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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 MICHAEL J. FEFFERMAN, CHAD E.
16 WIEGAND, AKIS C. ERACLEOUS,
17 ERACLES PANAYIOUTOU,

18 Defendants.

Case No.: 15cv1276-MMA (DHB)

**AMENDED FINAL JUDGMENT AS
TO DEFENDANT MICHAL J.
FEFFERMAN**

19 The Securities and Exchange Commission having filed a Complaint and Defendant
20 Michael J. Fefferman (“Defendant”) having entered a general appearance; consented to
21 the Court’s jurisdiction over Defendant and the subject matter of this action; consented to
22 entry of this Final Judgment; waived findings of fact and conclusions of law; and waived
23 any right to appeal from this Final Judgment:

24 **I.**

25 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Defendant is
26 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b)
27 of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and
28 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or

1 instrumentality of interstate commerce, or of the mails, or of any facility of any national
2 securities exchange, in connection with the 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
5 fact necessary in order to make the statements made, in the light of the
6 circumstances under 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 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, as provided
10 in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the
11 following who receive actual notice of this Final Judgment by personal service or
12 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b)
13 other persons in active concert or participation with Defendant or with anyone described
14 in (a).

15 **II.**

16 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that a
17 civil penalty pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1] is
18 appropriate in this case. However, as a result of the Defendant's compliance with the
19 terms of his deferred prosecution agreement in *United States v. Fefferman*, 15-cr-01534-
20 DMS (S.D. Cal.), the Commission is not seeking monetary remedies against the
21 Defendant in this proceeding.

22 **III.**

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

1 the violation by Defendant of the federal securities laws or any regulation or order issued
2 under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §
3 523(a)(19).

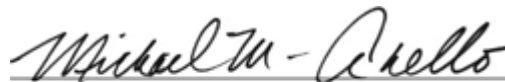
4 **IV.**

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

8 **V.**

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

12 Dated: August 23, 2018



13 Hon. Michael M. Anello
14 United States District Judge
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