

1 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
2 connection with the purchase or sale of any security:

- 3 (a) to employ any device, scheme, or artifice to defraud;
- 4 (b) to make any untrue statement of a material fact or to omit to state a material fact
5 necessary in order to make the statements made, in the light of the circumstances
6 under which they were made, not misleading; or
- 7 (c) to engage in any act, practice, or course of business which operates or would
8 operate as a fraud or deceit upon any person.
9

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

16 II.

17 Upon motion of the Commission, the Court shall determine whether it is appropriate to
18 order a civil penalty pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]
19 and, if so, the amount of the civil penalty. In connection with the Commission's motion for civil
20 penalties, and at any hearing held on such a motion: (a) Defendant will be precluded from
21 arguing that he did not violate the federal securities laws as alleged in the Complaint; (b)
22 Defendant may not challenge the validity of the Consent or this Judgment; (c) solely for the
23 purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true
24 by the Court; and (d) the Court may determine the issues raised in the motion on the basis of
25 affidavits, declarations, excerpts of sworn deposition or investigative testimony, and
26 documentary evidence, without regard to the standards for summary judgment contained in Rule
27 56(c) of the Federal Rules of Civil Procedure. In connection with the Commission's motion for
28 civil penalties, the parties may take discovery, including discovery from appropriate non-parties.

1 III.

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

6 IV.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, for purposes of
8 exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. §523, the
9 allegations in the complaint are true and admitted by Defendant, and further, any debt for civil
10 penalty or other amounts due by Defendant under this Judgment or any other judgment, order,
11 consent order, decree or settlement agreement entered in connection with this proceeding, is a
12 debt for the violation by Defendant of the federal securities laws or any regulation or order
13 issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C.
14 §523(a)(19).
15

16 V.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
18 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.
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20 VI.

21 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
22 Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.
23

24 DATED this 2nd day of September, 2021.

25 
26 The Honorable Richard A. Jones
27 United States District Judge
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