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

11  
12 SECURITIES AND EXCHANGE  
13 COMMISSION,

14 Plaintiff,

15 vs.

16 DAVID N. OSEGUEDA, ISHMAIL  
17 CALVIN ROSS, aka CALVIN ROSS,  
18 ZACHARY R. LOGAN, and JESSICA  
19 SNYDER, fka JESSICA  
20 GUTIERREZ,

21 Defendants.

Case No. 2:19-cv-04348-PSG-AGR

**FINAL JUDGMENT AS TO  
DEFENDANT ZACHARY R. LOGAN**

~~Date:~~ ~~January 6, 2020~~

~~Time:~~ ~~1:30 p.m.~~

Ctrm: 6A

Judge: Hon. Philip S. Gutierrez

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1 This matter came before the Court upon Plaintiff Securities and Exchange  
2 Commission's ("SEC") Motion for Default Judgment against defendant Zachary R.  
3 Logan. The Court, having considered the memoranda and evidence filed by the  
4 parties, and all other argument and evidence presented to it, and good cause  
5 appearing therefore, grants the SEC's Motion and enters this Final Judgment as to  
6 Zachary R. Logan ("Defendant").

7 I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
9 permanently restrained and enjoined from violating, directly or indirectly, Section  
10 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. §  
11 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using  
12 any means or instrumentality of interstate commerce, or of the mails, or of any  
13 facility of any national securities exchange, in connection with the purchase or sale of  
14 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 of the  
18 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 officers, agents, servants, employees, and  
25 attorneys; and (b) other persons in active concert or participation with Defendant or  
26 with anyone described in (a).

1 II.

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

- 7 (a) to employ any device, scheme, or artifice to defraud;  
8 (b) to obtain money or property by means of any untrue statement of a  
9 material fact or any omission of a material fact necessary in order to make the  
10 statements made, in light of the circumstances under which they were made,  
11 not misleading; or  
12 (c) to engage in any transaction, practice, or course of business which  
13 operates or would operate as a fraud or deceit upon the purchaser.

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

20 III.

21 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
22 Defendant is permanently restrained and enjoined from violating Section 5 of the  
23 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any  
24 applicable exemption:

- 25 (a) Unless a registration statement is in effect as to a security, making use of  
26 any means or instruments of transportation or communication in  
27 interstate commerce or of the mails to sell such security through the use  
28 or medium of any prospectus or otherwise;

- 1 (b) Unless a registration statement is in effect as to a security, carrying or  
2 causing to be carried through the mails or in interstate commerce, by any  
3 means or instruments of transportation, any such security for the purpose  
4 of sale or for delivery after sale; or
- 5 (c) Making use of any means or instruments of transportation or  
6 communication in interstate commerce or of the mails to offer to sell or  
7 offer to buy through the use or medium of any prospectus or otherwise  
8 any security, unless a registration statement has been filed with the  
9 Commission as to such security, or while the registration statement is the  
10 subject of a refusal order or stop order or (prior to the effective date of  
11 the registration statement) any public proceeding or examination under  
12 Section 8 of the Securities Act [15 U.S.C. § 77h].

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

19 IV.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND  
21 DECREED that Defendant is permanently barred from participating in an offering of  
22 penny stock, including engaging in activities with a broker, dealer, or issuer for  
23 purposes of issuing, trading, or inducing or attempting to induce the purchase or sale  
24 of any penny stock. A penny stock is any equity security that has a price of less than  
25 five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R.  
26 240.3a51-1].

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$164,000, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$20,293.40, and a civil penalty in the amount of \$164,000 pursuant to Section 20(d)(2) of the Securities Act and Section 21(d)(3) of the Exchange Act, 15 U.S.C. §§ 77t(d)(2), 78u(d)(3). Defendant shall satisfy this obligation by paying \$348,293.40 to the Securities and Exchange Commission within 30 days after entry of this Final Judgment.

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

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

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

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

The Commission may enforce the Court's judgment for disgorgement and

1 prejudgment interest by moving for civil contempt (and/or through other collection  
2 procedures authorized by law) at any time after 30 days following entry of this Final  
3 Judgment. Defendant shall pay post judgment interest on any delinquent amounts  
4 pursuant to 28 U.S.C. § 1961.

5 VI.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for  
7 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
8 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,  
9 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
10 amounts due by Defendant under this Final Judgment or any other judgment, order,  
11 consent order, decree or settlement agreement entered in connection with this  
12 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
13 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
14 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

15 VII.

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

19 VIII.

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

23 Dated: January 2, 2020

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PHILIP S. GUTIERREZ  
UNITED STATES DISTRICT JUDGE