

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

Case No. 6:19-cv-1843-RBD-LRH

ANDRES FERNANDEZ; and
EDISON DENIZARD,

Defendants.

ORDER AND FINAL JUDGMENT

Plaintiff sued Defendants for violating securities laws. (Doc. 1.) Plaintiff previously requested the Court enter a permanent injunction against Defendant Edison Denizard with his consent and stay the remainder of the case. (Doc. 30.) The Court entered the permanent injunction and stayed the rest of the case but did not enter judgment because some aspects of the case had not yet been resolved. (Doc. 35.)

Plaintiff has now filed a motion seeking entry of final judgment against Denizard, with his consent. (Doc. 52.) Plaintiff also submitted an amended proposed final judgment against Denizard, which incorporates the previously entered permanent injunction. (Doc. 52-1.) On referral, U.S. Magistrate Judge

Leslie R. Hoffman recommends granting the Motion. (Doc. 54 (“R&R”).)

The parties did not object to the R&R and the time for doing so has passed, so the Court examines the R&R for clear error only. *See Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The R&R (Doc. 54) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff’s Amended Unopposed Motion for Final Judgment Against Defendant Edison Denizard (Doc. 52) is **GRANTED**.
3. Plaintiff’s claims for a civil monetary penalty against Denizard (Doc. 1, pp. 8–12) are **DISMISSED**.
4. The following judgment is **ENTERED** against Denizard, with his consent:

FINAL JUDGMENT AS TO DEFENDANT EDISON DENIZARD

The Securities and Exchange Commission having filed a Complaint and Defendant Edison Denizard having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and

conclusions of law; and waived any right to appeal from this Final Judgment:

I. INCORPORATION OF JUDGMENT

IT IS HEREBY ORDERED AND ADJUDGED that the Court's Order as to Defendant entered on November 5, 2020 (Doc. 35) is hereby **ADOPTED** and incorporated by reference 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.

II. DISGORGEMENT AND PREJUDGMENT INTEREST

IT IS HEREBY ORDERED AND ADJUDGED that Defendant is **LIABLE** for disgorgement of \$1,241,400 representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$237,039.79, for a total of \$1,478,439.79. This amount is deemed offset in its entirety by the restitution ordered against Denizard in the criminal case concerning the same conduct at issue in the case, *United States v. Denizard*, No. 6:20-cr-135-PGB-EJK (M.D. Fla. Feb. 22, 2021).

III. INCORPORATION OF CONSENT

IT IS FURTHER ORDERED AND ADJUDGED that the Consent (Doc. 47-1) is **INCORPORATED** herein with the same force and effect as if fully set forth herein, and that Denizard shall comply with all of the undertakings and agreements set forth therein.

IV. 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 Final Judgment.

5. The Clerk is **DIRECTED** to close this case.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 28, 2021.





ROY B. DALTON JR.
United States District Judge