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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION
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14 SECURITIES AND EXCHANGE COMMISSION,
 15 Plaintiff,
 16 v.
 17 CHRISTOPHER SELLS and TIMOTHY
 MURAWSKI,
 18 Defendants.
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Case No. C 11-04941 CW (NC)

**~~PROPOSED~~ FINAL JUDGMENT AS TO
 DEFENDANT TIMOTHY MURAWSKI**

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 24 The Securities and Exchange Commission, having filed a Complaint, and Defendant Timothy
 25 Murawski, having entered a general appearance; consented to the Court's jurisdiction over Defendant
 26 and the subject matter of this action; consented to entry of this Final Judgment without admitting or
 27 denying the allegations of the complaint (except as to jurisdiction); waived findings of fact and
 28 conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Exchange Act Rule 10b-5(a) and (c) [17 C.F.R. § 240.10b-5(a) and (c)], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (1) to employ any device, scheme, or artifice to defraud; or
- (2) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Sections 17(a)(1) and (3) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77q(a)(1) and (3)] by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, in the offer or sale of any security, directly or indirectly:

- (a) employing any device, scheme, or artifice to defraud; or
- (b) engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from aiding and abetting any violation of Section

1 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and Exchange Act Rules 12b-20, 13a-1, and 13a-13
2 [17 C.F.R. §§ 240.12b-20, 240.13a-1, 240.13a-13] by knowingly providing substantial assistance to
3 an issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15
4 U.S.C. § 78l] or which is required to file reports pursuant to Section 15(d) of the Exchange Act [15
5 U.S.C. § 78o(d)] in failing to file with the Commission such accurate and complete information,
6 reports, and documents as are required to be filed with the Commission pursuant to Section 13(a) of
7 the Exchange Act [15 U.S.C. § 78m(a)] and the Commission's Rules, including annual reports on
8 Form 10-K and quarterly reports on Form 10-Q.

9 IV.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and
11 Defendant's agents, servants, employees, attorneys-in-fact, and all persons in active concert or
12 participation with any of them, who receive actual notice of this Final Judgment, by personal service
13 or otherwise, and each of them, are permanently enjoined and restrained from, directly or indirectly,
14 violating Section 13(b)(5) of the Exchange Act [15 U.S.C. § 78m(b)(5)], by knowingly
15 circumventing or failing to implement a system of internal accounting controls or knowingly
16 falsifying any book, record, or account described in Section 13(b)(2) of the Exchange Act [15 U.S.C.
17 § 78m(b)(2)].

18 V.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and his agents,
20 servants, employees and attorneys-in-fact, and all persons in active concert or participation with any
21 of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each
22 of them, are permanently enjoined and restrained from violating Exchange Act Rule 13b2-1 [17
23 C.F.R. § 240.13b2-1] by, directly or indirectly, falsifying or causing to be falsified any book, record
24 or account subject to Section 13(b)(2) of the Exchange Act [15 U.S.C. § 78m(b)(2)].

25 VI.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and his agents,
27 servants, employees and attorneys-in-fact, and all persons in active concert or participation with any
28 of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each

1 of them, are permanently enjoined and restrained from aiding and abetting any violation of Sections
2 13(b)(2)(A) and (B) of the Exchange Act [15 U.S.C. § 78m(b)(2)(A) and (B)] by providing
3 substantial assistance to any issuer which has a class of securities registered pursuant to Section 12 of
4 the Exchange Act [15 U.S.C. § 78l] or which is required to file reports pursuant to Section 15(d) of
5 the Exchange Act [15 U.S.C. § 78o(d)] in failing to make or keep books, records or accounts, which,
6 in reasonable detail, accurately and fairly reflect the transactions and dispositions of the issuer's
7 assets, or in failing to devise and maintain a system of internal accounting controls sufficient to
8 provide reasonable assurance that transactions are recorded as necessary to permit preparation of
9 financial statements in conformity with generally accepted accounting principles or other applicable
10 criteria.

11 VII.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a
13 civil penalty in the amount of \$35,000 to the Securities and Exchange Commission pursuant to
14 Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)] and Section 20(d) of the Securities Act [15
15 U.S.C. § 77t(d)]. Defendant shall make this payment within 14 days after entry of this Final
16 Judgment.

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

22 Enterprise Services Center
23 Accounts Receivable Branch
24 6500 South MacArthur Boulevard
Oklahoma City, OK 73169

25 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
26 Court; Timothy Murawski as a defendant in this action; and specifying that payment is made pursuant
27 to this Final Judgment.

28 Defendant shall simultaneously transmit photocopies of evidence of payment and case

1 identifying information to the Commission's counsel in this action. By making this payment,
2 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of the
3 funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this
4 Final Judgment to the United States Treasury. Defendant shall pay post-judgment interest on any
5 delinquent amounts pursuant to 28 USC § 1961.

6 VIII.

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

10 IX.

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

13 X.

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

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19 Dated: November 6, 2013


20 Claudia Wilken
21 UNITED STATES DISTRICT JUDGE
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