

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

FILED
SEP 06 2018
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ERIK K. BARDMAN

and

JENNIFER F. WOLF,

Defendants.

Case No. 3:16-cv-02023-JST

~~PROPOSED~~ FINAL JUDGMENT AS TO ERIK K. BARDMAN

The Securities and Exchange Commission having filed a Complaint and Defendant Erik K. Bardman 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 Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

1
2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
3 permanently restrained and enjoined from violating Section 17(a)(2) and (3) of the Securities Act
4 of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)(2) and (3)] in the offer or sale of any security
5 by the use of any means or instruments of transportation or communication in interstate
6 commerce or by use of the mails, directly or indirectly: to obtain money or property by means of
7 any untrue statement of a material fact or any omission of a material fact necessary in order to
8 make the statements made, in light of the circumstances under which they were made, not
9 misleading; or to engage in any transaction, practice, or course of business which operates or
10 would operate as a fraud or deceit upon the purchaser.

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

16 II.

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
18 permanently restrained and enjoined from violating Rule 13b2-1 under the Securities Exchange
19 Act of 1934 (the “Exchange Act”) [17 C.F.R. § 240.13b2-1] promulgated pursuant to
20 Section 13(b) of the Exchange Act [15 U.S.C. § 78m(b)] by directly or indirectly, falsifying or
21 causing to be falsified, any book, record or account subject to Section 13(b)(2)(A) of the
22 Exchange Act [15 U.S.C. § 78m(b)(2)(A)].

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

1 III.

2 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
3 is liable for disgorgement of \$87,000.00, representing profits gained as a result of the conduct
4 alleged in the Complaint and a civil penalty in the amount of \$87,000.00 pursuant to Section
5 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act
6 [15 U.S.C. § 78u(d)]. Defendant shall satisfy this obligation by paying \$174,000.00 to the
7 Securities and Exchange Commission within 14 days after entry of this Final Judgment.

8 Defendant may transmit payment electronically to the Commission, which will provide
9 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly
10 from a bank account via Pay.gov through the SEC website at
11 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank
12 cashier's check, or United States postal money order payable to the Securities and Exchange
13 Commission, which shall be delivered or mailed to:

14 Enterprise Services Center
15 Accounts Receivable Branch
16 6500 South MacArthur Boulevard
Oklahoma City, OK 73169

17 and shall be accompanied by a letter identifying the case title, civil action number, and name of
18 this Court; Erik K. Bardman as a defendant in this action; and specifying that payment is made
19 pursuant to this Final Judgment.

20 Defendant shall simultaneously transmit photocopies of evidence of payment and case
21 identifying information to the Commission's counsel in this action. By making this payment,
22 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part
23 of the funds shall be returned to Defendant.

24 The Commission may enforce the Court's judgment for disgorgement by moving for civil
25 contempt (and/or through other collection procedures authorized by law) at any time after
26 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on
27 any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,

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

V.

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.

VI.

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 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).


VII.

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.

VIII.

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: 9/6/18, 2018



JON S. TIGAR
United States District Judge