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10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA**

13 SECURITIES AND EXCHANGE
 14 COMMISSION,
 15 Plaintiff,
 16 vs.
 17 ALETHEIA RESEARCH AND
 18 MANAGEMENT, INC., and PETER J.
 EICHLER, JR.,
 19 Defendants.

Case No. CV12-10692 JFW (RZx)
**JUDGMENT AS TO DEFENDANT
 PETER J. EICHLER, JR.**

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1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Peter J. Eichler, Jr. having entered a general appearance; consented to
3 the Court's jurisdiction over Defendant and the subject matter of this action;
4 consented to entry of this Final Judgment without admitting or denying the
5 allegations of the Complaint (except as to jurisdiction); waived findings of fact and
6 conclusions of law; and waived any right to appeal from this Final Judgment:

7 I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
9 and Defendant's agents, servants, employees, attorneys, and all persons in active
10 concert or participation with him who receive actual notice of this Final Judgment
11 by personal service or otherwise are permanently restrained and enjoined from
12 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
13 1934 (the "Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
14 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of
15 interstate commerce, or of the mails, or of any facility of any national securities
16 exchange, in connection with the purchase or sale of any security:

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

23 II.

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
25 and Defendant's agents, servants, employees, attorneys, and all persons in active
26 concert or participation with him who receive actual notice of this Final Judgment
27 by personal service or otherwise are permanently restrained and enjoined from
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1 violating, directly or indirectly, Sections 206(1), 206(2) and 206(4) of the
2 Investment Advisers Act (“Advisers Act”), 15 U.S.C. § 80b-6(1), (2) and (4), and
3 Rule 206(4)-8(a) promulgated thereunder, 17 C.F.R. § 275.206(4)-8(a), by using
4 the mails or any means of instrumentality of interstate commerce:

- 5 (a) to employ any device, scheme, or artifice to defraud any client or
6 prospective client;
- 7 (b) to engage in any transaction, practice, or course of business which
8 operates as a fraud or deceit upon any client or prospective client; or
- 9 (c) to engage in any act, practice, or course of business which is
10 fraudulent, deceptive, or manipulative.

11 III.

12 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
13 that Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest
14 thereon, and a civil penalty pursuant to Section 21(d)(3) of the Exchange Act, 15
15 U.S.C. § 78u(d)(3), and Section 209(e) of the Advisers Act, 15 U.S.C. § 80b-9(e).
16 The Court shall determine the amounts of the disgorgement and civil penalty upon
17 motion of the Commission. Prejudgment interest shall be calculated from
18 December 14, 2012, based on the rate of interest used by the Internal Revenue
19 Service for the underpayment of federal income tax as set forth in 26 U.S.C. §
20 6621(a)(2). In connection with the Commission’s motion for disgorgement and/or
21 civil penalties, and at any hearing held on such a motion: (a) Defendant will be
22 precluded from arguing that it did not violate the federal securities laws as alleged
23 in the Complaint; (b) Defendant may not challenge the validity of the Consent or
24 this Final Judgment; (c) solely for the purposes of such motion, the allegations of
25 the Complaint shall be accepted as and deemed true by the Court (except for the
26 three dollar figures alleged in the final sentence of Paragraph 3, the percentage
27 return figures alleged in the tables contained in Paragraphs 31 and 32, the dollar
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1 and percentage figures alleged in the last sentence of Paragraph 38, and the three
2 dollar figures alleged in Paragraph 39); and (d) the Court may determine the issues
3 raised in the motion on the basis of affidavits, declarations, excerpts of sworn
4 deposition or investigative testimony, and documentary evidence, without regard to
5 the standards for summary judgment contained in Rule 56(c) of the Federal Rules
6 of Civil Procedure. In connection with the Commission's motion for disgorgement
7 and/or civil penalties, the parties may take discovery, including discovery from
8 appropriate non-parties.

9 IV.

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

13 V.

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

17 Dated: November 7, 2013

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19 UNITED STATES DISTRICT
20 JUDGE JOHN F. WALTER