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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

MEDICAL CAPITAL HOLDINGS,
INC.; MEDICAL CAPITAL
CORPORATION; MEDICAL
PROVIDER FUNDING
CORPORATION VI; SIDNEY M.
FIELD; and JOSEPH J.
LAMPARIELLO,

Defendants.

Case No. SACV 09-818 DOC (RNBx)

**FINAL JUDGMENT AS TO
MEDICAL CAPITAL HOLDINGS,
INC., MEDICAL CAPITAL
CORPORATION, AND MEDICAL
PROVIDER FUNDING
CORPORATION VI**

1 The Securities and Exchange Commission (“SEC”) having filed a Complaint,
2 First Amended Complaint, and Second Amended Complaint, and Defendants
3 Medical Capital Holdings, Inc. (“MCHI”), Medical Capital Corporation (“MCC”),
4 and Medical Provider Funding Corporation VI (“MP VI”) (collectively
5 “Defendants”), having entered a general appearance; consented to the Court’s
6 jurisdiction over Defendants and the subject matter of this action; consented to entry
7 of this Final Judgment without admitting or denying the allegations of the Second
8 Amended Complaint (except as to jurisdiction), waived findings of fact and
9 conclusions of law; waived any right to appeal from this Final Judgment.

10 **I.**

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

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

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

3 **II.**

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
5 Defendants are permanently restrained and enjoined from violating Section 17(a) of
6 the Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale
7 of any security by the use of any means or instruments of transportation or
8 communication in interstate commerce or by use of the mails, directly or indirectly:

- 9 (a) to employ any device, scheme, or artifice to defraud;
10 (b) to obtain money or property by means of any untrue statement of a
11 material fact or any omission of a material fact necessary in order to
12 make the statements made, in light of the circumstances under which
13 they were made, not misleading; or
14 (c) to engage in any transaction, practice, or course of business which
15 operates or would operate as a fraud or deceit upon the purchaser.

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

22 **III.**

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
24 Defendant MCC is permanently restrained and enjoined from aiding and abetting any
25 violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5
26 promulgated thereunder, 17 C.F.R. § 240.10b-5, by knowingly or recklessly
27 providing substantial assistance to an issuer that uses any means or instrumentality of
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1 interstate commerce, or of the mails, or of any facility of any national securities
2 exchange, in connection with the purchase or sale of any security:

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

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

15 **IV.**

16 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
17 Defendant shall pay disgorgement of \$831,130,893.00, which disgorgement amount
18 is deemed satisfied by the distributions made by the Receiver to the investors in this
19 proceeding.

20 **V.**

21 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
22 the SEC is has determined to forego seeking a civil penalty against Defendants.

23 **VI.**

24 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
25 the Consent is incorporated herein with the same force and effect as if fully set forth
26 herein, and that Defendants shall comply with all of the undertakings and agreements
27 set forth therein.

1 **VII.**

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

5 **VIII.**

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

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10 Dated: 08/19/2016

David O. Carter

11 HONORABLE DAVID O. CARTER
12 UNITED STATES DISTRICT JUDGE
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