

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**PLAINTIFF'S AGREED MOTION FOR ENTRY OF  
PARTIAL JUDGMENT BY CONSENT AS TO DEFENDANT CARLOS L. MARTINEZ**

Plaintiff Securities and Exchange Commission respectfully moves the Court for entry of  
Partial Judgment by Consent as to Defendant Carlos L. Martinez (“Martinez”).

In support of this motion, the SEC shows the Court as follows:

1. The SEC filed its Complaint in this matter on August 1, 2022 (Dkt# 1) alleging, among other things, violations of the registration and antifraud provisions of the federal securities laws – specifically, Sections 5 and 17(a) of the Securities Act of 1933, 15 U.S.C. §§ 77e, 77q(a); and Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b), 17 C.F.R. § 240.10b-5.

2. The SEC filed prior Agreed Motions on August 2, 2022 (Dkt# 5), August 10, 2022 (Dkt# 17), and September 1, 2022 (Dkt# 29), seeking entry by consent of a final judgment as to Defendant Samuel D. Ellis (“Ellis”), and partial judgments by consent as to Defendants Sarah L. Theissen (“Theissen”), Mark F. Hamlin (“Hamlin”), and Cheri Beth Bowen (“Bowen”). By Minute Entries on August 4, 2022 (Dkt# 8), August 25, 2022 (Dkt# 24), and September 2, 2022 (Dkt# 31), the Court granted the prior Agreed Motions, and subsequently, on August 8, 2022, August 25, 2022, and September 2, 2022, the Court entered final judgment against Ellis (Dkt# 16), and partial judgments against Theissen (Dkt# 15), Hamlin (Dkt# 25), and Bowen (Dkt# 33).

3. As with Theissen, Hamlin, and Bowen, Martinez also has agreed to a partial settlement of the SEC’s claims. Attached as Exhibit 1 is his signed consent to the proposed partial judgment. This judgment obviates the need to litigate substantive liability on the part of Martinez, and permanently enjoins him from violating the federal securities laws at issue in the Complaint as well as from engaging in certain other activity. The proposed judgment further provides that monetary relief sought by the SEC – in the form of disgorgement, prejudgment interest, and a civil penalty – shall be determined by the Court at a later date on the SEC’s motion.

4. District courts routinely have entered judgments based on this type of “bifurcated” settlement in SEC enforcement actions, and have adopted the procedures described in the attached consent for the monetary relief portion of the proceedings. *See, e.g., SEC v. Daubenspeck*, 469 F. Supp. 3d 859, 860 (N.D. Ill. 2020); *SEC v. Zenergy Int’l, Inc.*, No. 13-5511, 2016 U.S. Dist. LEXIS 127630, at \*2-4 (N.D. Ill. Sept. 20, 2016); *SEC v. Integrity Fin. AZ, LLC*, No. 10-782, 2012 U.S. Dist. LEXIS 6758, at \*3-4 (N.D. Ohio Jan. 20, 2012).

5. In the attached consent, Martinez has agreed the SEC “may present the [proposed judgment] to the Court for signature and entry without further notice.” (See Ex. 1, at ¶ 15.) Under Fed. R. Civ. P. 54(b), there is no just reason to delay entry of the proposed judgment, and the SEC submits entry of the judgment will conserve judicial resources and streamline the issues in this litigation. In addition, there is little risk of a piecemeal appeal, as Martinez has waived his right to appeal from the judgment. (See Ex. 1, at ¶ 7.)

6. This case will proceed in full as to the remaining Defendants – Vladimir Okhotnikov; Mikail Sergeev; and Ronald R. Deering – and is not affected by entry of the proposed judgment.<sup>1</sup>

7. Pursuant to the Court’s Individual Practices, the proposed judgment in Word format is being emailed separately to Chambers.

WHEREFORE, for the reasons cited above, the SEC respectfully requests the Court grant this motion and enter the proposed judgment.

