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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
Western Division**

SECURITIES AND EXCHANGE  
COMMISSION,  
  
Plaintiff,  
  
vs.  
  
ZACHARY J. HORWITZ; AND  
1INMM CAPITAL, LLC,  
  
Defendants.

Case No. 2:21-cv-02927-CAS-PDx

**FINAL JUDGMENT AS TO  
DEFENDANT ZACHARY J.  
HORWITZ**

The Securities and Exchange Commission having filed a Complaint and Defendant Zachary J. Horwitz (“Defendant” or “Horwitz”) having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

**I.**

IT IS HEREBY ORDERED, ADJUGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section

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1 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §  
2 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using  
3 any means or instrumentality of interstate commerce, or of the mails, or of any  
4 facility of any national securities exchange, in connection with the purchase or sale of  
5 any security:

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

7 (b) to make any untrue statement of a material fact or to omit to state a  
8 material fact necessary in order to make the statements made, in the light of the  
9 circumstances under which they were made, not misleading; or

10 (c) to engage in any act, practice, or course of business which operates or  
11 would operate as a fraud or deceit upon any person.

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

18 **II.**

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

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

25 (b) to obtain money or property by means of any untrue statement of a  
26 material fact or any omission of a material fact necessary in order to make the  
27 statements made, in light of the circumstances under which they were made, not  
28 misleading; or

1 (c) to engage in any transaction, practice, or course of business which  
2 operates or would operate as a fraud or deceit upon the purchaser.

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

9 **III.**

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
11 Defendant is liable for disgorgement of \$62,847,901.05, representing net profits  
12 gained as a result of the conduct alleged in the Complaint, together with prejudgment  
13 interest thereon in the amount of \$11,375,011.28, for a total of \$74,222,912.33, but  
14 that disgorgement figure is deemed satisfied by the restitution order entered in the  
15 parallel criminal action *United States v. Zachary J. Horwitz*, Crim. No. CR 21-214-  
16 MCS (C.D. Cal.), requiring Defendant to pay \$230,361,884.

17 **IV.**

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
19 Consent is incorporated herein with the same force and effect as if fully set forth  
20 herein, and that Defendant shall comply with all of the undertakings and agreements  
21 set forth therein.

22 **V.**

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for  
24 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
25 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,  
26 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
27 amounts due by Defendant under this Final Judgment or any other judgment, order,  
28 consent order, decree or settlement agreement entered in connection with this

1 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
2 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
3 the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

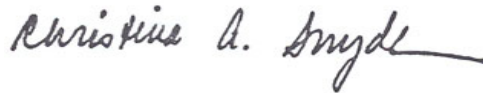
4 **VI.**

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this  
7 Final Judgment.

8 **VII.**

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal  
10 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith  
11 and without further notice.

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13 Dated: February 14, 2024



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15 THE HON. CHRISTINA A. SNYDER  
16 UNITED STATES DISTRICT JUDGE  
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