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JS-6

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

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 14 **SECURITIES AND EXCHANGE
 COMMISSION,**

Case No. CV12-10692 JFW (RZx)

15 Plaintiff,

**JUDGMENT AS TO DEFENDANT
PETER J. EICHLER, JR.**

16 vs.

17 **ALETHEIA RESEARCH AND
 18 MANAGEMENT, INC., and PETER J.
 EICHLER, JR.,**

19 Defendants.
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1 The Securities and Exchange Commission (the “SEC”) having filed a
2 Complaint and Defendant Peter J. Eichler, Jr. (“Eichler”) having entered a general
3 appearance and having consented to the Court’s jurisdiction over Defendant and
4 the subject matter of this action:

5 I.

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

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

22 II.

23 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Eichler
24 and Eichler’s agents, servants, employees, attorneys, and all persons in active
25 concert or participation with them who receive actual notice of this Final Judgment
26 by personal service or otherwise are permanently restrained and enjoined from
27 violating, directly or indirectly, Sections 206(1), 206(2) and 206(4) of the
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1 Investment Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. § 80b-6(1), (2) and
2 (4)] and Rule 206(4)-8(a) promulgated thereunder [17 C.F.R. § 275.206(4)-8(a)],
3 by using any means or instrumentality of interstate commerce, or of the mails, or
4 of any facility of any national securities exchange:

- 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 Eichler is liable for disgorgement of \$1,655,923, representing
14 profits gained as a result of the conduct alleged in the Complaint, together with
15 prejudgment interest thereon in the amount of \$41,749.35, for a total of
16 \$1,697,672.35.

17 Defendant Eichler filed for bankruptcy protection under Chapter 7 of the
18 Bankruptcy Code on or about December 19, 2013 (*see In re Peter J. Eichler, Jr.*,
19 Case. No. 2:13-bk-39626-RK (Bankr. C.D. Cal.)). Subject to applicable
20 bankruptcy law, Defendant Eichler shall satisfy this obligation by paying
21 \$1,697,672.35 to the Securities and Exchange Commission within 14 days after
22 entry of this Final Judgment, or at such point as permitted under applicable
23 bankruptcy law.

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

4 Enterprise Services Center
5 Accounts Receivable Branch
6 6500 South MacArthur Boulevard
7 Oklahoma City, OK 73169

8 and shall be accompanied by a letter identifying the case title, civil action number,
9 and name of this Court; Peter J. Eichler, Jr. as a defendant in this action; and
10 specifying that payment is made pursuant to this Final Judgment.

11 Defendant Eichler shall simultaneously transmit photocopies of evidence of
12 payment and case identifying information to the SEC's counsel in this action. By
13 making this payment, Defendant Eichler relinquishes all legal and equitable right,
14 title, and interest in such funds and no part of the funds shall be returned to
15 Defendant Eichler.

16 The SEC shall hold the funds (collectively, the "Fund") and may propose a
17 plan to distribute the Fund subject to the Court's approval. The Court shall retain
18 jurisdiction over the administration of any distribution of the Fund. If the SEC
19 staff determines that the Fund will not be distributed, the SEC shall send the funds
20 paid pursuant to this Final Judgment to the United States Treasury.

21 Subject to applicable bankruptcy law, the SEC may enforce the Court's
22 judgment for disgorgement and prejudgment interest by moving for civil contempt
23 (and/or through other collection procedures authorized by law) at any time after 14
24 days following entry of this Final Judgment, or at such point as permitted under
25 applicable bankruptcy law. Defendant Eichler shall pay post judgment interest on
26 any delinquent amounts pursuant to 28 U.S.C. § 1961.
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1 IV.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
3 Defendant Eichler shall pay a civil penalty in the amount of \$1,655,923 to the
4 Securities and Exchange Commission pursuant to Section 21(d)(3)(A) of the
5 Exchange Act, 15 U.S.C. § 78u(d)(3)(A) and Section 209(e) of the Advisers Act,
6 15 U.S.C. § 80b-9(e)(2)(C).

7 Defendant Eichler filed for bankruptcy protection under Chapter 7 of the
8 Bankruptcy Code on or about December 19, 2013 (*see In re Peter J. Eichler, Jr.*,
9 Case. No. 2:13-bk-39626-RK (Bankr. C.D. Cal.)). Subject to applicable
10 bankruptcy law, Defendant Eichler shall make this payment within 14 days after
11 entry of this Final Judgment, or at such point as permitted under applicable
12 bankruptcy law.

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

20 Enterprise Services Center
21 Accounts Receivable Branch
22 6500 South MacArthur Boulevard
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24 and shall be accompanied by a letter identifying the case title, civil action number,
25 and name of this Court; Peter J. Eichler, Jr. as a defendant in this action; and
26 specifying that payment is made pursuant to this Final Judgment.

27 Defendant Eichler shall simultaneously transmit photocopies of evidence of
28 payment and case identifying information to the SEC's counsel in this action. By

1 making this payment, Defendant Eichler relinquishes all legal and equitable right,
2 title, and interest in such funds and no part of the funds shall be returned to
3 Defendant Eichler. The SEC shall send the funds paid pursuant to this Final
4 Judgment to the United States Treasury.

5 V.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
7 Defendant Eichler's Consent (Dkt. No. 31) is incorporated herein with the same
8 force and effect as if fully set forth herein, and that Defendant Eichler shall comply
9 with all of the undertakings and agreements set forth therein.

10 VI.

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

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15 Dated: May 11, 2015

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17 UNITED STATES DISTRICT
18 JUDGE JOHN F. WALTER
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