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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 **SECURITIES AND EXCHANGE**
13 **COMMISSION,**

14 Plaintiff,

15 vs.

16 **BIC REAL ESTATE**
17 **DEVELOPMENT CORPORATION**
and DANIEL R. NASE, individually
18 and d/b/a BAKERSFIELD
INVESTMENT CLUB,

19 Defendants,

20 **BIC SOLO 401K TRUST and**
21 **MARGARITA NASE,**

22 Relief Defendants.
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Case No. 1:16-cv-00344-LJO-JLT

**JUDGMENT AS TO BIC REAL
ESTATE DEVELOPMENT
CORPORATION**

1 The Securities and Exchange Commission (“SEC”) having filed a Complaint,
2 and Defendant BIC Real Estate Development Corporation (“Defendant”), having
3 entered a general appearance; consented to the Court’s jurisdiction over Defendant
4 and the subject matter of this action; consented to entry of this Judgment without
5 admitting or denying the allegations of the Complaint (except as to jurisdiction),
6 waived findings of fact and conclusions of law; waived any right to appeal from this
7 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 any
13 means or instrumentality of interstate commerce, or of the mails, or of any facility of
14 any national securities exchange, in connection with the purchase or sale of any
15 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
19 of the 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 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 (“Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale of
5 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
10 make the statements made, in light of the circumstances under which
11 they were made, 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 5 of the
23 Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any
24 applicable exemption:

- 25 (a) Unless a registration statement is in effect as to a security, making use of
26 any means or instruments of transportation or communication in
27 interstate commerce or of the mails to sell such security through the use
28 or medium of any prospectus or otherwise;

- 1 (b) Unless a registration statement is in effect as to a security, carrying or
2 causing to be carried through the mails or in interstate commerce, by
3 any means or instruments of transportation, any such security for the
4 purpose of sale or for delivery after sale; or
- 5 (c) Making use of any means or instruments of transportation or
6 communication in interstate commerce or of the mails to offer to sell or
7 offer to buy through the use or medium of any prospectus or otherwise
8 any security, unless a registration statement has been filed with the SEC
9 as to such security, or while the registration statement is the subject of a
10 refusal order or stop order or (prior to the effective date of the
11 registration statement) any public proceeding or examination under
12 Section 8 of the Securities Act [15 U.S.C. § 77h].

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

19 **IV.**

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
21 Defendant shall pay disgorgement of \$12,623,963.47, jointly and severally with
22 Defendant Daniel R. Nase. Defendant shall satisfy this obligation, in whole or in
23 part, by the distribution of funds recovered by the Receiver, net of all administrative
24 or other expenses.

25 **V.**

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

3 **VI.**

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

7 **VII.**

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

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12 IT IS SO ORDERED.

13 Dated: May 1, 2017

14 /s/ Lawrence J. O'Neill
15 UNITED STATES CHIEF DISTRICT JUDGE
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