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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Western Division**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ENVIRO BOARD CORPORATION,
GLENN B. CAMP, WILLIAM J.
PEIFFER, and JOSHUA D.
MOSSHART,

Defendants.

Case No. 2:16-cv-06427-R-SS

**FINAL JUDGMENT AS TO
DEFENDANT JOSHUA D.
MOSSHART**

1 This matter came before the Court on the Securities and Exchange
2 Commission's ("SEC") Motion for Entry of Default Judgment against Defendant
3 Joshua D. Mosshart and the SEC's Motion To Set a Civil Penalty, Order an Adjusted
4 Disgorgement Amount, and Enter Final Judgment Against Defendant Joshua D.
5 Mosshart (collectively, the "Motions"). The Court having considered the SEC's
6 Complaint, the Motions, the supporting Memoranda of Points and Authorities, the
7 supporting declarations and exhibits, and the other evidence and argument presented
8 to the Court, finds that:

9 I.

10 IT IS HEREBY ORDERED that the SEC's Motion for Default Judgment
11 against Defendant Joshua D. Mosshart and the SEC's Motion to Set a Civil Penalty,
12 Order an Adjusted Disgorgement Amount, and Enter Final Judgment against
13 Defendant Joshua D. Mosshart are GRANTED.

14 II.

15 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
16 Defendant is permanently restrained and enjoined from violating Section 5 of the
17 Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77e, by directly or indirectly,
18 in the absence of any applicable exemption:

- 19 (a) Unless a registration statement is in effect as to a security, making use of
20 any means or instruments of transportation or communication in
21 interstate commerce or of the mails to sell such security through the use
22 or medium of any prospectus or otherwise;
- 23 (b) Unless a registration statement is in effect as to a security, carrying or
24 causing to be carried through the mails or in interstate commerce, by any
25 means or instruments of transportation, any such security for the purpose
26 of sale or for delivery after sale; or
- 27 (c) Making use of any means or instruments of transportation or
28 communication in interstate commerce or of the mails to offer to sell or

1 offer to buy through the use or medium of any prospectus or otherwise
2 any security, unless a registration statement has been filed with the
3 Commission as to such security, or while the registration statement is the
4 subject of a refusal order or stop order or (prior to the effective date of
5 the registration statement) any public proceeding or examination under
6 Section 8 of the Securities Act [15 U.S.C. § 77h].

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
8 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
9 bind the following who receive actual notice of this Judgment by personal service or
10 otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and
11 (b) other persons in active concert or participation with Defendant or with anyone
12 described in (a).

13 III.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
15 is permanently restrained and enjoined from violating Section 15(a) of the Securities
16 Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78o(a)] in connection with the
17 purchase or sale of a security, by the use of means or instrumentalities or interstate
18 commerce, of the mails, or of the facilities of a national securities exchange, directly
19 or indirectly effecting transactions in, or inducing or attempting to induce the
20 purchase or sale of, securities without being registered with the SEC, or affiliated
21 with a broker-dealer registered with the SEC.

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

1 IV.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
3 is liable for disgorgement of \$293,655.00, representing ill-gotten gains obtained as a
4 result of the conduct alleged in the Complaint, plus prejudgment interest thereon in
5 the amount of \$30,240.41, and a civil penalty amount of \$293,655.00 pursuant to
6 Section 20(d)(2)(A) of the Securities Act and Section 21(d)(3)(B) of the Exchange
7 Act, for a total of \$617,550.41. Defendant shall satisfy this obligation by paying
8 \$617,550.41 to the SEC within 14 days after entry of this Judgment.

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

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

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

22 Defendant shall simultaneously transmit photocopies of evidence of payment
23 and case identifying information to the SEC's counsel in this action. By making this
24 payment, Defendant relinquishes all legal and equitable right, title, and interest in
25 such funds and no part of the funds shall be returned to Defendant.

26 The Commission may enforce the Court's judgment for disgorgement and
27 prejudgment interest by moving for civil contempt (and/or through other collection
28 procedures authorized by law) at any time after 14 days following entry of this Final
Judgment. Defendant shall pay post judgment interest on any delinquent amounts

1 pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds, together with
2 any interest and income earned thereon (collectively, the “Fund”), pending further
3 order of the Court.

4 The Commission may propose a plan to distribute the Fund subject to the
5 Court’s approval. Such a plan may provide that the Fund shall be distributed
6 pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of
7 2002. The Court shall retain jurisdiction over the administration of any distribution
8 of the Fund. If the Commission staff determines that the Fund will not be distributed,
9 the Commission shall send the funds paid pursuant to this Final Judgment to the
10 United States Treasury.

11 Regardless of whether any such Fair Fund distribution is made, amounts
12 ordered to be paid as civil penalties pursuant to this Judgment shall be treated as
13 penalties paid to the government for all purposes, including all tax purposes. To
14 preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or
15 reduction of any award of compensatory damages in any Related Investor Action
16 based on Defendant’s payment of disgorgement in this action, argue that he is entitled
17 to, nor shall he further benefit by, offset or reduction of such compensatory damages
18 award by the amount of any part of Defendant’s payment of a civil penalty in this
19 action (“Penalty Offset”). If the court in any Related Investor Action grants such a
20 Penalty Offset, Defendant shall, within 30 days after entry of a final order granting
21 the Penalty Offset, notify the Commission’s counsel in this action and pay the amount
22 of the Penalty Offset to the United States Treasury or to a Fair Fund, as the
23 Commission directs. Such a payment shall not be deemed an additional civil penalty
24 and shall not be deemed to change the amount of the civil penalty imposed in this
25 Judgment. For purposes of this paragraph, a “Related Investor Action” means a
26 private damages action brought against Defendant by or on behalf of one or more
27 investors based on substantially the same facts as alleged in the Complaint in this
28 action.

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V.

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

Dated: March 21, 2018



HONORABLE MANUEL L. REAL
UNITED STATES DISTRICT JUDGE