

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 18-cv-01842-RM-STV

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

DANIEL RUDDEN,
FINANCIAL VISIONS INC.,
FINANCIAL VISIONS WEST, LLC,
FINANCIAL VISIONS WEST 1, LLC, and
FV-2, LLC,

Defendants,

and

THE VOLCANO FUND, LLC,
VICTORY FUND, LLC, and
VELOCITY FUND, LLC,

Relief Defendants.

**FINAL JUDGMENT AS TO DEFENDANTS DANIEL RUDDEN,
FINANCIAL VISIONS INC., FINANCIAL VISIONS WEST, LLC, and FV-2, LLC**

The Securities and Exchange Commission having filed a Complaint and Defendants Daniel Rudden (“Rudden”), Financial Visions Inc. (“Financial Visions”), Financial Visions West, LLC (“Financial Visions West”), and FV-2, LLC (“FV-2”) (collectively, “Defendants”) having entered a general appearance; consented to the Court’s jurisdiction over Defendants 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 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 HEREBY 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 HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants are liable, jointly and severally, for disgorgement of \$6,511,721.95, representing profits gained as a result of the conduct alleged in the Complaint. Defendant's disgorgement liability shall be deemed satisfied by the order of restitution entered in *United States v. Rudden*, 18-cr-00508-CMA (D. Colo.).

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants give up all right, title, and interest in all assets held in bank, brokerage, or other financial accounts ("Liquid Assets"), including those assets frozen pursuant to this Court's Order for Preliminary

Assets Freeze Preliminary Injunction, and Order Granting Other Equitable Relief [Doc. # 23]; that such assets shall be remitted to the Clerk of the U.S. District Court for the District of Colorado; and that such assets shall be available to be used to satisfy the order of restitution entered in *United States v. Rudden*, Crim No. 18-cr-00508-CMA (D. Colo.). Those assets include, without limitation:

Institution	Account/Asset Owner	Accounting Ending In
Bank of Denver	Financial Visions Inc.	*284
Bank of Denver	Financial Visions Inc.	*621
Bank of Denver	Financial Visions West	*276
Bank of Denver	Daniel Rudden	*3572
Bank of Denver	Daniel Rudden	*5463
Bank of Denver	Daniel Rudden	*1295
Bank of Denver	Daniel Rudden	*9191
Bank of the West	Financial Visions West	
Colorado State Bank & Trust Co.	Daniel Rudden	*7759
Colorado State Bank & Trust Co.	Victory Funds LLC (Rudden's proportional share)	*7280
Colorado State Bank & Trust Co.	Volcano Trust Fund LLC (Rudden's proportional share)	*3428
Guaranty Bank & Trust Co.	Financial Visions Inc.	*1302
Guaranty Bank & Trust Co.	Financial Visions West	*9638
Guaranty Bank & Trust Co.	FV-2 LLC	*0110
TD Ameritrade	Financial Visions West LLC	*9493
TD Ameritrade	Financial Visions Inc.	*5240

TD Ameritrade	Victory Funds LLC (Rudden's proportional share)	*0490
TD Ameritrade	Daniel Rudden	*2940
TD Ameritrade	The Volcano Trust Fund LLC (Rudden's proportional share)	*3177
TD Ameritrade	Dan Bernard Rudden Sr.	*7767
Charles Schwab	Dan B. Rudden Sr.	(multiple accounts)
Wells Fargo Bank NA	FV-2, LLC	*7454
Wells Fargo Bank NA	FV-2, LLC	*3715
D. Lombardi	Daniel Rudden	Cash
Newport Coast Securities	Daniel Rudden	*2966
Newport Coast Securities	Volcano Fund LLC (Rudden's proportional share)	*4874
Wedbush Securities	Daniel Rudden	*2966
Wedbush Securities	Volcano Fund LLC (Rudden's proportional share)	*4874

Any person or institution holding any Liquid Assets shall remit all proceeds from those assets to the Clerk of the U.S. District Court for the District of Colorado. Checks shall be made payable to Clerk, U.S. District Court and mailed to:

Clerk, U.S. District Court
901 19th Street, Suite A-105
Denver, CO 80294

The following information shall be included on each check:

