

The Honorable Thomas S. Zilly

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

DONALD E. MacCORD, JR.,
SHANNON D. DOYLE, and
DIGI OUTDOOR MEDIA, INC.

Defendants.

Case No. 2:17-cv-1809

FINAL PARTIAL JUDGMENT AS
TO DEFENDANT DONALD E.
MacCORD, JR.

1 The Securities and Exchange Commission having filed a Complaint and Defendant
2 DONALD E. MacCORD, JR. (“Defendant”) having entered a general appearance;
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this action;
4 consented to entry of this Final Partial Judgment; waived findings of fact and conclusions
5 of law; and waived any right to appeal from this Final Partial Judgment:

6 **I.**

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
8 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of
9 the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and
10 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or
11 instrumentality of interstate commerce, or of the mails, or of any facility of any national
12 securities exchange, in connection with the purchase or sale of any security:

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

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
19 Rule 65(d)(2) of the Federal Rules of Civil Procedure, the foregoing paragraph also binds
20 the following who receive actual notice of this Final Partial Judgment by personal service
21 or otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and
22 (b) other persons in active concert or participation with Defendant or with anyone
23 described in (a).

24 **II.**

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
26 Defendant is permanently restrained and enjoined from violating Section 17(a) of the
27 Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)], in the offer or sale of
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1 any security by the use of any means or instruments of transportation or communication in
2 interstate commerce or by use of the mails, directly or indirectly:

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

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
11 Rule 65(d)(2) of the Federal Rules of Civil Procedure, the foregoing paragraph also binds
12 the following who receive actual notice of this Final Partial Judgment by personal service
13 or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and
14 (b) other persons in active concert or participation with Defendant or with anyone
15 described in (a).

16 **III.**

17 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
18 permanently restrained and enjoined from violating Rule 13b2-2 [17 C.F.R. § 240.13b2-2]
19 by, directly or indirectly, making or causing to be made a materially false or misleading
20 statement to an accountant in connection with, or omitting to state or causing another to
21 omit to state, any material fact necessary in order to make statements made, in light of the
22 circumstances under which such statements are made, not misleading, to an accountant in
23 connection with:

- 24 (i) Any audit, review or examination of the financial statements of the
25 issuer required to be made pursuant to Section 13(b)(2) of the Exchange Act
26 [15 U.S.C. § 78m(b)(2)]; or
- 27 (ii) The preparation or filing of any document or report required to be filed
28 with the Commission pursuant to Section 13(b)(2) of the Exchange Act [15
U.S.C. § 78m(b)(2)] or otherwise.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in
2 Rule 65(d)(2) of the Federal Rules of Civil Procedure, the foregoing paragraph also binds
3 the following who receive actual notice of this Final Partial Judgment by personal service
4 or otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and
5 (b) other persons in active concert or participation with Defendant or with anyone
6 described in (a).

7 **IV.**

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to
9 Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] and Section 20(e) of the
10 Securities Act [15 U.S.C. § 77t(e)], Defendant is prohibited from acting as an officer or
11 director of any issuer that has a class of securities registered pursuant to Section 12 of the
12 Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d)
13 of the Exchange Act [15 U.S.C. § 78o(d)].

14 **V.**

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
16 permanently barred from participating in an offering of penny stock, including engaging in
17 activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or
18 attempting to induce the purchase or sale of any penny stock. A penny stock is any equity
19 security that has a price of less than five dollars, except as provided in Rule 3a51-1 under
20 the Exchange Act [17 C.F.R. 240.3a51-1].

21 **VI.**

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable
23 for disgorgement with pre-judgment totaling \$1,841,789, representing ill-gotten gains
24 received as a result of Defendant's conduct alleged in the Complaint. This amount shall be
25 deemed satisfied by the judgment of restitution entered against Defendant in the criminal
26 case *United States v. Donald MacCord*, Case No. 17-cr-00592-WHA-1 (N.D. Cal.), and
27 the court's order finding that such restitution had been satisfied by Defendant.
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VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent, docket no. 68-1, is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, 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 judgment, order, consent order, decree or settlement agreement entered in connection with this proceeding, is a debt for the violation by Defendant 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).

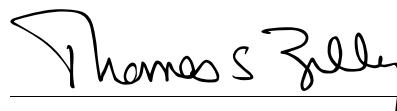
IX.

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 Final Partial Judgment.

X.

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 Final Partial Judgment forthwith and without further notice.

Dated: May 18, 2022



Thomas S. Zilly
United States District Judge