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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
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13 **SECURITIES AND EXCHANGE**
14 **COMMISSION,**

15 Plaintiff,

16 vs.

17 **ANAND JAYAPALAN, ANANDA**
18 **KUMAR ANANDA, also known as**
19 **“Kumar Ananda,” RAJNI NAIR, and**
VIJAYA ANANDA,

20 Defendants.
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Case No. CV 17-7186 PA (MRWx)

FINAL JUDGMENT AS TO
DEFENDANT ANAND JAYAPALAN

22 The Securities and Exchange Commission having filed a Complaint and
23 Defendant Anand Jayapalan having entered a general appearance; consented to the
24 Court’s jurisdiction over Defendant and the subject matter of this action; consented to
25 entry of this Final Judgment without admitting or denying the allegations of the
26 Complaint (except as to jurisdiction and except as otherwise provided herein in
27 paragraph IV); waived findings of fact and conclusions of law; and waived any right
28 to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

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

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

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 14(e) of the Exchange Act [15 U.S.C. § 78n(e)] and Rule 14e-3 [17 C.F.R. § 240.14e-3] promulgated thereunder, in connection with any tender offer or request or invitation

1 for tenders, from engaging in any fraudulent, deceptive, or manipulative act or
2 practice, by:

3 (a) purchasing or selling or causing to be purchased or sold the securities
4 sought or to be sought in such tender offer, securities convertible into or
5 exchangeable for any such securities or any option or right to obtain or
6 dispose of any of the foregoing securities while in possession of material
7 information relating to such tender offer that Defendant knows or has
8 reason to know is nonpublic and knows or has reason to know has been
9 acquired directly or indirectly from the offering person; the issuer of the
10 securities sought or to be sought by such tender offer; or any officer,
11 director, partner, employee or other person acting on behalf of the
12 offering person or such issuer, unless within a reasonable time prior to
13 any such purchase or sale such information and its source are publicly
14 disclosed by press release or otherwise; or

15 (b) communicating material, nonpublic information relating to a tender
16 offer, which Defendant knows or has reason to know is nonpublic and
17 knows or has reason to know has been acquired directly or indirectly
18 from the offering person; the issuer of the securities sought or to be
19 sought by such tender offer; or any officer, director, partner, employee,
20 advisor, or other person acting on behalf of the offering person of such
21 issuer, to any person under circumstances in which it is reasonably
22 foreseeable that such communication is likely to result in the purchase or
23 sale of securities in the manner described in subparagraph (a) above,
24 except that this paragraph shall not apply to a communication made in
25 good faith

26 (i) to the officers, directors, partners or employees of the
27 offering person, to its advisors or to other persons, involved
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1 in the planning, financing, preparation or execution of such
2 tender offer;

- 3 (ii) to the issuer whose securities are sought or to be sought by
4 such tender offer, to its officers, directors, partners,
5 employees or advisors or to other persons involved in the
6 planning, financing, preparation or execution of the
7 activities of the issuer with respect to such tender offer; or
8 (iii) to any person pursuant to a requirement of any statute or
9 rule or regulation promulgated thereunder.

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

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18 III.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
20 is liable for a civil penalty in the amount of \$173,208.85 pursuant to Section 21(d)(3)
21 of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall satisfy this obligation
22 by paying \$173,208.85 to the Securities and Exchange Commission within 14 days
23 after entry of this Final Judgment.

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

1 Securities and Exchange Commission, which shall be delivered or mailed to
2 Enterprise Services Center
3 Accounts Receivable Branch
4 6500 South MacArthur Boulevard
5 Oklahoma City, OK 73169

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

9 Defendant shall simultaneously transmit photocopies of evidence of payment
10 and case identifying information to the Commission's counsel in this action. By
11 making this payment, Defendant relinquishes all legal and equitable right, title, and
12 interest in such funds and no part of the funds shall be returned to Defendant. The
13 Commission shall send the funds paid pursuant to this Final Judgment to the United
14 States Treasury.

15 The Commission may enforce the Court's judgment for disgorgement and
16 prejudgment interest by moving for civil contempt (and/or through other collection
17 procedures authorized by law) at any time after 14 days following entry of this Final
18 Judgment. Defendant shall pay post judgment interest on any delinquent amounts
19 pursuant to 28 U.S.C. § 1961.

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21 IV.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
23 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
24 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
25 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
26 amounts due by Defendant under this Final Judgment or any other judgment, order,
27 consent order, decree or settlement agreement entered in connection with this
28 proceeding, is a debt for the violation by Defendant of the federal securities laws or

1 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
2 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

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4 V.

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

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10 Dated: February 26, 2018



11 Percy Anderson
12 UNITED STATES DISTRICT JUDGE
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