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

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SECURITIES AND EXCHANGE
COMMISSION,

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Plaintiff,

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vs.

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YOSSI ENGEL,

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Defendant.

Case No. 2:23-cv-00213 PA (JPRx)

**JUDGMENT AS TO DEFENDANT
YOSSI ENGEL**

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The Securities and Exchange Commission having filed a Complaint and Defendant Yossi Engel having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

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I.

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

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 Judgment by personal service or
15 otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and
16 (b) other persons in active concert or participation with Defendant or with anyone
17 described in (a).

18 II.

19 IT IS HEREBY FURTHER ORDERED, ADJUDGED, 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 DECREED 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 Judgment by personal service or
6 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and
7 (b) other persons in active concert or participation with Defendant or with anyone
8 described in (a).

9 **III.**

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
11 Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest thereon,
12 and a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C.
13 § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. The
14 Court shall determine the amounts of the disgorgement and civil penalty upon motion
15 of the Commission. Prejudgment interest shall be calculated from January 7, 2021,
16 based on the rate of interest used by the Internal Revenue Service for the
17 underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In
18 connection with the Commission's motion for disgorgement and/or civil penalties,
19 and at any hearing held on such a motion: (a) Defendant will be precluded from
20 arguing that he did not violate the federal securities laws as alleged in the Complaint;
21 (b) Defendant may not challenge the validity of the Consent or this Judgment; (c)
22 solely for the purposes of such motion, the allegations of the Complaint shall be
23 accepted as and deemed true by the Court; and (d) the Court may determine the issues
24 raised in the motion on the basis of affidavits, declarations, excerpts of sworn
25 deposition or investigative testimony, and documentary evidence, without regard to
26 the standards for summary judgment contained in Rule 56(c) of the Federal Rules of
27 Civil Procedure. In connection with the Commission's motion for disgorgement
28 and/or civil penalties, the parties may take discovery, including discovery from

1 appropriate non-parties.

2 **IV.**

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

7 **V.**

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

17 **VI.**

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

21 **VII.**

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

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26 Dated: June 27, 2023

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Percy Anderson
UNITED STATES DISTRICT JUDGE