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

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)

**FINAL JUDGMENT AS TO
DEFENDANT ELEVATE
INVESTMENTS LLC**

1 The Securities and Exchange Commission having filed a Complaint and
2 Defendant Elevate Investments LLC having entered a general appearance; consented
3 to the Court's jurisdiction over Defendant and the subject matter of this action;
4 consented to entry of this Final 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 Final 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 a
18 material fact necessary in order to make the statements made, in the light of the
19 circumstances under which they were made, not misleading; or
20 (c) to engage in any act, practice, or course of business which operates or
21 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 Final Judgment by personal
25 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
26 attorneys; and (b) other persons in active concert or participation with Defendant or
27 with anyone described in (a).

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II.

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

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

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

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

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).

III.

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

(a) to make any untrue statement of a material fact or omitting to state a material fact necessary to make the statements made, in the light of the

1 circumstances under which they were made, not misleading, to any investor or
2 prospective investor in a pooled investment vehicle; or

3 (b) to engage in any act, practice, or course of business that is fraudulent,
4 deceptive, or manipulative with respect to any investor or prospective investor
5 in a 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 Final Judgment by personal
9 service or otherwise: (a) Defendant's officers, agents, servants, employees, and
10 attorneys; and (b) other persons in active concert or participation with Defendant or
11 with anyone described in (a).

12 IV.

13 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
14 Defendant is liable for disgorgement in the amount of \$2,354,884, plus prejudgment
15 interest thereon in the amount of \$65,309.50, representing net profits gained as a
16 result of the conduct alleged in the Complaint, which amounts shall be deemed
17 satisfied by the funds currently in the possession of the Court-appointed Receiver in
18 this action.

19 The Receiver shall hold the funds (collectively, the "Fund") until further order
20 of this Court. The Receiver may propose a plan to distribute the Fund subject to the
21 Court's approval, and the Court shall retain jurisdiction over the administration of
22 any distribution of the Fund.

23 V.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
25 Consent is incorporated herein with the same force and effect as if fully set forth
26 herein, and that Defendant shall comply with all of the undertakings and agreements
27 set forth therein.
28

1 VI.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
3 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
4 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,
5 and further, any debt for disgorgement, prejudgment interest, civil penalty or other
6 amounts due by Defendant under this Final Judgment or any other judgment, order,
7 consent order, decree or settlement agreement entered in connection with this
8 proceeding, is a debt for the violation of the federal securities laws or any regulation
9 or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy
10 Code, 11 U.S.C. §523(a)(19).


11 VII.

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

15 VIII.

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

19
20 Dated: January 18, 2022

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22 _____
23 HON JAMES V. SELNA
24 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
3 address is:

4 U.S. SECURITIES AND EXCHANGE COMMISSION,
5 444 S. Flower Street, Suite 900, Los Angeles, California 90071
6 Telephone No. (323) 965-3998; Facsimile No. (213) 443-1904.

7 On January 18, 2022, I caused to be served the document entitled
8 **[PROPOSED] FINAL JUDGMENT AS TO RELIEF DEFENDANT ELEVATE**
9 **INVESTMENTS LLC** on all the parties to this action addressed as stated on the
10 attached service list:

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

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

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

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

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

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

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
the CM/ECF system.

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

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

Date: January 18, 2022

/s/ Lynn M. Dean

Lynn M. Dean

