

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

DAVID F. BAHR,

Defendant.

CASE NO. 13CV1423-GPC(KSC)

**FINAL JUDGMENT AS TO
DEFENDANT DAVID F. BAHR**

The Securities and Exchange Commission having filed a Complaint and Defendant David F. Bahr having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this 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 Rule 10b-5 promulgated thereunder 17 C.F.R. § 240.10b-5, by using any means or instrumentality of interstate commerce, or of the

1 mails, or of any facility of any national securities exchange, in connection with the
2 purchase or sale of any security:

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

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

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

9 II.

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

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

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

22 (c) to engage in any transaction, practice, or course of business which operates or
23 would operate as a fraud or deceit upon the purchaser.

24 III.

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
26 Defendant is permanently barred from participating in an offering of penny stock,
27 including engaging in activities with a broker, dealer, or issuer for purposes of issuing,
28 trading, or inducing or attempting to induce the purchase or sale of any penny stock.

1 A penny stock is any equity security that has a price of less than five dollars, except as
2 provided in Rule 3a51-1 under the Exchange Act, 17 C.F.R. 240.3a51-1.

3 IV.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that a
5 civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C., § 77t(d); and
6 Section 21(d) of the Exchange Act, 15 U.S.C. § 78(d)(3), is appropriate in this case.
7 However, as a result of the criminal sanctions ordered against Defendant in United
8 States v. David Bahr, 13-cr-2198 (LAB) (S.D. Cal.), the Commission is not seeking
9 monetary remedies against Defendant in this proceeding.

10 V.


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

14 VI.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court
16 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this
17 Judgment.

18 IT IS SO ORDERED.

19
20 DATED: May 13, 2014

21 
22 HON. GONZALO P. CURIEL
23 United States District Judge
24
25
26
27
28