

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff

CIVIL ACTION NO. 1:20-CV-70  
(JUDGE KEELEY)

v.

PHILLIP W. CONLEY,

Defendant.

**ORDER AND FINAL JUDGMENT**

Upon consideration of Plaintiff Securities and Exchange Commission's Motion for Disgorgement, Prejudgment Interest, and the Entry of a Final Judgment against Defendant Phillip W. Conley, and the Memorandum of Law in support thereof, it is hereby ORDERED that Plaintiff's Motion is **GRANTED**.

I.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Phillip W. Conley is liable for disgorgement of \$4,801,184, together with prejudgment interest of \$397,075, for a total of \$5,198,259, of which \$4,858,817 is deemed satisfied by the Order of Restitution in that same amount in the parallel criminal case, *United States v. Conley*, (N.D. W.Va.), for a remaining balance due on the judgment of \$339,442.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Court's July 30, 2021 Order permanently restraining Defendant from violating, directly or indirectly, of Section 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder [15 U.S.C. § 78j(b); 17 C.F.R. § 240.10b-5], and Sections 206(1), 206(2), and 206(4) of the Investment Advisers Act of 1940 [15 U.S.C. §§

80b-6(1), 80b-6(2), 80b-6(4)] and Rule 206(4)-8 thereunder [17 C.F.R. § 275.206(4)-8], and the Consent attached thereto are 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.

III.

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 Judgment.

Dated: April 6, 2022

  
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THE HONORABLE IRENE M. KEELEY  
UNITED STATES DISTRICT COURT JUDGE