Name of Defendant: Daniel Rudden
Court Number: 18-CR-000508

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants give up all right, title, and interest in all other assets, including stock holdings and investments (“Illiquid Assets”), including those assets frozen pursuant to this Court’s Order for Preliminary Asset Freeze, Preliminary Injunction, and Order Granting Other Equitable Relief [Doc. # 23]; and that such assets shall be available to be used to satisfy the order of restitution entered in *United States v. Rudden*, Crim No. 18-cr-00508-CMA (D. Colo.). Those assets include, without limitation:

Institution	Account/Asset Owner
Splash Beverage Group	Daniel Rudden
X Rail Entertainment (stock certificate)	Daniel Rudden
X Rail Enterprises (stock certificate)	Daniel Rudden
Global Beverage Group (stock certificate)	Daniel Rudden
AYTU Bioscience, Inc. (stock certificate)	Daniel Rudden
The Pocket Shot Company (stock certificate)	Daniel Rudden
Grey Cloak Tech, Inc. (stock certificate)	Daniel Rudden
Grey Cloak Tech, Inc. (warrants)	Daniel Rudden
Aeolus Pharmaceuticals, Inc. (stock certificate)	Daniel Rudden
Verve Wireless, Inc. (stock certificate)	Daniel Rudden
Cinjet, Inc. (stock certificate)	Financial Visions, Inc.
Pantheryx, Inc. (stock certificate)	Financial Visions, Inc.
Las Palmas Denver LLC (proportional interest)	Daniel Rudden
Las Palmas Denver LLC (proportional interest)	Financial Visions Inc.

Las Palmas Denver II LLC (proportional interest)	Daniel Rudden
Venture Resources (proportional interest)	Daniel Rudden
West Hampden Fund, LLC (proportional interest)	Daniel Rudden
West Hampton Special Situations Fund (proportional interest)	Daniel Rudden
West Hampton Special Situations Fund (proportional interest)	Financial Visions, Inc.
Rackfest (proportional interest)	Daniel Rudden
Global Beverage (proportional interest)	Daniel Rudden
Life Gift Cards (proportional interest)	Daniel Rudden
Defy the Oddz LLC (proportional interest)	Daniel Rudden
Colorado Country Club (membership interest)	Daniel Rudden
Victory Fund LLC (proportional interest)	Daniel Rudden
Volcano Fund LLC (proportional interest)	Daniel Rudden
Southern Development LLC	Victory Fund LLC (Rudden's proportional interest)
Avidus Management Group Inc.	Victory Fund LLC (Rudden's proportional interest)
Southern Hospitality Denver Investment LLC	Victory Fund LLC (Rudden's proportional interest)
Splash Beverage Group	Victory Fund LLC (Rudden's proportional interest)
X Rail Enterprises, Inc.	Victory Fund LLC (Rudden's proportional interest)
Verve Wireless, Inc.	Victory Fund LLC (Rudden's proportional interest)

Equal Earth, Inc.	Victory Fund LLC (Rudden's proportional interest)
Nevada Iron Ltd.	Victory Fund LLC (Rudden's proportional interest)
Roth Industries, LLC	Victory Fund LLC (Rudden's proportional interest)
Southern Development LLC	Volcano Fund LLC (Rudden's proportional interest)
MediaShift, Inc.	Volcano Fund LLC (Rudden's proportional interest)
Southern Hospitality Franchisee Holding Corporation	Volcano Fund LLC (Rudden's proportional interest)
PanTheryx, Inc.	Volcano Fund LLC (Rudden's proportional interest)
Roth Industries, LLC	Volcano Fund LLC (Rudden's proportional interest)

VI.

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.

VII.

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).

VIII.

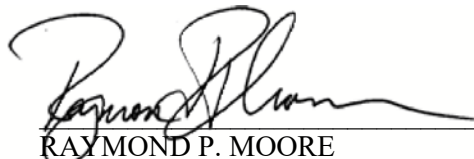
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the claims against Defendant Financial Visions West 1, LLC in this matter are hereby DISMISSED.

IX.

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 this 15th day of October, 2020.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge