Securities and Exchange Commission within 14 days after entry of this Final Judgment.

Defendant Hirschman 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 Hirschman 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; Defendant Hirschman as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant Hirschman 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 Hirschman relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant Hirschman. 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 entry of this Final Judgment. Defendant Hirschman shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961;

2. For purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, only the allegations in the Complaint are true and admitted by Defendant Hirschman, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant

Hirschman under this Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant Hirschman of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19);

3. The Court reserves jurisdiction for the purpose of enforcing the terms of this Final Judgment; and

4. To the extent not otherwise disposed of herein, all pending Motions are hereby **DENIED** as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida this 22nd day of August, 2016.


WILLIAM J. ZLOCH
UNITED STATES DISTRICT JUDGE

Copies furnished:

All Counsel of Record