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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
 13

14 SECURITIES AND EXCHANGE COMMISSION,
 15 Plaintiff,
 16 vs.
 17 SALEEM KHAN, et al.,
 18 Defendants.

Case No. 3:14-CV-02743-HSG (DMR)
 FINAL JUDGMENT AS TO
 DEFENDANT SALEEM KHAN

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1 The Securities and Exchange Commission having filed a Complaint and Defendant Saleem
2 Khan (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over
3 Defendant and the subject matter of this action; consented to entry of this Final Judgment without
4 admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of
5 fact and conclusions of law; and waived any right to appeal from this Final Judgment:

6 I.

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

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

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

24 II.

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
26 liable for disgorgement of \$7,493,000, representing profits gained as a result of the conduct alleged in
27 the Complaint, together with prejudgment interest thereon in the amount of \$846,147, and a civil
28 penalty in the amount of \$7,493,000 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-

1 | 1]. Defendant shall satisfy this obligation by paying \$15,832,147 to the Securities and Exchange
2 | Commission within 14 days after entry of this Final Judgment.

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

8 | Enterprise Services Center
9 | Accounts Receivable Branch
10 | 6500 South MacArthur Boulevard
11 | Oklahoma City, OK 73169

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

15 | Defendant shall simultaneously transmit photocopies of evidence of payment and case
16 | identifying information to the Commission's counsel in this action. By making this payment,
17 | Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the
18 | funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this
19 | Final Judgment to the United States Treasury.

20 | The Commission may enforce the Court's judgment for disgorgement and prejudgment
21 | interest by moving for civil contempt (and/or through other collection procedures authorized by law)
22 | at any time after 14 days following entry of this Final Judgment. Defendant shall pay post judgment
23 | interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

24 | III.

25 | IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for purposes of
26 | exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, any debt
27 | for disgorgement, prejudgment interest, civil penalty or other amounts due by Defendant under this
28 | Final Judgment or any other judgment, order, consent order, decree or settlement agreement entered
in connection with this proceeding, is a debt for the violation by Defendant of the federal securities

1 laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the
2 Bankruptcy Code, 11 U.S.C. § 523(a)(19). Nothing in this Final Judgment, including this paragraph,
3 affects Defendant's rights under the Fifth Amendment in any proceeding, regardless whether the
4 Commission is a party.

5 IV.

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

8 V.

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
10 Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.
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12 Dated: September 21, 2016
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17 Hon. Haywood S. Gilliam, Jr.
18 UNITED STATES DISTRICT JUDGE
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