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SECURITIES AND EXCHANGE COMMISSION

12
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN JOSE DIVISION

16
17 SECURITIES AND EXCHANGE COMMISSION,

Case No. C-

18 Plaintiff,

19 v.

20 ANDREAS BECHTOLSHEIM,

21 Defendant.

~~PROPOSED~~ FINAL JUDGMENT AS TO
DEFENDANT ANDREAS
BECHTOLSHEIM

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23
24 The Securities and Exchange Commission having filed a Complaint and Defendant Andreas
25 Bechtolsheim (“Defendant”) having entered a general appearance; consented to the Court’s
26 jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final
27 Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction
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1 and except as otherwise provided herein in paragraph V); waived findings of fact and conclusions of
2 law; and waived any right to appeal from this Final Judgment:

3 I.

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

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

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

21 II.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
23 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited, for five (5) years
24 following the date of entry of this Final Judgment, from acting as an officer or director of any issuer
25 that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l]
26 or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].
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III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of \$923,740 to the Securities and Exchange Commission pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall make this payment within 30 days after entry of this Final Judgment.

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

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

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

Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for penalties by the use of all collection procedures authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders issued in this action. Defendant shall pay post-judgment interest on any amounts due after 30 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

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IV.

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.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely 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).

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: May 30, 2024



UNITED STATES DISTRICT JUDGE