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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **SOUTHERN DIVISION**

12 **SECURITIES AND EXCHANGE**
13 **COMMISSION,**

14 Plaintiff,

15 vs.

16 **EAGLE DEVELOPMENT**
17 **ENTERPRISES, INC.,** a Nevada
18 **corporation; EAGLE STORAGE &**
19 **DEVELOPMENT, LLC,** an Arizona limited
20 **liability company; EAGLE AVIATION**
21 **SALES & LEASING, LLC,** a California
22 **limited liability company; MICHAEL J.**
23 **BOWEN,**

24 Defendants,

25 **EAGLE ASSETS & MANAGEMENT,**
26 **LLC,** a California limited liability company;
27 **EAGLE HOUSING & DEVELOPMENT**
28 **AZ, LLC,** an Arizona limited liability
company; **EAGLE HOUSING &**
DEVELOPMENT, INC., a California
corporation; **EAGLE HELICOPTERS &**
AVIATION, INC., a California
Corporation,

Relief Defendants.

Case No. SACV09-1470 JVS(MLGX)

FINAL JUDGMENT AGAINST
DEFENDANTS MICHAEL J.
BOWEN, EAGLE DEVELOPMENT
ENTERPRISES, INC., AND EAGLE
AVIATION SALES & LEASING,
LLC AND RELIEF DEFENDANTS
EAGLE ASSETS & MANAGEMENT,
LLC, EAGLE HOUSING &
DEVELOPMENT AZ, LLC, EAGLE
HOUSING & DEVELOPMENT, INC.,
AND EAGLE HELICOPTERS &
AVIATION, INC.

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendants Michael J. Bowen, Eagle Development Enterprises, Inc. (“Eagle
3 Development”), and Eagle Aviation Sales & Leasing, LLC (“Eagle Aviation”)
4 (collectively “Defendants”) and relief defendants Eagle Assets & Management,
5 LLC, Eagle Housing & Development, Inc., Eagle Housing & Development AZ,
6 LLC, and Eagle Helicopters & Aviation, Inc. (collectively “Relief Defendants”)
7 having entered a general appearance; consented to the Court’s jurisdiction over
8 them and the subject matter of this action; consented to entry of this Final
9 Judgment without admitting or denying the allegations of the Complaint (except as
10 to jurisdiction); waived findings of fact and conclusions of law; and waived any
11 right to appeal from this Final Judgment:

12 **I.**

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
14 Defendants Michael J. Bowen, Eagle Development, Eagle Aviation, and
15 Defendants’ agents, servants, employees, attorneys, and all persons in active
16 concert or participation with them who receive actual notice of this Final Judgment
17 by personal service or otherwise are permanently restrained and enjoined from
18 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
19 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
20 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of
21 interstate commerce, or of the mails, or of any facility of any national securities
22 exchange, in connection with the purchase or sale of any security:

- 23 (a) to employ any device, scheme, or artifice to defraud;
- 24 (b) to make any untrue statement of a material fact or to omit to state a
25 material fact necessary in order to make the statements made, in the
26 light of the circumstances under which they were made, not
27 misleading; or
- 28 (c) to engage in any act, practice, or course of business which operates or

1 would operate as a fraud or deceit upon any person.

2 **II.**

3 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
4 that Defendants Michael J. Bowen, Eagle Development, Eagle Aviation, and
5 Defendants' agents, servants, employees, attorneys, and all persons in active
6 concert or participation with them who receive actual notice of this Final Judgment
7 by personal service or otherwise are permanently restrained and enjoined from
8 violating Section 17(a) of the Securities Act of 1933 (the "Securities Act"), 15
9 U.S.C. § 77q(a), in the offer or sale of any security by the use of any means or
10 instruments of transportation or communication in interstate commerce or by use
11 of the mails, directly or indirectly:

- 12 (a) to employ any device, scheme, or artifice to defraud;
- 13 (b) to obtain money or property by means of any untrue statement of a
14 material fact or any omission of a material fact necessary in order to
15 make the statements made, in light of the circumstances under which
16 they were made, not misleading; or
- 17 (c) to engage in any transaction, practice, or course of business which
18 operates or would operate as a fraud or deceit upon the purchaser.

