

1 JINA L. CHOI (N.Y. Bar No. 2699718)
ERIN E. SCHNEIDER (Cal. Bar No. 216114)
2 E. BARRETT ATWOOD (Cal. Bar No. 291181)
AtwoodE@sec.gov
3 TRACY L. DAVIS (Cal. Bar No. 184129)
DavisTL@sec.gov
4 MATTHEW MEYERHOFER (Cal. Bar No. 268559)
MeyerhoferM@sec.gov

5
6 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
44 Montgomery Street, Suite 2800
7 San Francisco, California 94104
Telephone: (415) 705-2500
8 Facsimile: (415) 705-2501

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 SECURITIES AND EXCHANGE COMMISSION,
14 Plaintiff,
15 v.
16 AMER DEEBA,
17 Defendant.

Case No. 6-3: /ex/27568/RJ

**~~PROPOSED~~ FINAL JUDGMENT
AS TO DEFENDANT AMER DEEBA**

19 The Securities and Exchange Commission having filed a Complaint and Defendant Amer
20 Deeba having entered a general appearance; consented to the Court’s jurisdiction over Defendant and
21 the subject matter of this action; consented to entry of this Final Judgment without admitting or
22 denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided
23 herein in paragraph VI); waived findings of fact and conclusions of law; and waived any right to
24 appeal from this Final Judgment:

25 I.

26 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently
27 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
28

1 Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
2 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or
3 of the mails, or of any facility of any national securities exchange, in connection with the purchase or
4 sale of any security:

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

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 FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
18 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited, for two years
19 following the date of entry of this Final Judgment, from acting as an officer or director of any issuer
20 that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78I]
21 or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

22 III.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a
24 civil penalty in the amount of \$581,170 to the Securities and Exchange Commission pursuant Section
25 21A of the Exchange Act, 15 U.S.C. § 78u-1. Defendant shall make this payment pursuant to the
26 terms of the payment schedule set forth in paragraph IV below after entry of this Final Judgment.

27 Defendant may transmit payment electronically to the Commission, which will provide
28 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from

1 a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.
2 Defendant may also pay by certified check, bank cashier's check, or United States postal money
3 order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

4 Enterprise Services Center
5 Accounts Receivable Branch
6 6500 South MacArthur Boulevard
7 Oklahoma City, OK 73169

8 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
9 Court; Amer Deeba as a defendant in this action; and specifying that payment is made pursuant to
10 this Final Judgment.

11 Defendant shall simultaneously transmit photocopies of evidence of payment and case
12 identifying information to the Commission's counsel in this action. By making this payment,
13 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the
14 funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this
15 Final Judgment to the United States Treasury. Defendant shall pay post-judgment interest on any
16 delinquent amounts pursuant to 28 U.S.C. § 1961.

17 IV.

18 Amer Deeba shall pay the total penalty due of \$581,170 in 3 installments to the Commission
19 according to the following schedule: (1) \$200,000, within 10 days of entry of this Final Judgment;
20 (2) \$200,000 within 45 days of entry of this Final Judgment; and (3) \$181,170 within one year of
21 entry of this Final Judgment. Payments shall be deemed made on the date they are received by the
22 Commission and shall be applied first to post judgment interest, which accrues pursuant to 28 U.S.C.
23 § 1961 on any unpaid amounts due after 14 days of the entry of Final Judgment. Prior to making the
24 final payment set forth herein, Amer Deeba shall contact the staff of the Commission for the amount
25 due for the final payment.

26 If Amer Deeba fails to make any payment by the date agreed and/or in the amount agreed
27 according to the schedule set forth above, all outstanding payments under this Final Judgment,
28 including post-judgment interest, minus any payments made, shall become due and payable
immediately at the discretion of the staff of the Commission without further application to the Court.

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

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 Amer Deeba 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.

Dated: September 6, 2018

