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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 JENNIFER F. WOLF

The Securities and Exchange Commission having filed an Amended Complaint (“Complaint”) and Defendant Jennifer F. Wolf (“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 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.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a)(3) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)(3)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly, to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

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

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).

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable to pay a civil penalty in the amount of \$50,000.00 pursuant to Section 20(d) of the

1 Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)].
2 Defendant shall satisfy this obligation by paying \$50,000.00 to the Securities and Exchange
3 Commission within 14 days after entry of this Final Judgment.

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

10 Enterprise Services Center
11 Accounts Receivable Branch
12 6500 South MacArthur Boulevard
Oklahoma City, OK 73169

13 and shall be accompanied by a letter identifying the case title, civil action number, and name of
14 this Court; Jennifer F. Wolf as a defendant in this action; and specifying that payment is made
15 pursuant to this Final Judgment.

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

20 Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28
U.S.C. § 1961. The Commission shall hold the funds, together with any interest and income
21 earned thereon (collectively, the "Fund"), pending further order of the Court.
22

23 The Commission may propose a plan to distribute the Fund subject to the Court's
24 approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund
25 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain
26 jurisdiction over the administration of any distribution of the Fund. If the Commission staff
27

1 determines that the Fund will not be distributed, the Commission shall send the funds paid
2 pursuant to this Final Judgment to the United States Treasury.

3 Regardless of whether any such Fair Fund distribution is made, amounts ordered to be
4 paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the
5 government for all purposes, including all tax purposes.

IV.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is
8 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant
9 shall comply with all of the undertakings and agreements set forth therein, including the
10 provisions relating to the new Administrative Proceeding to be instituted pursuant to SEC Rule
11 of Practice 102(e).

V.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of
14 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the
15 allegations in the Complaint are true and admitted by Defendant, and further, any debt for
16 disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this
17 Final Judgment or any other judgment, order, consent order, decree or settlement agreement
18 entered in connection with this proceeding, is a debt for the violation by Defendant of the federal
19 securities laws or any regulation or order issued under such laws, as set forth in Section
20 523(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.

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: 9/6/18, 2018


JON S. TIGAR
United States District Judge