DATED: November 21, 2022 Respectfully submitted,

SECURITIES AND EXCHANGE COMMISSION

By: /s/ Patrick R. Costello

Timothy S. Leiman ([leiman@sec.gov](mailto:leiman@sec.gov)) (IL #6270153)  
Chicago Regional Office  
175 W. Jackson Blvd., Suite 1450  
Chicago, IL 60604  
Telephone: (312) 353-5213

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<sup>1</sup> Defendants Jane Doe a/k/a Lola Ferrari and Sergey Maslakov are in default, and the Court will hear the SEC’s pending motion for default judgment (Dkt# 49) on November 29, 2022. See Dkt# 53. In addition, Defendant Alisha R. Shepperd has agreed to a partial settlement of the SEC’s claims, and the SEC will file her consent along with a motion for entry of partial judgment.

Patrick R. Costello ([costello@sec.gov](mailto:costello@sec.gov)) (FL #75034)  
Christopher J. Carney ([carneyc@sec.gov](mailto:carneyc@sec.gov)) (DC #472294)  
Washington, DC Office  
100 F Street NE  
Washington, DC 20549-5949  
Telephone: (202) 551-3982  
*Admitted Pro Hac Vice*  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I certify that on November 21, 2022, I caused to be served the foregoing PLAINTIFF'S AGREED MOTION FOR ENTRY OF PARTIAL JUDGMENT BY CONSENT AS TO DEFENDANT CARLOS L. MARTINEZ on Defendants at the addresses and by the means set forth on the attached Service List.

/s/ Patrick R. Costello  
Patrick R. Costello

**Service List**

<p><b>Vladimir Okhotnikov</b>  c/o James G. Lundy  Foley &amp; Lardner LLP  321 North Clark Street, Suite 3000  Chicago, IL 60654  <a href="mailto:jglundy@foley.com">jglundy@foley.com</a></p>	By CM/ECF
<p><b>Mark F. Hamlin</b>  c/o Ryan Willis, Christian Dysart, James Kurosad  Dysart Willis  530 Hillsborough Street, Suite 200  Raleigh, NC 27603  <a href="mailto:ryan@dysartwillis.com">ryan@dysartwillis.com</a>  <a href="mailto:christian@dysartwillis.com">christian@dysartwillis.com</a>  <a href="mailto:james@dysartwillis.com">james@dysartwillis.com</a></p>	By electronic mail
<p><b>Sarah L. Theissen</b>  c/o Gregg N. Sofer and Patrick Coffey  Husch Blackwell LLP  111 Congress Avenue, Suite 1400  Austin, TX 78701-4093  <a href="mailto:Gregg.sofe@huschblackwell.com">Gregg.sofe@huschblackwell.com</a>  <a href="mailto:patrick.coffey@huschblackwell.com">patrick.coffey@huschblackwell.com</a></p>	By CM/ECF
<p><b>Carlos L. Martinez</b>  c/o Bruce Lewitas  Lewitas Hyman  161 N. Clark St., Suite 1600  Chicago, IL 60601  <a href="mailto:blewitas@securitieslaw.com">blewitas@securitieslaw.com</a></p>	By electronic mail
<p><b>Ronald R. Deering</b>  c/o Peter King and Cindy Innocent  Guerra King P.A.  The Towers at Westshore  1408 N. Westshore Blvd., Suite 1010  Tampa, FL 33607  <a href="mailto:pking@guerraking.com">pking@guerraking.com</a>  <a href="mailto:cinnocent@guerraking.com">cinnocent@guerraking.com</a></p> <p>David A. Baugh  O'Hagan Meyer, LLC  One E. Wacker Drive, Suite 3400  Chicago, IL 60601  <a href="mailto:dbaugh@ohaganmeyer.com">dbaugh@ohaganmeyer.com</a></p>	By CM/ECF

<p><b>Cheri Beth Bowen</b> c/o Celiza (Lisa) Bragança Bragança Law LLC 5250 Old Orchard Road, Suite 300 Skokie, IL 60077 <a href="mailto:Lisa@SECDefenseAttorney.com">Lisa@SECDefenseAttorney.com</a></p>	By electronic mail
<p><b>Alisha R. Shepperd</b> c/o Matthew Mueller Fogarty Mueller Harris, PLLC 100 E Madison St., Suite 202 Tampa, FL 33602-4703 <a href="mailto:matt@fmhlegal.com">matt@fmhlegal.com</a></p>	By electronic mail