

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

PAUL T. RAMPOLDI; and WILLIAM
SCOTT BLYTHE III,

Defendants.

Case No.: 16cv2017-MMA (RNB)

**JUDGMENT AS TO DEFENDANT
PAUL T. RAMPOLDI**

The Securities and Exchange Commission having filed a Complaint and Defendant Paul T. Rampoldi (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment; waived findings of fact and conclusions of law; waived any right to appeal from this Judgment; and has acknowledged that this Judgment shall remain in full force regardless of the existence and pendency of any further proceeding in, or related to, *United States v. Rampoldi, et al.*, No. 16-cr-01842-DMS (S.D. Cal.); provided, however, that if the judgment of conviction against Defendant is reversed or vacated on appeal then, upon a motion of Defendant or the Securities and Exchange Commission, the Consent shall be considered withdrawn, this Judgment will be vacated, and this action will be restored to an active docket. Such a motion shall be filed within 60 days of the

1 date that Defendant's judgment of conviction in *United States v. Rampoldi, et al.*, No. 16-
2 cr-01842-DMS (S.D. Cal.) is reversed or vacated:

3 **I.**

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

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

16 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, as provided
17 in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the
18 following who receive actual notice of this Judgment by personal service or otherwise:

- 19 (a) Defendant's officers, agents, servants, employees, and attorneys; and (b) other
20 persons in active concert or participation with Defendant or with anyone described in (a).

21 **II.**

22 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
23 Defendant is liable for disgorgement in the amount of \$20,041, representing profits
24 gained as a result of the conduct alleged in the Complaint, together with prejudgment
25 interest thereon in the amount of \$2,791.09. This disgorgement and prejudgment interest
26 award shall be deemed satisfied by the entry of the forfeiture order in *United States v.*
27 *Rampoldi, et al.*, No. 16-cr-01842-DMS (S.D. Cal.).

28 //

1 **III.**

2 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that no civil
3 penalty shall be imposed upon Defendant in this civil action, based upon Defendant's
4 criminal conviction and sentence in *United States v. Rampoldi, et al.*, No. 16-cr-01842-
5 DMS (S.D. Cal.).

6 **IV.**

7 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Consent
8 is incorporated herein with the same force and effect as if fully set forth herein, and that
9 Defendant shall comply with all of the undertakings and agreements set forth therein.

10 **V.**

11 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, for
12 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11
13 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant, and
14 further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts
15 due by Defendant under this Judgment or any other judgment, order, consent order,
16 decree or settlement agreement entered in connection with this proceeding, is a debt for
17 the violation by Defendant of the federal securities laws or any regulation or order issued
18 under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §
19 523(a)(19).

20 **VI.**

21 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Court
22 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
23 Judgment.

24 //

25 //

26 //

27 //

28 //

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 Judgment forthwith and without further notice.

Dated: October 1, 2018



Hon. Michael M. Anello
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28