

FILED
 CLERK, U.S. DISTRICT COURT

Nov 21, 2016

CENTRAL DISTRICT OF CALIFORNIA
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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION**

SECURITIES AND EXCHANGE
 COMMISSION,

Plaintiff,

vs.

JAMMIN' JAVA CORP., dba MARLEY
 COFFEE, SHANE G. WHITTLE, WAYNE
 S. P. WEAVER, MICHAEL K. SUN, RENE
 BERLINGER, STEPHEN B. WHEATLEY,
 KEVIN P. MILLER, MOHAMMED A. AL-
 BARWANI, ALEXANDER J. HUNTER,
 and THOMAS E. HUNTER,

Defendants.

Case No. 2:15-cv-08921 SVW (MRWx)

**FINAL JUDGMENT AS TO
 DEFENDANT ALEXANDER J.
 HUNTER (now known as JOHN
 ALEXANDER)**

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1 The Securities and Exchange Commission (“Commission”) having filed a Complaint
2 and Defendant Alexander J. Hunter, now known as John Alexander (“Defendant”), having
3 entered a general appearance; consented to the Court’s jurisdiction over Defendant and the
4 subject matter of this action; consented to entry of this Final Judgment without admitting or
5 denying the allegations of the Complaint (except as to jurisdiction and except as otherwise
6 provided herein in Paragraph VI); waived findings of fact and conclusions of law; and waived
7 any right to appeal from this Final Judgment:

8 I.

9 IT IS HEREBY ordered, adjudged, and decreed that Defendant is permanently
10 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
11 Exchange Act of 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 interstate commerce,
13 or of the mails, or of any facility of any national securities exchange, in connection with the
14 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 material fact
17 necessary in order to make the statements made, in the light of the circumstances
18 under which they were made, not misleading; or
- 19 (c) to engage in any act, practice, or course of business which operates or would
20 operate as a fraud or deceit upon any person.

21 IT IS FURTHER ordered, adjudged, and decreed that, as provided in Federal Rule of
22 Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual
23 notice of this Final Judgment by personal service or otherwise: (a) Defendant’s officers, agents,
24 servants, employees, and attorneys; and (b) other persons in active concert or participation
25 with Defendant or with anyone described in (a).

26 II.

27 IT IS FURTHER ordered, adjudged, and decreed that Defendant is permanently
28 restrained and enjoined from violating Section 17(b) of the Securities Act of 1933 (the

1 “Securities Act”), 15 U.S.C. § 77q(b), by using any means or instruments of transportation or
2 communication in interstate commerce or by use of the mails, directly or indirectly:

- 3 (a) to publish, give publicity to, or circulate any notice, circular, advertisement,
4 newspaper, article, letter, investment service, or communication which, though
5 not purporting to offer a security for sale, describes such security;
- 6 (b) for a consideration received or to be received, directly or indirectly, from an
7 issuer, underwriter, or dealer;
- 8 (c) without fully disclosing the receipt, whether past or prospective, of such
9 consideration and the amount thereof.

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

15 III.

16 IT IS HEREBY FURTHER ordered, adjudged, and decreed that, for five years from
17 the date of entry of this Final Judgment, Defendant is barred from participating in an offering
18 of penny stock, including engaging in activities with a broker, dealer, or issuer for purposes of
19 issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. A
20 penny stock is any equity security that has a price of less than five dollars, except as provided
21 in Rule 3a51-1 under the Exchange Act, 17 C.F.R. § 240.3a51-1.

22 IV.

23 IT IS FURTHER ordered, adjudged, and decreed that Defendant shall pay a civil
24 penalty in the amount of \$300,000 to the Commission pursuant to Section 20(d) of the
25 Securities Act and Section 21(d)(3) of the Exchange Act. Defendant shall make this payment
26 within 14 days after entry of this Final Judgment.

27 Defendant may transmit payment electronically to the Commission, which will provide
28 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly

1 Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

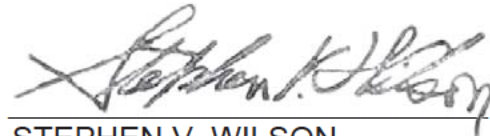
2 VII.

3 IT IS FURTHER ordered, adjudged, and decreed that this Court shall retain
4 jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

5 VIII.

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

9 Dated: November 21,, 2016



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11 STEPHEN V. WILSON
12 United States District Judge
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