

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 UNITED STATES SECURITIES & EXCHANGE
5 COMMISSION,

6 Plaintiff,

7 v.

8 MAHMOUD ALI ABDELKADER,

9 Defendant.

Case No. 4:23-cv-01032-HSG

FINAL JUDGMENT AS TO
DEFENDANT MAHMOUD ALI
ABDELKADER

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13 The Securities and Exchange Commission having filed a Complaint and Defendant
14 Mahmoud Ali Abdelkader having entered a general appearance; consented to the Court’s
15 jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final
16 Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction
17 and except as otherwise provided herein in paragraph IV); waived findings of fact and conclusions
18 of law; and waived any right to appeal from this Final Judgment:
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21 I.

22 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently
23 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
24 Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
25 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce,
26 or of the mails, or of any facility of any national securities exchange, in connection with the
27 purchase or sale of any security:
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- 1 (a) to employ any device, scheme, or artifice to defraud;
- 2 (b) to make any untrue statement of a material fact or to omit to state a material fact
- 3 necessary in order to make the statements made, in the light of the circumstances
- 4 under which they were made, not misleading; or
- 5 (c) to engage in any act, practice, or course of business which operates or would
- 6 operate as a fraud or deceit upon any person.
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8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal

9 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive

10 actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers,

11 agents, servants, employees, and attorneys; and (b) other persons in active concert or participation

12 with Defendant or with anyone described in (a).

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14 II.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for

16 disgorgement of \$81,580.83, representing net profits gained as a result of the conduct alleged in

17 the Complaint, together with prejudgment interest thereon in the amount of \$8,988.73. The Court

18 finds that sending the disgorged funds to the United States Treasury, as ordered below, is consistent

19 with equitable principles. The Court further imposes a civil penalty in the amount of \$81,580.83

20 pursuant to Section 21A(a) of the Exchange Act [15 U.S.C. § 78u-1(a)]. Defendant shall satisfy

21 these obligation(s) by paying \$172,150.39 to the Securities and Exchange Commission within 30

22 days after entry of this Final Judgment.

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24 Defendant may transmit payment electronically to the Commission, which will provide

25 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from

26 a bank account via Pay.gov through the SEC website at

27 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check,

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1 bank cashier's check, or United States postal money order payable to the Securities and Exchange
2 Commission, which shall be delivered or mailed to

3 Enterprise Services Center
4 Accounts Receivable Branch
5 6500 South MacArthur Boulevard
6 Oklahoma City, OK 73169

7 and shall be accompanied by a letter identifying the case title, civil action number, and name of this
8 Court; Mahmoud Ali Abdelkader as a defendant in this action; and specifying that payment is made
9 pursuant to this Final Judgment.

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

15 The Commission may enforce the Court's judgment for disgorgement and prejudgment
16 interest by using all collection procedures authorized by law, including, but not limited to, moving
17 for civil contempt at any time after 30 days following entry of this Final Judgment. The
18 Commission may enforce the Court's judgment for penalties by the use of all collection procedures
19 authorized by law, including the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001 *et seq.*,
20 and moving for civil contempt for the violation of any Court orders issued in this action.

21 Defendant shall pay post judgment interest on any amounts due after 30 days of the entry of
22 this Final Judgment pursuant to 28 U.S.C. § 1961.
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1 III.

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

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

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain
20 jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.
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23 Dated: 3/9/2023

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25 UNITED STATES DISTRICT JUDGE
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