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

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JUSTIN ROBERT KING; AND
ELEVATE INVESTMENTS LLC,

Defendants,

SHANNON LEIGH KING,

Relief Defendant.

Case No. SACV 20-02398 JVS (DFMx)

**JUDGMENT AS TO DEFENDANT
JUSTIN ROBERT KING**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Justin Robert King (“Defendant”) having entered a general appearance;
3 consented to the Court’s jurisdiction over Defendant and the subject matter of this
4 action; consented to entry of this Judgment without admitting or denying the
5 allegations of the Complaint (except as to jurisdiction and except as otherwise
6 provided herein in paragraph VI); waived findings of fact and conclusions of law; and
7 waived any right to appeal from this Judgment:

8 I.

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

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

17 (b) to make any untrue statement of a material fact or to omit to state
18 a material fact necessary in order to make the statements made, in the light of
19 the circumstances under which they were made, not misleading; or

20 (c) to engage in any act, practice, or course of business which
21 operates or would operate as a fraud or deceit upon any person.

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 binds 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 II.

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

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

8 (b) to obtain money or property by means of any untrue statement of a
9 material fact or any omission of a material fact necessary in order to make the
10 statements made, in light of the circumstances under which they were made,
11 not misleading; or

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

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

20 III.

21 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
22 Defendant is permanently restrained and enjoined from violating Section 206(4) of
23 the Advisers Act, 15 U.S.C. §§ 80b-6(4), and Rule 206(4)-8, 17 C.F.R. §275.206(4)-8
24 while acting as an investment adviser to a pooled investment vehicle, directly or
25 indirectly, by use of the mails or means or instrumentalities of interstate commerce:

26 (a) to make untrue statements of a material fact or omitted to state a
27 material fact necessary in order to make the statements made, in the light of the
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1 circumstances under which there were made, not misleading, to any investor or
2 prospective investor in the pooled investment vehicle; or

3 (b) to engage in acts, practices, or courses of business that were
4 fraudulent, deceptive, or manipulative with respect to any investor or
5 prospective investor in the pooled investment vehicle.

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

12 IV.

13 Upon motion of the Commission, the Court shall determine whether it is
14 appropriate to order disgorgement of ill-gotten gains and/or a civil penalty pursuant to
15 Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)], Section 21(d)(3) of the
16 Exchange Act [15 U.S.C. § 78u(d)(3)], and Section 209(e)(1) of the Advisers Act [15
17 U.S.C. § 80b-9(e)(1)] and, if so, the amount(s) of the disgorgement and/or civil
18 penalty. If disgorgement is ordered, Defendant shall pay prejudgment interest
19 calculated from June 1, 2019, based on the rate of interest used by the Internal
20 Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C.
21 § 6621(a)(2). In connection with the Commission's motion for disgorgement and/or
22 civil penalties, and at any hearing held on such a motion: (a) Defendant will be
23 precluded from arguing that he did not violate the federal securities laws as alleged in
24 the Complaint; (b) Defendant may not challenge the validity of the Consent or this
25 Judgment; (c) solely for the purposes of such motion, the allegations of the Complaint
26 shall be accepted as and deemed true by the Court; and (d) the Court may determine
27 the issues raised in the motion on the basis of affidavits, declarations, excerpts of
28 sworn deposition or investigative testimony, and documentary evidence, without

1 regard to the standards for summary judgment contained in Rule 56(c) of the Federal
2 Rules of Civil Procedure. In connection with the Commission's motion for
3 disgorgement and/or civil penalties, the parties may take discovery, including
4 discovery from appropriate non-parties.

5 V.

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

10 VI.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
12 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
13 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
14 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
15 amounts due by Defendant under this Judgment or any other judgment, order, consent
16 order, decree or settlement agreement entered in connection with this proceeding, is a
17 debt for the violation by Defendant of the federal securities laws or any regulation or
18 order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy
19 Code, 11 U.S.C. §523(a)(19).

20 VII.

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

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 Judgment forthwith and without further notice.

Dated: May 27, 2021



UNITED STATES DISTRICT JUDGE

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1 **PROOF OF SERVICE**

2 I am over the age of 18 years and not a party to this action. My business address is:

3 U.S. SECURITIES AND EXCHANGE COMMISSION,
4 444 S. Flower Street, Suite 900, Los Angeles, California 90071
Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

5 On May 26, 2021, I caused to be served the documents entitled **JUDGMENT**
6 **AS TO DEFENDANT JUSTIN ROBERT KING** on all the parties to this action
addressed as stated on the attached service list:

7 **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for
collection and mailing today following ordinary business practices. I am readily
8 familiar with this agency’s practice for collection and processing of correspondence
for mailing; such correspondence would be deposited with the U.S. Postal Service on
9 the same day in the ordinary course of business.

10 **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s),
which I personally deposited with the U.S. Postal Service. Each such envelope was
11 deposited with the U.S. Postal Service at Los Angeles, California, with first class
postage thereon fully prepaid.

12 **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility
13 regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los
Angeles, California, with Express Mail postage paid.

14 **HAND DELIVERY:** I caused to be hand delivered each such envelope to the
15 office of the addressee as stated on the attached service list.

16 **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated
by United Parcel Service (“UPS”) with delivery fees paid or provided for, which I
17 deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at
Los Angeles, California.

18 **ELECTRONIC MAIL:** By transmitting the document by electronic mail to
19 the electronic mail address as stated on the attached service list.

20 **E-FILING:** By causing the document to be electronically filed via the Court’s
CM/ECF system, which effects electronic service on counsel who are registered with
21 the CM/ECF system.

22 **FAX:** By transmitting the document by facsimile transmission. The
23 transmission was reported as complete and without error.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Date: May 26, 2021

26 /s/ Lynn M. Dean

27 Lynn M. Dean

