

JS-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

HUI FENG and LAW OFFICES OF
FENG & ASSOCIATES P.C.,

Defendants.

Case No. 2:15-cv-09420-CBM-SS

**FINAL JUDGMENT AGAINST HUI
FENG AND LAW OFFICES OF FENG
& ASSOCIATES, P.C.**

1 Consistent with the Court’s Amended Order re: Motions for Summary
2 Judgment, judgment is entered in favor of Plaintiff Securities and Exchange
3 Commission (“SEC”), and against Defendants Hui Feng and Law Offices of Feng &
4 Associates P.C. (collectively, “Defendants”), as follows:

5 **I.**

6 1. Defendants are permanently enjoined from violating, directly or
7 indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange
8 Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. §
9 240.10b-5], by using any means or instrumentality of interstate commerce, or of the
10 mails, or of any facility of any national securities exchange, in connection with the
11 purchase or sale of any security:

12 A. to employ any device, scheme, or artifice to defraud;

13 B. to make any untrue statement of a material fact or to omit to state
14 a material fact necessary in order to make the statements made, in
15 the light of the circumstances under which they were made, not
16 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 any person.

19 2. As provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing
20 paragraph also binds the following who receive actual notice of this Judgment by
21 personal service or otherwise: (a) Defendants’ officers, agents, servants, employees,
22 and attorneys; and (b) other persons in active concert or participation with Defendants
23 or anyone described in 2(a).

24 **II.**

25 3. Defendants are permanently enjoined from violating Section 17(a) of the
26 Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] in the offer or sale
27 of any security by the use of any means or instruments of transportation or
28 communication in interstate commerce or by use of the mails, directly or indirectly:

1 attorneys of Defendants; and (b) other persons in active concert or participation with
2 Defendants or anyone described in 6(a).

3 **IV.**

4 7. Defendants are also liable, jointly and severally with each other, for
5 disgorgement of \$1,268,000 representing profits gained as a result of the conduct
6 alleged in the Complaint, together with prejudgment interest thereon in the amount of
7 \$130,517.09, for a total of \$1,398,517.09. Defendants shall satisfy this obligation by
8 paying \$1,398,517.09 to the Securities and Exchange Commission within thirty (30)
9 days after entry of this Final Judgment.

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

16 Enterprise Services Center
17 Accounts Receivable Branch
18 6500 South MacArthur Boulevard
19 Oklahoma City, OK 73169

20 and shall be accompanied by a letter identifying the case title, civil action number,
21 and name of this Court; the defendant as a defendant in this action; and specifying
22 that payment is made pursuant to this Final Judgment.

23 9. Defendants shall simultaneously transmit photocopies of evidence of
24 payment and case identifying information to the SEC's counsel in this action. By
25 making this payment, Defendants relinquish all legal and equitable right, title, and
26 interest in such funds and no part of the funds shall be returned to any of the
27 defendants.

1 and shall be accompanied by a letter identifying the case title, civil action number,
2 and name of this Court; the defendant as a defendant in this action; and specifying
3 that payment is made pursuant to this Final Judgment.

4 14. Defendants shall simultaneously transmit photocopies of evidence of
5 payment and case identifying information to the SEC's counsel in this action. By
6 making this payment, Defendants relinquish all legal and equitable right, title, and
7 interest in such funds and no part of the funds shall be returned to any of the
8 defendants.

9 15. Pursuant to 15 U.S.C. § 7246, the SEC shall hold the funds and may
10 propose a plan to distribute the Fund subject to the Court's approval. The Court shall
11 retain jurisdiction over the administration of any distribution of the Fund. If the SEC
12 staff determines that the Fund will not be distributed, the SEC shall send the funds
13 paid pursuant to this Final Judgment to the United States Treasury.

14 **VI.**

15 16. Solely for purposes of exceptions to discharge set forth in Section 523 of
16 the Bankruptcy Code, 11 U.S.C. §523, any debt for disgorgement, prejudgment
17 interest, civil penalty or other amounts due by any of the Defendants under this Final
18 Judgment is a debt for the violation by Defendants of the federal securities laws or
19 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
20 the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

21 **VII.**

22 17. This Court shall retain jurisdiction of this matter for the purposes of
23 enforcing the terms of this Final Judgment.

24
25 Dated: August 10, 2017



HON. CONSUELO B. MARSHALL
UNITED STATES DISTRICT JUDGE