

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SECURITIES AND EXCHANGE)	
COMMISSION,)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-853
)	
DANIEL K. BOICE, et al.,)	
Defendants.)	

ORDER

At issue in this civil fraud matter is the Securities and Exchange Commission’s (“SEC”) Motion for Entry of Disgorgement and Entry of Final Judgment (Dkt. 36). Pursuant to the March 2, 2021 Order, the SEC’s Motion for Disgorgement and Entry of Final Judgment was referred to Magistrate Judge Anderson for a Report and Recommendation pursuant to 28 U.S.C. § 636. *See* March 2, 2021 Order at 3 (Dkt. 35).

On June 24, 2021, Magistrate Judge Anderson issued a Report and Recommendation that recommends granting the SEC’s motion (Dkt. 39). Specifically, Magistrate Judge Anderson recommends that:

Default judgment be entered in favor of the Securities and Exchange Commission and against defendants Daniel K. Boice and Trustify, Inc., jointly and severally, for disgorgement of \$8,720,770 with prejudgment interest in the amount of \$918,499 for a total of \$9,639,269, and against GoLean DC, LLC for disgorgement of \$540,885 with prejudgment interest in the amount of \$56,968, for a total of \$597,853 . . . [and] that the order for all the disgorgement and prejudgment interest be deemed satisfied by the restitution order in [Defendant Boice’s parallel criminal case,] *United States v. Boice*, 1:20-cv-167 (E.D. Va. Apr. 26, 2021).

June 24, 2021 Report and Recommendation at 7–8 (Dkt. 39).

Defendants have not filed any opposition to the SEC’s Motion for Disgorgement and

Entry of Final Judgment. Nor have Defendants filed objections to the Magistrate Judge's Report and Recommendation. The deadline to file objections to the Magistrate Judge's Report and Recommendation was July 8, 2021.

Upon consideration of the record and the Report and Recommendation, to which no objections have been filed, and having found no clear error,¹ the Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report and Recommendation (Dkt. 39).

Accordingly,

It is hereby **ORDERED** the SEC's Motion for Entry of Disgorgement and Entry of Final Judgment (Dkt. 36) is **GRANTED**.

It is further **ORDERED** that Defendants Daniel K. Boice and Trustify, Inc. are liable for disgorgement of **\$8,720,770**, representing net profits gained as a result of the conduct alleged in the Amended Complaint, together with prejudgment interest thereon in the amount of **\$918,499**, for a total of **\$9,639,269**, jointly and severally, which is **DEEMED SATISFIED** by the Court's order of restitution in the amount of **\$18,131,742.21** in the parallel criminal case, *United States v. Boice*, 1:20-cr-00167-TSE (E.D. Va.).

It is further **ORDERED** that Relief Defendant GoLean DC, LLC is liable for disgorgement of **\$540,885**, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of **\$56,968**, for a total of **\$597,853**, which is **DEEMED SATISFIED** by the Court's order of restitution in the amount of **\$18,131,742.21** in the parallel criminal case, *United States v. Boice*, 1:20-cr-00167-TSE (E.D. Va.).

It is further **ORDERED** that the Court's March 2, 2021 Order (Dkt. 35), granting the SEC's


¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate's report, the court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'").

motion for default judgment and permanently restraining Defendants from violating, directly or indirectly, Section 17(a) of the Securities Act of 1933, 15 U.S.C. § 77q(a) and Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5, promulgated thereunder, is **INCORPORATED** herein with the same force and effect as if fully set forth herein, and that Defendants shall comply with all of the undertakings and agreements set forth therein.

It is further **ORDERED** that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

The Clerk is directed to send a copy of this Order to all counsel of record and to Defendants at their addresses of record, and to place this matter among the ended causes.

Alexandria, Virginia
July 9, 2021



T. S. Ellis, III
United States District Judge