

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

THOMAS RUBIN, CHRISTOPHER
SCOTT, BGLR ENTERPRISES, LLC, and
E-INFO SOLUTIONS LLC,

Defendants.

Case No. SACV11-01466
JVS MLGx

Hon. James V. Selna

JUDGMENT AS TO DEFENDANT THOMAS RUBIN

The Securities and Exchange Commission having filed a Complaint and Defendant Thomas Rubin having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from

1 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
2 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
3 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
4 interstate commerce, or of the mails, or of any facility of any national securities
5 exchange, in connection with the purchase or sale of any security:
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7 (a) to employ any device, scheme, or artifice to defraud;

8 (b) to make any untrue statement of a material fact or to omit to state a
9 material fact necessary in order to make the statements made, in the
10 light of the circumstances under which they were made, not
11 misleading; or
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13 (c) to engage in any act, practice, or course of business which operates or
14 would operate as a fraud or deceit upon any person.
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17 II.

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
19 and Defendant's agents, servants, employees, attorneys, and all persons in active
20 concert or participation with them who receive actual notice of this Final Judgment
21 by personal service or otherwise are permanently restrained and enjoined from
22 violating, directly or indirectly, Section 17(a) of the Securities Act of 1933 (the
23 "Securities Act") [15 U.S.C. § 77q(a)], directly or indirectly, by the use of any
24 means or instruments of transportation or communication in interstate commerce or
25 by use of the mails, in the offer or sale of securities:
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- 1 (a) to employ any device, scheme, or artifice to defraud;
- 2 (b) to obtain money or property by means of any untrue statement of a
- 3 material fact or any omission to state a material fact necessary in order
- 4 to make the statements made, in light of the circumstances under
- 5 which they were made, not misleading; or;
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- 8 (c) to engage in transactions, practices, or courses of business which
- 9 operate or would have operated as a fraud or deceit upon the
- 10 purchaser.
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12 III.

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED

14 that Defendant and Defendant's agents, servants, employees, attorneys, and all

15 persons in active concert or participation with them who receive actual notice of

16 this Judgment by personal service or otherwise are permanently restrained and

17 enjoined from violating Section 5(a) and 5(c) of the Securities Act [15 U.S.C. §

18 77e] by, directly or indirectly, in the absence of any applicable exemption:

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- 21 (a) Unless a registration statement is in effect as to a security, making use
- 22 of any means or instruments of transportation or communication in
- 23 interstate commerce or of the mails to sell such security through the
- 24 use or medium of any prospectus or otherwise; or
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- 26 (c) Making use of any means or instruments of transportation or
- 27 communication in interstate commerce or of the mails to offer to sell
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1 or offer to buy through the use or medium of any prospectus or
2 otherwise any security, unless a registration statement has been filed
3 with the Commission as to such security, or while the registration
4 statement is the subject of a refusal order or stop order or (prior to the
5 effective date of the registration statement) any public proceeding or
6 examination under Section 8 of the Securities Act [15 U.S.C. § 77h].
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9 IV.

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
11 that pursuant to Section 20(g) of the Securities Act [15 U.S.C. § 77t(g)] and Section
12 21(d) of the Exchange Act [15 U.S.C. § 78u(d)], Defendant is prohibited for ten
13 years following the date of entry of this Judgment, from participating in an offering
14 of penny stock, including engaging in activities with a broker, dealer, or issuer for
15 purposes of issuing, trading, or inducing or attempting to induce the purchase or
16 sale of any penny stock. A penny stock is any equity security that has a price of
17 less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act
18 [17 C.F.R. 240.3a51-1].
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22 V.

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
24 that Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest
25 thereon, and a civil penalty pursuant to Section 20(d) of the Securities Act [15
26 U.S.C. § 77t(d)] and 21(d)(3) of the Exchange Act [15 U.S.C. § 78e(d)(3)], all of
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1 which the Defendant is jointly and severally liable with the entity BGLR
2 Enterprises, LLC. The Court shall determine the amounts of the disgorgement and
3 civil penalty upon motion of the Commission. Prejudgment interest shall be
4 calculated from the dates of the various violations, based on the rate of interest used
5 by the Internal Revenue Service for the underpayment of federal income tax as set
6 forth in 26 U.S.C. § 6621(a)(2). In connection with the Commission's motion for
7 disgorgement and/or civil penalties, and at any hearing held on such a motion: (a)
8 Defendant will be precluded from arguing that he did not violate the federal
9 securities laws as alleged in the Complaint; (b) Defendant may not challenge the
10 validity of the Consent or this Judgment; (c) solely for the purposes of such motion,
11 the allegations of the Complaint shall be accepted as and deemed true by the Court;
12 and (d) the Court may determine the issues raised in the motion on the basis of
13 affidavits, declarations, excerpts of sworn deposition or investigative testimony,
14 and documentary evidence, without regard to the standards for summary judgment
15 contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection with
16 the Commission's motion for disgorgement and/or civil penalties, the parties may
17 take discovery, including discovery from appropriate non-parties.
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VI.

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 Judgment.

A handwritten signature in purple ink, reading "James V. Selna". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dated: May 21, 2013

JAMES V. SELNA
UNITED STATES DISTRICT JUDGE