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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

PACIFIC WEST CAPITAL GROUP,
INC.; ANDREW B CALHOUN IV;
PWCG TRUST; BRENDA
CHRISTINE BARRY; BAK WEST,
INC.; ANDREW B CALHOUN JR.;
ERIC CHRISTOPHER CANNON;
CENTURY POINT, LLC; MICHAEL
WAYNE DOTTA; and CALEB
AUSTIN MOODY (dba SKY
STONE),

Defendants.

Case No. 2:15-CV-02563-DDP-ASx

**AMENDED FINAL JUDGMENT AS
TO DEFENDANT CALEB AUSTIN
MOODY (dba Sky Stone)**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff Securities and Exchange Commission’s (“SEC” or “Commission”) Renewed Motion for Summary Judgment (“Motion”) Against Defendant Caleb Austin Moody (dba Sky Stone) (“Moody” or “Defendant”) came before the Court. The Court, having considered all of the evidence and arguments presented by the parties with regard to the SEC’s Renewed Motion for Summary Judgment, the Memorandum of Points and Authorities and the other documents filed in support of and in opposition the SEC’s

1 Renewed Motion for Summary Judgment, finds that that Defendant violated Section
2 5 of the Securities Act of 1933 [15 U.S.C. § 77e] and Section 15(a) of the Exchange
3 Act of 1934 [15 U.S.C. § 78o(a)] (*see* Dkt. Nos. 546), and enters this Amended Final
4 Judgment imposing the following remedial relief consistent with its Order re
5 Remedies (Dkt. No. 555):

6 I.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
8 liable for disgorgement of \$180,000.00, representing net profits gained as a result of
9 the conduct alleged in the Complaint, and shall pay a civil penalty in the amount of
10 \$15,000.00 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)(3)]. Defendant shall
12 satisfy these obligations by paying the total disgorgement and civil penalty to the
13 Securities and Exchange Commission within 30 days after entry of this Final
14 Judgment.

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

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

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

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1 Defendant shall simultaneously transmit photocopies of evidence of payment
2 and case identifying information to the Commission’s counsel in this action. By
3 making these payments, Defendant relinquishes all legal and equitable right, title, and
4 interest in such funds and no part of the funds shall be returned to Defendant.

5 The Commission may enforce the Court’s judgment for disgorgement by using
6 all collection procedures authorized by law, including, but not limited to, moving for
7 civil contempt at any time after 30 days following entry of this Final Judgment.

8 The Commission may enforce the Court’s judgment for penalties by the use of
9 all collection procedures authorized by law, including the Federal Debt Collection
10 Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil contempt for the
11 violation of any Court orders issued in this action. Defendant shall pay post
12 judgment interest on any amounts due after 30 days of the entry of this Final
13 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,
14 together with any interest and income earned thereon (collectively, the “Fund”),
15 pending further order of the Court.

16 The Commission may propose a plan to distribute the Fund subject to the
17 Court’s approval. Such a plan may provide that the Fund shall be distributed
18 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of
19 2002. The Court shall retain jurisdiction over the administration of any distribution
20 of the Fund and the Fund may only be disbursed pursuant to an Order of the Court.

21 Regardless of whether any such Fair Fund distribution is made, amounts
22 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as
23 penalties paid to the government for all purposes, including all tax purposes. To
24 preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or
25 reduction of any award of compensatory damages in any Related Investor Action
26 based on Defendant’s payment of disgorgement in this action, argue that he is
27 entitled to, nor shall he further benefit by, offset or reduction of such compensatory
28 damages award by the amount of any part of Defendant payment of a civil penalty in

1 this action (“Penalty Offset”). If the court in any Related Investor Action grants such
2 a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting
3 the Penalty Offset, notify the Commission’s counsel in this action and pay the amount
4 of the Penalty Offset to the United States Treasury or to a Fair Fund, as the
5 Commission directs. Such a payment shall not be deemed an additional civil penalty
6 and shall not be deemed to change the amount of the civil penalty imposed in this
7 Judgment. For purposes of this paragraph, a “Related Investor Action” means a
8 private damages action brought against Moody by or on behalf of one or more
9 investors based on substantially the same facts as alleged in the Complaint in this
10 action.

11 IV.

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

15 Dated: December 28, 2023



16
17 HON. DEAN D. PREGERSON
18 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION,
400 S. Flower Street, Suite 900, Los Angeles, California 90071
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

On December 20, 2023, I caused to be served the document entitled **[PROPOSED] AMENDED FINAL JUDGMENT AS TO DEFENDANT CALEB AUSTIN MOODY (dba SKY STONE)** on all the parties to this action addressed as stated on the attached service list:

OFFICE MAIL: By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency’s practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

PERSONAL DEPOSIT IN MAIL: By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

EXPRESS U.S. MAIL: Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

HAND DELIVERY: I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

UNITED PARCEL SERVICE: By placing in sealed envelope(s) designated by United Parcel Service (“UPS”) with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

ELECTRONIC MAIL: By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

E-FILING: By causing the document to be electronically filed via the Court’s CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

FAX: By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: December 20, 2023

/s/ Donald W. Searles

Donald W. Searles

1 **SEC v. Pacific West Capital Group, Inc.; Andrew B. Calhoun IV, et al.**
2 **United States District Court – Central District of California**
3 **Case No. 2:15-CV-02563-DDP-ASx**
4 **(LA-04248)**

5 SERVICE LIST

6 Nicolas Morgan, Esq. (served via e-filing)
7 Paul Hastings
8 515 S. Flower Street, 25th Floor
9 Los Angeles, CA 90071
10 nicolasmorgan@paulhastings.com
11 *Attorney for Defendants Brenda Christine Barry, BAK West, Inc., Eric*
12 *Christopher Cannon, Century Point LLC, and Caleb Austin Moody (dba*
13 *Sky Stone)*

14 David R. Zaro, Esq. (served via e-filing)
15 Allen Matkins Leck Gamble Mallory & Natsis LLP
16 865 S. Figueroa Street, Suite 2800
17 Los Angeles, CA 90017-2543
18 dzaro@allenmatkins.com
19 *Attorney for Receiver Thomas Hebrank*

20 Dennis J. Kelly (served via e-filing)
21 Dillingham & Murphy LLP
22 601 Montgomery Street, Ste 1900
23 San Francisco, CA 94111
24 *Attorney for Mills Potoczak & Company*

25 James K. Roosa (served via e-filing)
26 Roosa Co, LPA
27 3723 Pearl Road, Ste 200
28 Cleveland, OH 44109
 Attorney for Mills Potoczak & Company

 Wesley K. Bemis (served via U.S. mail)
 898 Big Springs Court
 Corona, CA 92878