19 **III.**

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
21 that Defendants Bowen, Eagle Development, Eagle Aviation, and Defendants'
22 agents, servants, employees, attorneys, and all persons in active concert or
23 participation with them who receive actual notice of this Final Judgment by
24 personal service or otherwise are permanently restrained and enjoined from
25 violating Section 5 of the Securities Act, 15 U.S.C. § 77e, by, directly or indirectly,
26 in the absence of any applicable exemption:

- 27 (a) Unless a registration statement is in effect as to a security, making use
28 of any means or instruments of transportation or communication in

1 interstate commerce or of the mails to sell such security through the
2 use or medium of any prospectus or otherwise;

3 (b) Unless a registration statement is in effect as to a security, carrying or
4 causing to be carried through the mails or in interstate commerce, by
5 any means or instruments of transportation, any such security for the
6 purpose of sale or for delivery after sale; or

7 (c) Making use of any means or instruments of transportation or
8 communication in interstate commerce or of the mails to offer to sell
9 or offer to buy through the use or medium of any prospectus or
10 otherwise any security, unless a registration statement has been filed
11 with the Commission as to such security, or while the registration
12 statement is the subject of a refusal order or stop order or (prior to the
13 effective date of the registration statement) any public proceeding or
14 examination under Section 8 of the Securities Act, 15 U.S.C. § 77h.

15 **IV.**

16 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED**
17 **that Defendants and Relief Defendants are liable for disgorgement and**
18 **prejudgment interest thereon as follows:**

- 19 1. Defendants Michael J. Bowen, Eagle Development, and Eagle
20 Aviation are jointly and severally liable for disgorgement of
21 \$28,150,000, representing profits gained as a result of the conduct
22 alleged in the Complaint, together with prejudgment interest thereon
23 in the amount of \$76,005, for a total of \$28,226,005;
- 24 2. Relief Defendant Eagle Assets & Management, LLC is liable for
25 disgorgement of \$143,100, representing profits gained as a result of
26 the conduct alleged in the Complaint together with prejudgment
27 interest thereon in the amount of \$386.37, for a total of \$143,486.37;
- 28 3. Relief Defendant Eagle Housing & Development, Inc. is liable for

1 disgorgement of \$940,500, representing profits gained as a result of
2 the conduct alleged in the Complaint, together with prejudgment
3 interest thereon in the amount of \$2,539.35, for a total of \$943,039.35;

4 4. Relief Defendant Eagle Housing & Development AZ, LLC is liable
5 for disgorgement of \$329,062, representing profits gained as a result
6 of the conduct alleged in the Complaint, together with prejudgment
7 interest thereon in the amount of \$888.47, for a total of \$329,950.47;
8 and

9 5. Relief Defendant Eagle Helicopters & Aviation, Inc. is liable for
10 disgorgement of \$438,282, representing profits gained as a result of
11 the conduct alleged in the Complaint, together with prejudgment
12 interest thereon in the amount of \$1,183.36, for a total of \$439,465.36.

13 Defendants and Relief Defendants shall satisfy this obligation by paying the
14 amounts set forth in paragraph IV above within 14 days after entry of this Final
15 Judgment by certified check, bank cashier's check, or United States postal money
16 order payable to the Securities and Exchange Commission. The payment shall be
17 delivered or mailed to the Office of Financial Management, Securities and
18 Exchange Commission, 100 F Street, NE, Stop 6042, Washington DC 20549, and
19 shall be accompanied by a letter identifying the names of the Defendants and
20 Relief Defendants in this action; setting forth the title and civil action number of
21 this action and the name of this Court; and specifying that payment is made
22 pursuant to this Final Judgment. Defendants and Relief Defendants shall pay post-
23 judgment interest on any delinquent amounts pursuant to 28 USC § 1961. The
24 Commission shall remit the funds paid pursuant to this paragraph to the United
25 States Treasury.

