

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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

~~PROPOSED~~ FINAL JUDGMENT AS
TO DEFENDANTS BRENDA
CHRISTINE BARRY AND BAK
WEST. INC.

1 Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff Securities
2 and Exchange Commission’s (“SEC” or “Commission”) Renewed Motion for
3 Summary Judgment (“Motion”) Against Defendants Brenda Christine Barry
4 (“Barry”) and Bak West, Inc. (“Bak West”) (collectively, “Defendants”) came before
5 the Court. The Court, having considered all of the evidence and arguments presented
6 by the parties with regard to the SEC’s Renewed Motion for Summary Judgment, the
7 Memorandum of Points and Authorities and the other documents filed in support of
8 and in opposition the SEC’s Renewed Motion for Summary Judgment, finds that
9 Defendants violated Section 5 of the Securities Act of 1933 [15 U.S.C. § 77e] and
10 Section 15(a) of the Exchange Act of 1934 [15 U.S.C. § 78o(a)] (*see* Dkt. Nos. 546),
11 and enters this Final Judgment imposing the following remedial relief consistent with
12 its Order re Remedies (Dkt. No. 555):

13 I.

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Barry and
15 Bak West are jointly and severally liable for disgorgement of \$227,000.00,
16 representing net profits gained as a result of the conduct alleged in the Complaint.
17 The Court further orders that Barry pay a civil penalty in the amount of \$15,000.00
18 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section
19 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendants shall satisfy these
20 obligations by paying the total disgorgement and Barry’s civil penalty to the
21 Securities and Exchange Commission within 30 days after entry of this Final
22 Judgment.

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

1 Enterprise Services Center
2 Accounts Receivable Branch
3 6500 South MacArthur Boulevard
4 Oklahoma City, OK 73169
5

6 and shall be accompanied by a letter identifying the case title, civil action number,
7 and name of this Court; Barry and Bak West as defendants in this action; and
8 specifying that payment is made pursuant to this Final Judgment.

9 Defendants shall simultaneously transmit photocopies of evidence of payment
10 and case identifying information to the Commission's counsel in this action. By
11 making these payments, Defendants relinquish all legal and equitable right, title, and
12 interest in such funds and no part of the funds shall be returned to Defendants.

13 The Commission may enforce the Court's judgment for disgorgement and
14 prejudgment interest by using all collection procedures authorized by law, including,
15 but not limited to, moving for civil contempt at any time after 30 days following entry
16 of this Final Judgment.

17 The Commission may enforce the Court's judgment for penalties by the use of
18 all collection procedures authorized by law, including the Federal Debt Collection
19 Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil contempt for the
20 violation of any Court orders issued in this action. Defendants shall pay post
21 judgment interest on any amounts due after 30 days of the entry of this Final
22 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,
23 together with any interest and income earned thereon (collectively, the "Fund"),
24 pending further order of the Court.

25 The Commission may propose a plan to distribute the Fund subject to the
26 Court's approval. Such a plan may provide that the Fund shall be distributed
27 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of
28 2002. The Court shall retain jurisdiction over the administration of any distribution

