

JS-6

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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

PAUL A. GARCIA, CALIBER
CAPITAL MANAGEMENT, LLC,
PARTNER MEDICAL SOLUTIONS,
LLC, RICHARD T. WOODS, and
CALIBER PARTNERSHIP I, LLC,

Defendants, and

ACER CAPITAL GROUP, INC. and
GREENEONE.COM, INC.,

Relief Defendants.

Case No. 8:17-cv-00174

**FINAL JUDGMENT AS TO
DEFENDANT CALIBER
PARTNERSHIP I, LLC**

1
2
3 **FINAL JUDGMENT**

4 The Securities and Exchange Commission having filed a Complaint and
5 Defendant Caliber Partnership I, LLC (“Caliber” or “Defendant”) having entered a
6 general appearance; consented to the Court’s jurisdiction over Defendant and the
7 subject matter of this action; consented to entry of this Final Judgment without
8 admitting or denying the allegations of the Complaint (except as to jurisdiction);
9 waived findings of fact and conclusions of law; and waived any right to appeal from
10 this Final Judgment:

11 I.

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

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

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as
26 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also
27 binds the following who receive actual notice of this Final Judgment by personal
28 service or otherwise: (a) Caliber’s officers, agents, servants, employees, and

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

3 II.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
5 Caliber is permanently restrained and enjoined from violating Section 17(a) of the
6 Securities Act of 1933 (the “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 make the
12 statements made, in light of the circumstances under which they were made,
13 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) Caliber’s officers, agents, servants, employees, and
20 attorneys; and (b) other persons in active concert or participation with Caliber or with
21 anyone described in (a).

22 III.

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
24 Caliber is permanently restrained and enjoined from violating Section 5 of the
25 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any
26 applicable exemption:

27 (a) Unless a registration statement is in effect as to a security, making use of
28 any means or instruments of transportation or communication in

1 interstate commerce or of the mails to sell such security through the use
2 or medium of any prospectus or otherwise;

3 (b) Unless a registration statement is in effect as to a security, carrying or
4 causing to be carried through the mails or in interstate commerce, by any
5 means or instruments of transportation, any such security for the purpose
6 of sale or for delivery after sale; or

7 (c) Making use of any means or instruments of transportation or
8 communication in interstate commerce or of the mails to offer to sell or
9 offer to buy through the use or medium of any prospectus or otherwise
10 any security, unless a registration statement has been filed with the
11 Commission as to such security, or while the registration statement is the
12 subject of a refusal order or stop order or (prior to the effective date of
13 the registration statement) any public proceeding or examination under
14 Section 8 of the Securities Act [15 U.S.C. § 77h].

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

21 IV.

22 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
23 Defendant is liable for disgorgement of \$545,000, representing ill-gotten gains from
24 the conduct alleged in the Complaint, together with prejudgment interest thereon in
25 the amount of \$25,298, for a total of \$570,298. Defendant shall satisfy this obligation
26 by paying \$570,298 to the Securities and Exchange Commission within 14 days after
27 entry of this Final Judgment.

28 Defendant may transmit payment electronically to the Commission, which will

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

6 Enterprise Services Center
7 Accounts Receivable Branch
8 6500 South MacArthur Boulevard
9 Oklahoma City, OK 73169

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

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

17 The Commission may propose a plan to distribute the funds paid pursuant to
18 this Final Judgment, together with any interest and income earned thereon
19 (collectively, the "Fund") subject to the Court's approval. Such a plan may provide
20 that the Fund shall be distributed pursuant to the Fair Fund provisions of Section
21 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over
22 the administration of any distribution of the Fund. If the Commission staff
23 determines that the Fund will not be distributed, the Commission shall send the funds
24 paid pursuant to this Final Judgment to the United States Treasury.

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

1 pursuant to 28 U.S.C. § 1961.

2
3 V.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
5 the Consent of Defendant is incorporated herein with the same force and effect as if
6 fully set forth herein, and that Defendant shall comply with all of the undertakings
7 and agreements set forth therein.

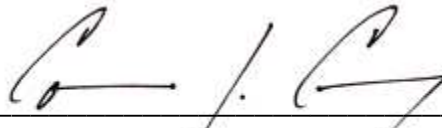
8 VI.

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

12 VII.

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

16
17 Dated: February 7, 2017

18 
19 _____
20 UNITED STATES DISTRICT JUDGE

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