

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**ROBERT MCCABE and
MCCABE PROPERTIES, INC. (a/k/a MCCABE
PROPERTIES),**

Defendants.

Civil Action No. 20-4800 (JLS)

**FINAL JUDGMENT AS TO DEFENDANTS ROBERT MCCABE
AND MCCABE PROPERTIES, INC. (a/k/a MCCABE PROPERTIES)**

The Securities and Exchange Commission having filed a Complaint and Defendants Robert McCabe (“McCabe”) and McCabe Properties, Inc. (a/k/a McCabe Properties) (“McCabe Properties”) (collectively “Defendants”) having entered general appearances; consented to the Court’s jurisdiction over Defendants and the subject matter of this action; Plaintiff Securities and Exchange Commission having moved for entry of a final judgment ordering disgorgement and prejudgment interest against Defendants; the Court having reviewed the Commission’s motion, including the Commission’s memorandum of law in support of the motion, the Declaration of Chevon Walker, dated October 17, 2022, and all exhibits annexed thereto, the Declaration of Melissa Coppola, dated October 17, 2022, and the exhibit annexed thereto, the docket entries and all submissions in this action, and based on the findings of the Court, and for good cause shown:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants are 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) Defendants’ officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendants or with anyone described in (a).

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants are 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) Defendants' officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with Defendants or with anyone described in (a).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants are jointly and severally liable for disgorgement of \$657,892.04, representing net profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$11,563.66, for a total of \$669,455.70. This obligation is deemed satisfied by the order of restitution entered against McCabe in a related criminal action, *United States v. Robert McCabe*, Crim. No. 20-337 (JLS), before the United States District Court for the Eastern District of Pennsylvania and involving conduct related to the conduct alleged in the Complaint in this action.


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 McCabe, and further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts due by McCabe 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 McCabe 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 this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: APRIL 21, 2023


UNITED STATES DISTRICT JUDGE