

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
	Plaintiff,)	
)	
v.)	Civil No. 1:16-cv-10670-LTS
)	
DAVID AUBEL,)	
)	
	Defendant.)	
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JUDGMENT AS TO DEFENDANT DAVID AUBEL

The Securities and Exchange Commission (“Commission”) having filed a Complaint and Defendant David Aubel (“Defendant”) having entered a general appearance; and, the Court having ALLOWED the Commission’s motion for summary judgment (Dkt. No. 49), the Court enters a final Judgment as follows:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, the following provisions of the federal securities laws:

- a. Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)];
- b. Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5];
- c. Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. § 77e(a) and (c)];

d. Section 13(d) of the Exchange Act [15 U.S.C. § 78m(d)] and Rules 13d-1 and 13d-2 thereunder (17 C.F.R. § 240.13d-1, 13d-2); and,

e. Section 16(a) of the Exchange Act [15 U.S.C. § 78p(a)] and Rule 16a-3 thereunder [17 C.F.R. § 240.16a-3].

II.

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 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 FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement in an amount determined as restitution in a related criminal case, *United States v. David Aibel*, Crim. No. 16-cr-10125-PBS (D. Mass.), representing profits gained as a result of the conduct alleged in the Complaint. Disgorgement is deemed satisfied by the Court's order in the criminal case imposing restitution of \$242,552.72, entered on February 5, 2019 (amended May 6, 2019).

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of One Hundred and Fifty Thousand Dollars and No Cents (\$150,000.00) to the Securities and Exchange Commission pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 77u(d)].

Defendant may transmit payment electronically to the Commission, which will provide

