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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

MANUEL E. JESUS,  
aka MANNY BACKUS, *et al.*,

Defendants.

Case No. 2:16-cv-06850-TJH-JCx

**FINAL JUDGMENT AS TO  
DEFENDANT ROBERT C. JOINER  
[JS-6]**

1 The Securities and Exchange Commission having filed a Complaint and  
2 Defendant Robert C. Joiner (“Defendant”) having entered a general appearance;  
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this  
4 action; consented to entry of this Final Judgment without admitting or denying the  
5 allegations of the Complaint (except as to jurisdiction and except as otherwise  
6 provided herein in paragraph IV); waived findings of fact and conclusions of law; and  
7 waived any right to appeal from this Final Judgment:

8 **I.**

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
10 permanently restrained and enjoined from violating, directly or indirectly, Section  
11 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5  
12 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or  
13 instrumentality of interstate commerce, or of the mails, or of any facility of any  
14 national securities exchange, in connection with the purchase or sale of any 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  
18 of the 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  
22 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
23 binds the following who receive actual notice of this Final Judgment by personal  
24 service or otherwise: (a) Defendant’s agents, servants, employees, and attorneys; and  
25 (b) other persons in active concert or participation with Defendant or with anyone  
26 described in (a).

27 **II.**

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant

1 is liable for disgorgement of \$67,649, representing profits gained as a result of the  
2 conduct alleged in the Complaint, together with prejudgment interest thereon in the  
3 amount of \$6,593, for a total of \$74,242. Based on Defendant's sworn  
4 representations in his Statement of Financial Condition dated May 9, 2016, and other  
5 documents and information submitted to the Commission, however, the Court is not  
6 ordering Defendant to pay a civil penalty and payment of all of the disgorgement and  
7 pre-judgment interest thereon is waived. The determination not to impose a civil  
8 penalty and to waive payment of all of the disgorgement and pre-judgment interest is  
9 contingent upon the accuracy and completeness of Defendant's Statement of  
10 Financial Condition. If at any time following the entry of this Final Judgment the  
11 Commission obtains information indicating that Defendant's representations to the  
12 Commission concerning his assets, income, liabilities, or net worth were fraudulent,  
13 misleading, inaccurate, or incomplete in any material respect as of the time such  
14 representations were made, the Commission may, at its sole discretion and without  
15 prior notice to Defendant, petition the Court for an order requiring Defendant to pay  
16 the unpaid portion of the disgorgement, pre-judgment and post-judgment interest  
17 thereon, and the maximum civil penalty allowable under the law. In connection with  
18 any such petition, the only issue shall be whether the financial information provided  
19 by Defendant was fraudulent, misleading, inaccurate, or incomplete in any material  
20 respect as of the time such representations were made. In its petition, the  
21 Commission may move this Court to consider all available remedies, including, but  
22 not limited to, ordering Defendant to pay funds or assets, directing the forfeiture of  
23 any assets, or sanctions for contempt of this Final Judgment. The Commission may  
24 also request additional discovery. Defendant may not, by way of defense to such  
25 petition: (1) challenge the validity of the Consent or this Final Judgment; (2) contest  
26 the allegations in the Complaint filed by the Commission; (3) assert that payment of  
27 disgorgement, pre-judgment and post-judgment interest or a civil penalty should not  
28 be ordered; (4) contest the amount of disgorgement and pre-judgment and post-

1 judgment interest; (5) contest the imposition of the maximum civil penalty allowable  
2 under the law; or (6) assert any defense to liability or remedy, including, but not  
3 limited to, any statute of limitations defense. Defendant shall also pay post-judgment  
4 interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

5 **III.**

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

10 **IV.**

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

20 **V.**

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 Final Judgment.  
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1 **VI.**

2 There being no just reason for delay, pursuant to Rule 54(b) of the Federal  
3 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith  
4 and without further notice.

5 Dated: September 27, 2016



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7 HON. TERRY J. HATTER, JR.  
8 UNITED STATES DISTRICT JUDGE  
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