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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
11 **SACRAMENTO DIVISION**

12
13 SECURITIES AND EXCHANGE COMMISSION,

14 Plaintiff,

15 vs.

16 LAWRENCE "LEE" LOOMIS, LOOMIS WEALTH
17 SOLUTIONS, LLC, JOHN HAGENER, AND LISMAR
FINANCIAL SERVICES, LLC,

18 Defendants.

Case No. 2:10-cv-00458-KJM-KJN

**ORDER OF INJUNCTION AS TO
DEFENDANT JOHN HAGENER**

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21 Plaintiff United States Securities and Exchange Commission ("Commission"), having filed its
22 complaint in this action, and Defendant John Hagener, having entered an appearance in this case and
23 having submitted the Consent of John Hagener to Injunction ("Consent"), in which he has admitted
24 the jurisdiction of this Court over him and over the subject matter of this action; consented to the
25 entry of this Injunction without admitting or denying any of the allegations in the complaint except as
26 to jurisdiction; waived findings of fact and conclusions of law; and waived any right to a trial or to an
27 appeal from this Order of Injunction as to Defendant John Hagener ("Order of Injunction");

28 I.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Hagener and his agents,
2 servants, employees, attorneys-in-fact, and all persons in active concert or participation with any
3 of them, who receive actual notice of this Order of Injunction, by personal service or otherwise,
4 and each of them¹, are permanently enjoined and restrained from violating, directly or indirectly,
5 Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b),
6 and Rule 10b-5, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of interstate
7 commerce, or of the mails, or of any facility of any national securities exchange, in connection
8 with the purchase or sale of any security:

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

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

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

15 II.

16 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Hagener and
17 his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation
18 with any of them, who receive actual notice of this Order of Injunction, by personal service or
19 otherwise, and each of them, are permanently enjoined and restrained from violating Section 17(a)
20 of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale of any
21 security by the use of any means or instruments of transportation or communication in interstate
22 commerce or by use of the mails, directly or indirectly:

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

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

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28 ¹ See, e.g., *SEC v. Current Fin. Serv., Inc.* 100 F. Supp. 2d 1 (D.D.C. 2000).

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

3 III.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Hagener and
5 his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation
6 with any of them, who receive actual notice of this Order of Injunction, by personal service or
7 otherwise, and each of them, are permanently enjoined and restrained from violating Sections 5(a)
8 and 5(c) of the Securities Act, 15 U.S.C. §§ 77e(a) & 77e(c), by, directly or indirectly, in the
9 absence of any applicable exemption, making use of any means or instruments of transportation or
10 communication in interstate commerce or of the mails:

11 (a) to sell a security through the use or medium of any prospectus or otherwise, unless a
12 registration statement is in effect as to the security; or

13 (b) to offer to sell or offer to buy through the use or medium of any prospectus or
14 otherwise any security, unless a registration statement has been filed with the
15 Commission as to such security.

16 IV.

17 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Hagener and
18 his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation
19 with any of them, who receive actual notice of this Order of Injunction, by personal service or
20 otherwise, and each of them, are permanently enjoined and restrained from violating, directly or
21 indirectly, Sections 206(1) and 206(2), of the Investment Advisers Act of 1940 (the “Advisers
22 Act”), 15 U.S.C. §§ 80b-6(1) & 80b-6(2), by the use of the mails or any means or instrumentality
23 of interstate commerce:

24 (a) employing any device, scheme, or artifice to defraud any client or prospective client;

25 (b) engaging in any transaction, practice, or course of business which operates as a fraud or
26 deceit upon any client or prospective client; or

27 (c) engaging in any act, practice, or course of business which is fraudulent, deceptive, or
28 manipulative.

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Hagener and his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation with any of them, who receive actual notice of this Order of Injunction, by personal service or otherwise, and each of them, are permanently enjoined and restrained from violating Section 206(4) of the Advisers Act, 15 U.S.C. § 80b-6(4), and Rule 206(4)-8, 17 C.F.R. §275.206(4)-8, by the use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (a) making any untrue statement of a material fact, or omitting to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, to any investor or prospective investor in a pooled investment vehicle; or
- (b) otherwise engaging in any act, practice or course of business that is fraudulent, deceptive, or manipulative with respect to any investor or prospective investor in a pooled investment vehicle.

VI.

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

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over this matter for all purposes, including but not limited to, enforcing the terms of this Order of Injunction.

IT IS SO ORDERED.

Dated: April 12, 2013.


UNITED STATES DISTRICT JUDGE

1 APPROVED AS TO FORM:
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