

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

CASE NO. 12-cv-01681

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RICARDO BONILLA ROJAS AND  
SHADAI YIRE, INC.,

Defendants.

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**DEFAULT JUDGMENT**

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This cause comes before the Court on Plaintiff Securities and Exchange Commission's Motion for Default Judgment Against Defendants Ricardo Bonilla Rojas And Shadai Yire, Inc. The Court having reviewed the Commission's Motion and the record in this case, it is:

**ORDERED AND ADJUDGED** that Default Judgment is entered against Rojas and Shadai Yire under the terms set forth herein.

**I.**

**SECTION 5 OF THE SECURITIES ACT**  
**(Count I)**

**IT IS FURTHER ORDERED AND ADJUDGED** that Rojas and Shadai Yire, their 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 violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

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

**II.**

**SECTION 10(b) AND RULE 10b-5 OF THE SECURITIES EXCHANGE ACT OF 1934**  
**(Count II)**

**IT IS FURTHER ORDERED AND ADJUDGED** that Rojas and Shadai Yire, their 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 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j( b)] and Exchange Act Rule 10b-5 [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate

commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

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

by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities,
- (B) the prospects for success of any product or company,
- (C) the use of investor funds,
- (D) compensation to any person,
- (F) investor account balances, or
- (G) the misappropriation of investor funds or investment proceeds.

### III.

#### **SECTION 17(a) OF THE SECURITIES ACT OF 1933** **(Counts III & IV)**

**IT IS FURTHER ORDERED AND ADJUDGED** that Rojas and Shadai Yire, their 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 violating Section 17(a) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

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

by, directly or indirectly, (i) creating a false appearance or otherwise deceiving any person, or (ii) disseminating false or misleading documents, materials, or information or making, either orally or in writing, any false or misleading statement in any communication with any investor or prospective investor, about:

- (A) any investment strategy or investment in securities,
- (B) the prospects for success of any product or company,
- (C) the use of investor funds,
- (D) compensation to any person,
- (F) investor account balances, or
- (G) the misappropriation of investor funds or investment proceeds.

**IV.**

**SECTION 15(A) OF THE EXCHANGE ACT**  
**(Count V)**

**IT IS FURTHER ORDERED AND ADJUDGED** that Rojas, his agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, are hereby restrained and enjoined from : violating, directly or indirectly, Section 15(a) of the Exchange Act by making use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered with the Commission.

V.

**DISGORGEMENT, PREJUDGMENT INTEREST AND CIVIL PENALTIES**

**IT IS FURTHER ORDERED AND ADJUDGED** that Rojas and Shadai Yire are jointly and severally liable for disgorgement of \$7,200,000, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$1,164,820, for a total of \$8,364,820. Rojas and Shadai Yire shall satisfy the disgorgement and prejudgment interest to the Securities and Exchange Commission by paying \$8,364,820 within 14 days after entry of this Final Judgment.

Defendants 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; Rojas and Shadai Yire as the defendants in this action; and specifying that payment is made pursuant to this Final Judgment.

Rojas and Shadai Yire shall simultaneously transmit photocopies of evidence of payment and case identifying information to Amie Riggle Berlin, Senior Trial Counsel, Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, Florida 33131. By making this payment, Rojas and Shadi Yire relinquish all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendants.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 14 days following entry of this Final Judgment. Rojas and Shadai Yire shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

Rojas and Shadai Yire are also liable for civil penalties. The Court shall determine the amounts of the civil penalties upon motion of the Commission. In connection with the Commission's motion for civil penalties, and at any hearing held on such a motion: (a) Rojas and Shadai Yire will be precluded from arguing that they did not violate the federal securities laws as alleged in the Complaint; (b) solely for the purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true by the Court; and (c) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure.

**VI.**

**RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED AND ADJUDGED** that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

**VII.**

**CERTIFICATION UNDER RULE 54(b)**

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 Judgment forthwith and without further notice.

In San Juan, Puerto Rico this 12th day of April, 2013 .

S/JOSE ANTONIO FUSTE

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U.S. DISTRICT JUDGE