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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

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14 SECURITIES AND EXCHANGE
COMMISSION,

15 Plaintiff,

16 vs.

17 BRYAN B. LONG, CPA

18 Defendant.
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Case No. 18-CV-05973-KAW

~~PROPOSED~~ FINAL JUDGMENT AS
TO DEFENDANT BRYAN B. LONG

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Bryan B. Long having entered a general appearance; consented to the
3 Court's jurisdiction over Defendant and the subject matter of this action; consented to
4 entry of this Final Judgment without admitting or denying the allegations of the
5 Complaint (except as to jurisdiction and except as otherwise provided herein in
6 paragraph IV); waived findings of fact and conclusions of law; and waived any right
7 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 (the "Exchange Act") [15 U.S.C. §
12 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
13 any means or instrumentality of interstate commerce, or of the mails, or of any
14 facility of any national securities exchange, in connection with the purchase or sale of
15 any security:

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

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

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2 **II.**

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
4 is liable for disgorgement of \$35,842.49, representing profits gained as a result of the
5 conduct alleged in the Complaint, together with prejudgment interest thereon in the
6 amount of \$636.66, and a civil penalty in the amount of \$35,842.49 pursuant to
7 Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this
8 obligation by paying \$72,321.64 to the Securities and Exchange Commission within
9 14 days after entry of this Final Judgment.

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

16 Enterprise Services Center
17 Accounts Receivable Branch
18 6500 South MacArthur Boulevard
19 Oklahoma City, OK 73169

20 and shall be accompanied by a letter identifying the case title, civil action number,
21 and name of this Court; Bryan B. Long as a defendant in this action; and specifying
22 that payment is made pursuant to this Final Judgment.

23 Defendant shall simultaneously transmit photocopies of evidence of payment
24 and case identifying information to the Commission's counsel in this action. By
25 making this payment, Defendant relinquishes all legal and equitable right, title, and
26 interest in such funds and no part of the funds shall be returned to Defendant. The
27 Commission shall send the funds paid pursuant to this Final Judgment to the United
28 States Treasury.

29 The Commission may enforce the Court's judgment for disgorgement and
30 prejudgment interest by moving for civil contempt (and/or through other collection

1 procedures authorized by law) at any time after 14 days following entry of this Final
2 Judgment. Defendant shall pay post judgment interest on any delinquent amounts
3 pursuant to 28 U.S.C. § 1961.

4 **III.**

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

9 **IV.**

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

19 **V.**

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
21 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
22 Final Judgment.

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24 Dated: May 7, 2019



EDWARD M. CHEN
United States District Judge