

JS-6

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

PATRICK JEVON JOHNSON,
CHARLES EVERETT (aka CHARLY
EVERETT), FRANK EKEJIJA, AND
NVC FUND, LLC.

Defendants.

Case No. 2:20-cv-08985-FWS-DFM

**FINAL JUDGMENT AS TO
DEFENDANT NVC FUND, LLC**

1 This matter came before the Court upon Plaintiff Securities and Exchange
2 Commission's ("SEC") Motion for Entry of Civil Penalties against defendant NVC
3 Fund, LLC. The Court, having previously entered an August 25, 2021 Partial
4 Judgment As To Defendant NVC Fund LLC (Dkt. No. 100), and having now
5 considered the memoranda and evidence filed by the parties, and all other argument
6 and evidence presented to it, and good cause appearing therefore, grants the SEC's
7 Motion and enters this Final Judgment as to NVC Fund, LLC ("Defendant").

8 I.

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

16 (a) to employ any device, scheme, or artifice to defraud; or

17 (b) to engage in any transaction, practice, or course of business which
18 operates or would operate as a fraud or deceit upon the purchaser.

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

25 II.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
27 is liable for a civil penalty in the amount of \$968,837 pursuant to Section 21(d)(3) of
28 the Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant shall satisfy this obligation by

1 paying \$968,837 to the Securities and Exchange Commission within 30 days after
2 entry of this Final Judgment.

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

9 Enterprise Services Center
10 Accounts Receivable Branch
6500 South MacArthur Boulevard
11 Oklahoma City, OK 73169

12 and shall be accompanied by a letter identifying the case title, civil action number,
13 and name of this Court; NVC Fund, LLC as a defendant in this action; and specifying
14 that payment is made pursuant to this Final Judgment.

15 Defendant shall simultaneously transmit photocopies of evidence of payment
16 and case identifying information to the Commission's counsel in this action. By
17 making this payment, Defendant relinquishes all legal and equitable right, title, and
18 interest in such funds and no part of the funds shall be returned to Defendant.

19 The Commission may enforce the Court's judgment for penalties by the use of
20 all collection procedures authorized by law, including the Federal Debt Collection
21 Procedures Act, 28 U.S.C. § 3001 et seq., and moving for civil contempt for the
22 violation of any Court orders issued in this action. Defendant shall pay post
23 judgment interest on any amounts due after 30 days of the entry of this Final
24 Judgment pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds,
25 together with any interest and income earned thereon (collectively, the "Fund"),
26 pending further order of the Court.

27 The Commission may propose a plan to distribute the Fund subject to the
28 Court's approval. Such a plan may provide that the Fund shall be distributed

pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund and the Fund may only be disbursed pursuant to an Order of the Court. Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Defendant's payment of disgorgement in this action, argue that it is entitled to, nor shall it further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Defendant's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Defendant by or on behalf of one or more investors based on substantially the same facts as alleged in the Complaint in this action.

III.

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

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IV.

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

DATED: March 22, 2023



Hon. Fred W. Slaughter
UNITED STATES DISTRICT JUDGE