

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

Case No. 6:17-cv-1386-Orl-37KRS

HAROLD J. SWART, JR.; and SWART  
BAUMRUK & CO, LLP;

Defendants,

MIND YOUR OWN BUSINESS, INC.,

Relief Defendant.

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**FINAL JUDGMENT AS TO RELIEF DEFENDANT MIND YOUR OWN BUSINESS, INC.**

On July 27, 2017, Plaintiff, the Securities and Exchange Commission (“SEC”), commenced this action against Relief Defendant Mind Your Own Business, Inc. (“MYOB”) and others. (*See* Doc. 1.) In its Complaint, the SEC seeks, among other relief, an order requiring MYOB to pay disgorgement. (*Id.* ¶¶ 60-62.) MYOB, by consent (Doc. 5-5 (“**Consent**”)), has agreed to the entry of the SEC’s proposed final judgment (Doc. 5-6 (“**Proposed Judgment**”)). After review of the Consent and the Proposed Judgment, the Court enters the following Final Judgment.

The SEC having filed a Complaint and MYOB having entered a general appearance; consented to the Court’s jurisdiction over it and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations

of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

**I.**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that MYOB is liable, jointly and severally with Mr. Swart for disgorgement of \$41,945.56, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$5,491.07. MYOB shall satisfy this obligation pursuant to the terms of the payment schedule set forth in paragraph below after entry of this Final Judgment.

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

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

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; MYOB as a Relief Defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

MYOB shall simultaneously transmit photocopies of evidence of payment and

case identifying information to the SEC's counsel in this action. By making this payment, MYOB relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to MYOB. The SEC shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

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

## II.

MYOB shall pay the total of disgorgement and prejudgment interest due of \$47,436.63 in five installment payments to the SEC according to the following schedule: (1) \$20,000.00 within 10 days of entry of this Final Judgment; (2) \$6,859.16 within 90 days of entry of this Final Judgment; (3) \$6,859.16 within 180 days of entry of this Final Judgment; (4) \$6,859.16 within 270 days of entry of this Final Judgment; (5) \$6,859.15 within 360 days of entry of this Final Judgment. Payments shall be deemed made on the date they are received by the SEC and shall be applied first to post-judgment interest, which accrues pursuant to 28 U.S.C. § 1961 on any unpaid amounts due after 14 days of the entry of this Final Judgment. Prior to making the final payment set forth herein, MYOB shall contact the staff of the SEC for the amount due for the final payment.

If MYOB fails to make any payment by the date agreed and/or in the amount agreed according to the schedule set forth above, all outstanding payments under this

Final Judgment, including post-judgment interest, minus any payments made, shall become due and payable immediately at the discretion of the staff of the SEC without further application to the Court.

**III.**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Consent (Doc. 5-5) is incorporated herein with the same force and effect as if fully set forth herein, and that MYOB shall comply with all of the undertakings and agreements set forth therein.

**IV.**

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

**V.**

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

**DONE AND ORDERED** in Chambers in Orlando, Florida, on October 17, 2017.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record