

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

Case No: 6:19-cv-664-Orl-41DCI

PAUL BANNON POWERS,

Defendant.

ORDER AND PERMANENT INJUNCTION

THIS CAUSE is before the Court on Plaintiff's Unopposed Motion for Entry of Judgment (Doc. 3) and the proposed Judgment of Permanent Injunction and Other Relief (Doc. 3-2). Although Plaintiff purports to be seeking both a judgment and a permanent injunction, the Motion only asks for injunctive relief. It then states that Plaintiff may, at some unspecified later date, file a motion for disgorgement. For the reasons set forth in the Motion, the Court will enter the agreed-to permanent injunction. But, the Court will wait to enter judgment until the disgorgement issue is resolved. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. Plaintiff's Unopposed Motion for Entry of Judgment (Doc. 3) is **GRANTED in part.**
2. Powers and his agents, servants, representatives, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Permanent Injunction 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 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule

10b-5 promulgated thereunder, 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

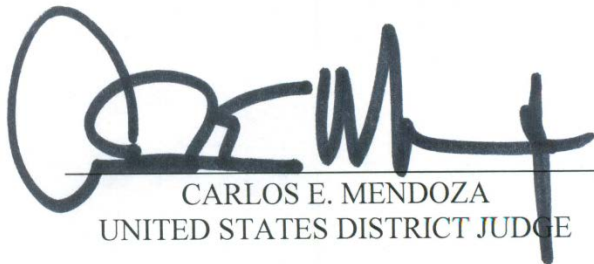
by: (i) buying or selling a security of any issuer, on the basis of material nonpublic information, in breach of a fiduciary duty or other duty of trust or confidence that is owed directly, indirectly, or derivatively, to the issuer of that security or the shareholders of that issuer, or to any other person who is the source of the information; or (ii) by communicating material nonpublic information about a security or issuer, in breach of a fiduciary duty or other duty of trust or confidence, to another person or persons for purposes of buying or selling any security.

3. This Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Permanent Injunction.
4. For purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the allegations in the Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under any final judgment or any other

judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation of Powers of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

5. **On or before June 5, 2019**, Plaintiff shall file its motion for disgorgement. Failure to do so may result in the dismissal of this case without further notice.

DONE and **ORDERED** in Orlando, Florida on May 13, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record