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14 **UNITED STATES DISTRICT COURT**
 15 **CENTRAL DISTRICT OF CALIFORNIA**

17 **SECURITIES AND EXCHANGE**
 18 **COMMISSION,**

19 Plaintiff,

20 vs.

21 **ROBERT M. MUNAKASH,**
CARLOS A. RODRIGUEZ,
 22 **MARC WINTERS,**

23 Defendants.

Case No.: 2:16-cv-00833-R

24 **FINAL JUDGMENT AS TO**
 25 **DEFENDANT ROBERT M.**
 26 **MUNAKASH**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Robert M. Munakash (“Defendant”) having answered; consented to the
3 Court’s jurisdiction over him and the subject matter of this action; consented to entry
4 of this Final Judgment without admitting or denying the allegations of the Complaint
5 (except as to jurisdiction); waived findings of fact and conclusions of law; and waived
6 any right to appeal from this Final Judgment:

7 **I.**

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant is
9 permanently restrained and enjoined from violating, directly or indirectly, Section
10 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
11 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any
12 means or instrumentality of interstate commerce, or of the mails, or of any facility of
13 any national securities exchange, in connection with the purchase or sale of any
14 security:

- 15 (a) to employ any device, scheme, or artifice to defraud;
16 (b) to make any untrue statement of a material fact or to omit to state a
17 material fact necessary in order to make the statements made, in the light of the
18 circumstances under which they were made, not misleading; or
19 (c) to engage in any act, practice, or course of business which operates or
20 would operate as a fraud or deceit upon any person.

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

1 **II.**

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
3 shall disgorge his trading profits and cause to be disgorged those of his parents, plus
4 prejudgment interest in the amount of \$212,975 and pay a civil penalty under Section
5 21A of the Exchange Act, 15 U.S.C. § 78u-1 in the amount of \$200,907. Defendant
6 shall make this payment pursuant to the terms set forth in paragraph III below. This
7 payment shall be delivered or mailed to Enterprise Services Center, Accounts
8 Receivable Branch, HQ Bldg., Room 181, AMZ-341, 6500 South MacArthur
9 Boulevard, Oklahoma City, OK 73169. Any payments by check or money order must
10 be accompanied by a cover letter identifying Robert M. Munakash as the Defendant in
11 this action; setting forth the title and civil action number of this action and the name of
12 this Court; and specifying that payment is made pursuant to this Final Judgment. The
13 Commission shall remit the funds paid pursuant to this paragraph to the United States
14 Treasury.

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

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

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III.

Defendant shall pay the total of disgorgement, prejudgment interest, and penalty due within 14 days of entry of this Final Judgment. Payment shall be deemed made on the date they are received by the Commission and shall be applied first to post judgment interest, which accrues pursuant to 28 U.S.C. § 1961 on any unpaid amounts due after 14 days of the entry of Final Judgment.

IV.

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 the undertakings and agreements set forth therein.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant 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 alleged violation by Defendant 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).

VI.

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.

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VII.

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: December 7, 2016

UNITED STATES DISTRICT JUDGE

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