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

15 **SECURITIES AND EXCHANGE**
16 **COMMISSION,**

17 **Plaintiff,**

18 **vs.**

19 **JACK D. MASSIMINO and ROBERT C.**
20 **OWEN,**

21 **Defendants.**

Case No. CV 19-1374-JFW (FFMx)

FINAL JUDGMENT AS TO
DEFENDANT
JACK D. MASSIMINO

24 The Securities and Exchange Commission having filed a Complaint and
25 Defendant Jack D. Massimino having entered a general appearance; consented to the
26 Court’s jurisdiction over Defendant and the subject matter of this action; consented to
27 entry of this Final Judgment without admitting or denying the allegations of the
28 Complaint (except as to jurisdiction and except as otherwise provided herein in

1 paragraph V); waived findings of fact and conclusions of law; and waived any right
2 to appeal from this Final Judgment:

3 **I.**

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
5 permanently restrained and enjoined from any violation of Section 17(a) (3) of the
6 Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale of
7 any security by the use of any means or instruments of transportation or
8 communication in interstate commerce or by use of the mails, directly or indirectly:

9 ...

10 (3) to engage in any transaction, practice, or course of business which
11 operates or would operate as a fraud or deceit upon the purchaser.

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

18 **II.**

19 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
20 Defendant is permanently restrained and enjoined from aiding and abetting any
21 violation of Section 13(a) of the Securities Exchange Act of 1934 (“Exchange Act”)
22 [15 U.S.C. § 78m(a)] and Rules 12b-20, 13a-1, and 13a-11 [17 C.F.R. §§ 240.12b-20,
23 240.13a-1, 240.13a-11] by providing substantial assistance to an issuer that fails to
24 timely file with the Commission all accurate and complete information, documents,
25 and reports required by the rules and regulations prescribed by the Commission, or by
26 filing forms with the Commission containing false statements of material fact or
27 failing to include such further material information to make the required statements,
28 in light of the circumstances under which they were made, not misleading.

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

7 **III.**

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
9 shall pay a civil penalty in the amount of \$80,000 to the Securities and Exchange
10 Commission pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and
11 Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)]. Defendant shall satisfy
12 this obligation by paying \$80,000 to the Securities and Exchange Commission within
13 30 days after entry of this Final Judgment.

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

20 Enterprise Services Center
21 Accounts Receivable Branch
22 6500 South MacArthur Boulevard
23 Oklahoma City, OK 73169

24 and shall be accompanied by a letter identifying the case title, civil action number,
25 and name of this Court; Jack D. Massimino as a defendant in this action; and
26 specifying that payment is made pursuant to this Final Judgment.

27 Defendant shall simultaneously transmit photocopies of evidence of payment
28 and case identifying information to the Commission's counsel in this action. By

1 making this payment, Defendant relinquishes all legal and equitable right, title, and
2 interest in such funds and no part of the funds shall be returned to Defendant. The
3 Commission shall send the funds paid pursuant to this Final Judgment to the United
4 States Treasury. Defendant shall pay post-judgment interest on any delinquent
5 amounts pursuant to 28 USC § 1961.

6 **IV.**

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

11 **V.**

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

21 **VI.**

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

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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: March 1, 2019


UNITED STATES DISTRICT JUDGE