

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**JONAH ENGLER a/k/a JONAH ENGLER-
SILBERMAN, JOSHUA W. TURNEY, HECTOR
PEREZ a/k/a BRUCE JOHNSON, and
BARBARA DESIDERIO,**

Defendants.

20 Civ. 1625 (DG) (PK)

FINAL JUDGMENT AS TO DEFENDANT HECTOR PEREZ a/k/a BRUCE JOHNSON

The Securities and Exchange Commission having filed a Complaint and Defendant Hector Perez a/k/a Bruce Johnson 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; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

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

- (a) to employ any device, scheme, or artifice to defraud;

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

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

II.

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

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

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

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement in the amount of \$137,275.26, plus prejudgment interest thereon in the amount of \$32,159.94, for a total of \$169,435.20, which shall be deemed satisfied by the entry of the Order of Forfeiture in *United States v. Hector Perez*, 20 CR 319 (E.D.N.Y.) (the "Criminal Proceeding") requiring payment of \$137,275 and the Order of Restitution in the Criminal Proceeding requiring payment of \$5,295,868.12, provided that (i) such Orders are upheld on appeal by the Second Circuit Court of Appeals or one or both such Orders are modified on or after appeal to require Defendant to pay at least \$169,435.20 in forfeiture, restitution, or both, and (ii) any resulting order or orders to pay at least \$169,435.20 in forfeiture, restitution, or both remain valid and enforceable following the appeal until paid in full. Should any event modify the Order of Forfeiture and/or the Order of Restitution in the Criminal Proceeding such that the Orders ultimately require the Defendant to pay a combined amount that is less than \$169,435.20 or otherwise render either or both such Orders unenforceable, Defendant shall be entitled, as of the date of such event ("Event Date"), to a credit towards the Final Judgment's disgorgement and prejudgment interest payment obligation ordered to be paid herein for the amount paid, if any, in the Criminal Proceeding. Any balance remaining after application of the credit discussed in the preceding sentence may be enforced by the Commission by moving for civil contempt (and/or

through other collection procedures authorized by law). Defendant shall pay post-judgment interest, running from the Event Date, on any delinquent amounts pursuant to 28 U.S.C. § 1961.

IV.

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 this Final Judgment or any other 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).

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent 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.

VI.

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.

VII.

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 Judgment forthwith and without further notice.

Dated: _____, _____

UNITED STATES DISTRICT JUDGE

SO ORDERED.

/s/ Diane Gujarati _____

DIANE GUJARATI

United States District Judge

Dated: May _____ 18, 2023

Brooklyn, New York