26 **V.**

27 The institutions set forth below are directed to forward the full balances in
28 the following accounts within 14 days after entry of this Final Judgment by

1 certified check, bank cashier's check or United States postal money order payable
2 to the Securities and Exchange Commission:

- 3 1. The balance in account number ending 6510 maintained at JP Morgan
4 Chase in the name of Eagle Development Enterprises, Inc.
5 (approximately \$3,476.75);
- 6 2. The balance in account number ending 6548 maintained at JP Morgan
7 Chase in the name of Michael J. Bowen and Jacqueline C. Bowen
8 (approximately \$509.14);
- 9 3. The balance in account number ending 17147 maintained at Morgan
10 Stanley in the name of Michael J. Bowen Trustee, FBO Keagy Family
11 QTIP Trust (approximately \$859.85);
- 12 4. The balance in account number ending 1147 maintained at Morgan
13 Stanley in the name of Michael J. Bowen (approximately \$3,698.19);
- 14 5. The balance in account number ending 1247 maintained at Morgan
15 Stanley in the name of Michael J. Bowen (approximately \$75);
- 16 6. The balance in account number ending 210247 maintained at Morgan
17 Stanley in the name of Michael J. Bowen ACF Lucas Ferrendelli
18 (approximately \$3,249.76);
- 19 7. The balance in account number ending 111247 maintained at Morgan
20 Stanley in the name of Michael J. Bowen ACF Jackson Ferrendelli
21 (approximately \$2,620.92);
- 22 8. The balance in account number ending 74063 maintained at Charles
23 Schwab in the name of Michael J. Bowen (approximately \$609.88);
- 24 9. The balance in account number ending 4990 maintained at Universal
25 Bank in the name of Michael J. Bowen or Jacqueline C. Bowen
26 (approximately \$31);
- 27 10. Any balance remaining in Account No. 27323 maintained at Inland
28 Empire Credit Union in the name of Michael J. Bowen and Jacqueline

1 C. Bowen; and

2 11.Policy No. 2VUL005165 in the name of Michael Bowen maintained
3 at AXA/MONY (net surrender value of approximately \$321).

4 The payments by the institutions set forth above shall be delivered or mailed to the
5 Office of Financial Management, Securities and Exchange Commission, 100 F
6 Street, NE, Stop 6042, Washington DC 20549. The Commission shall remit the
7 funds paid pursuant to this paragraph to the United States Treasury. Defendants
8 shall execute any documents that may be necessary to transfer the funds in any of
9 the accounts identified above to the Commission. Any payments received from the
10 accounts listed above shall be deemed to partially satisfy the disgorgement
11 obligations of the Defendants set forth in the Consent and Final Judgment.

12 **VI.**

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
14 Defendants shall pay civil penalties as follows:

- 15 1. Defendant Michael J. Bowen shall pay a civil penalty in the amount of
16 \$300,000 under Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d),
17 and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3);
- 18 2. Defendant Eagle Development shall pay a civil penalty in the amount
19 of \$725,000 under Section 20(d) of the Securities Act, 15 U.S.C.
20 § 77t(d), and Section 21(d)(3) of the Exchange Act, 15 U.S.C.
21 § 78u(d)(3); and
- 22 3. Defendant Eagle Aviation shall pay a civil penalty in the amount of
23 \$725,000 under Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d),
24 and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3).

25 Defendants shall make the payments set forth above within 14 days after entry of
26 this Final Judgment by certified check, bank cashier's check, or United States
27 postal money order payable to the Securities and Exchange Commission. The
28 payment shall be delivered or mailed to the Office of Financial Management,

1 Securities and Exchange Commission, 100 F Street, NE, Stop 6042, Washington
2 DC 20549, and shall be accompanied by a letter identifying Defendants Michael J.
3 Bowen, Eagle Development, and Eagle Aviation as Defendants in this action;
4 setting forth the title and civil action number of this action and the name of this
5 Court; and specifying that payment is made pursuant to this Final Judgment.
6 Defendants shall pay post-judgment interest on any delinquent amounts pursuant to
7 28 USC § 1961. The Commission shall remit the funds paid pursuant to this
8 paragraph to the United States Treasury.

9 **VII.**

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
11 Consent is incorporated herein with the same force and effect as if fully set forth
12 herein, and that Defendants and Relief Defendants shall comply with all of the
13 undertakings and agreements set forth therein.


14 **VIII.**

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

18 **IX.**

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

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23 Dated: July 07, 2011

24 
25 HONORABLE JAMES V. SELNA
26 UNITED STATES DISTRICT JUDGE
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