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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **Western Division**

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14 **SECURITIES AND EXCHANGE**
COMMISSION,

15 **Plaintiff,**

16 **vs.**

17 **ABHI BATRA A/K/A ABHIMANYU**
18 **BATRA,**

19 **Defendant.**
20

Case No. CV 21-434-GW-ASx

FINAL JUDGMENT AGAINST
DEFENDANT ABHI BATRA A/K/A
ABHIMANYU BATRA

Date: June 14, 2021

Time: 8:30 a.m.

Judge: Hon. George Wu

Place: Courtroom 9D

1 The Securities and Exchange Commission (“SEC”) having filed a Complaint
2 on January 15, 2021, and this Court having granted the Commission’s Motion for
3 Default Judgment Against Abhi Batra a/k/a Abhimanyu Batra (“Batra” or
4 “Defendant”):

5 **I.**

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
7 permanently restrained and enjoined from violating, directly or indirectly, Section
8 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. §
9 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
10 any means or instrumentality of interstate commerce, or of the mails, or of any
11 facility of any national securities exchange, in connection with the purchase or sale of
12 any security:

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

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

25 **II.**

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to
27 Section 21(d)(5) of the Exchange Act [15 U.S.C. § 78u(d)(5)], Defendant is
28 permanently restrained and enjoined from (a) directly or indirectly opening a

1 brokerage account without first providing to the brokerage firm a copy of the
2 complaint filed in this matter and any resulting judgment, and (b) directly or
3 indirectly accessing any brokerage account of any third-party, including doing so
4 with the consent of the account holder, without first providing to the brokerage firm a
5 copy of the complaint filed in this matter and any resulting judgment.

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

12 **III.**

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
14 Defendant is liable for disgorgement of \$665,211.00, representing the sum of net
15 profits gained and net losses avoided as a result of the conduct alleged in the
16 Complaint, together with prejudgment interest thereon in the amount of \$6,577.16,
17 and a civil penalty in the amount of \$195,047.00 pursuant to Exchange Act Section
18 21(d)(3)(B)(iii) [15 U.S.C. § 78u(d)(3)(B)(iii)]; *see also* SEC Release No. 34-90874,
19 dated January 8, 2021 (effective January 15, 2021). Defendant shall satisfy this
20 obligation by paying \$866,835.16 to the Securities and Exchange Commission within
21 30 days after entry of this Final Judgment.

22 Defendant may transmit payment electronically to the SEC, which will provide
23 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made
24 directly from a bank account via Pay.gov through the SEC website at
25 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified
26 check, bank cashier's check, or United States postal money order payable to the
27 Securities and Exchange Commission, which shall be delivered or mailed to

28 Enterprise Services Center

1 Accounts Receivable Branch
2 6500 South MacArthur Boulevard
3 Oklahoma City, OK 73169

4 and shall be accompanied by a letter identifying the case title, civil action number,
5 and name of this Court; Batra as a defendant in this action; and specifying that
6 payment is made pursuant to this Final Judgment.

7 Defendant shall simultaneously transmit photocopies of evidence of payment
8 and case identifying information to the SEC's counsel in this action. By making this
9 payment, Defendant relinquishes all legal and equitable right, title, and interest in
10 such funds and no part of the funds shall be returned to Defendant.

11 The SEC may enforce the Court's judgment for disgorgement and prejudgment
12 interest by using all collection procedures authorized by law, including, but not
13 limited to, moving for civil contempt at any time after 30 days following entry of this
14 Final Judgment.

15 The SEC may enforce the Court's judgment for penalties by the use of all
16 collection procedures authorized by law, including the Federal Debt Collection
17 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the
18 violation of any Court orders issued in this action. Defendant shall pay post
19 judgment interest on any amounts due after 30 days of the entry of this Final
20 Judgment pursuant to 28 U.S.C. § 1961. The SEC shall hold the funds, together with
21 any interest and income earned thereon (collectively, the "Fund"), pending further
22 order of the Court.

23 The SEC may propose a plan to distribute the Fund subject to the Court's
24 approval. Such a plan may provide that the Fund shall be distributed pursuant to the
25 Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The
26 Court shall retain jurisdiction over the administration of any distribution of the Fund
27 and the Fund may only be disbursed pursuant to an Order of the Court.

28 Regardless of whether any such Fair Fund distribution is made, amounts

1 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as
2 penalties paid to the government for all purposes, including all tax purposes. To
3 preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or
4 reduction of any award of compensatory damages in any Related Investor Action
5 based on Defendant's payment of disgorgement in this action, argue that he is entitled
6 to, nor shall he further benefit by, offset or reduction of such compensatory damages
7 award by the amount of any part of Defendant's payment of a civil penalty in this
8 action ("Penalty Offset"). If the court in any Related Investor Action grants such a
9 Penalty Offset, Defendant shall, within 30 days after entry of a final order granting
10 the Penalty Offset, notify the SEC's counsel in this action and pay the amount of the
11 Penalty Offset to the United States Treasury or to a Fair Fund, as the SEC directs.
12 Such a payment shall not be deemed an additional civil penalty and shall not be
13 deemed to change the amount of the civil penalty imposed in this Judgment. For
14 purposes of this paragraph, a "Related Investor Action" means a private damages
15 action brought against Defendant by or on behalf of one or more investors based on
16 substantially the same facts as alleged in the Complaint in this action.

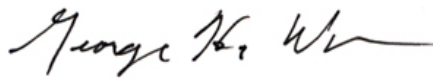
17 **IV.**

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
19 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
20 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
21 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
22 amounts due by Defendant under this Final Judgment or any other judgment, order,
23 consent order, decree or settlement agreement entered in connection with this
24 proceeding, is a debt for the violation by Defendant of the federal securities laws or
25 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
26 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

27
28 **V.**

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

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6 Dated: June 14, 2021



HON. GEORGE H. WU
U.S. DISTRICT JUDGE

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