

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 SECURITIES AND EXCHANGE COMMISSION,  
4

5 Plaintiff,

6 v.

7 GEXCRYPTO CORP. (a/k/a GexCrypto Global  
8 Trading Corp.) and EMILIANO S. RYN,

9 Defendant.  
10

Case No. 2:23-cv-00191-JAD-BNW

ECF No. 3-4

11 **Order Granting Motion to Approve Stipulated Consent Judgment**  
12 **against GexCrypto Corp.**

13 The Securities and Exchange Commission having filed a Complaint and Defendant  
14 GexCrypto Corp. ("Defendant") 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  
17 jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal  
18 from this Final Judgment:

19 I.

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
21 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the  
22 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5  
23 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of  
24 interstate commerce, or of the mails, or of any facility of any national securities exchange, in  
25 connection with the purchase or sale of any security:  
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28 (a) to employ any device, scheme, or artifice to defraud;

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

4 (c) to engage in any act, practice, or course of business which operates or would  
5 operate as a fraud or deceit upon any person.  
6

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
8 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who  
9 receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's  
10 officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or  
11 participation with Defendant or with anyone described in (a).  
12

13 II.

14 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
15 is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933  
16 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any  
17 means or instruments of transportation or communication in interstate commerce or by use of the  
18 mails, directly or indirectly:  
19

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

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

24 or  
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26 (c) to engage in any transaction, practice, or course of business which operates or  
27 would operate as a fraud or deceit upon the purchaser.  
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
2 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who  
3 receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's  
4 officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or  
5 participation with Defendant or with anyone described in (a).  
6

7 III.

8 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
9 is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C.  
10 § 77e] by, directly or indirectly, in the absence of any applicable exemption:  
11

- 12 (a) Unless a registration statement is in effect as to a security, making use of any  
13 means or instruments of transportation or communication in interstate commerce  
14 or of the mails to sell such security through the use or medium of any prospectus  
15 or otherwise;
- 16 (b) Unless a registration statement is in effect as to a security, carrying or causing to  
17 be carried through the mails or in interstate commerce, by any means or  
18 instruments of transportation, any such security for the purpose of sale or for  
19 delivery after sale; or
- 20 (c) Making use of any means or instruments of transportation or communication in  
21 interstate commerce or of the mails to offer to sell or offer to buy through the use  
22 or medium of any prospectus or otherwise any security, unless a registration  
23 statement has been filed with the Commission as to such security, or while the  
24 registration statement is the subject of a refusal order or stop order or (prior to the  
25 effective date of the registration statement) any public proceeding or examination  
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1 under Section 8 of the Securities Act [15 U.S.C. § 77h].

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in  
3 Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who  
4 receive actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's  
5 officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or  
6 participation with Defendant or with anyone described in (a).  
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8 IV.

9 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant,  
10 jointly and severally with Defendant Emiliano S. Ryn, is liable for disgorgement of \$825,994.37,  
11 pursuant to Section 21(d)(7) of the Exchange Act [15 U.S.C. § 78u(d)(7)], representing net  
12 profits gained as a result of the conduct alleged in the Complaint, together with prejudgment  
13 interest thereon in the amount of \$187,567.87, and a civil penalty in the amount of \$1,000,000.00  
14 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the  
15 Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall satisfy this obligation by paying  
16 \$2,013,562.24 to the Securities and Exchange Commission within 30 days after entry of this  
17 Final Judgment.  
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20 Defendant may transmit payment electronically to the Commission, which will provide  
21 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly  
22 from a bank account via Pay.gov through the SEC website at  
23 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check, bank  
24 cashier's check, or United States postal money order payable to the Securities and Exchange  
25 Commission, which shall be delivered or mailed to  
26

27 Enterprise Services Center  
28

1 Accounts Receivable Branch  
2 6500 South MacArthur Boulevard  
3 Oklahoma City, OK 73169

4 and shall be accompanied by a letter identifying the case title, civil action number, and name of  
5 this Court; GexCrypto Corp. as a defendant in this action; and specifying that payment is made  
6 pursuant to this Final Judgment.

7 Defendant shall simultaneously transmit photocopies of evidence of payment and case  
8 identifying information to the Commission's counsel in this action. By making this payment,  
9 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part  
10 of the funds shall be returned to Defendant.

11 The Commission may enforce the Court's judgment for disgorgement and prejudgment  
12 interest by using all collection procedures authorized by law, including, but not limited to,  
13 moving for civil contempt at any time after 30 days following entry of this Final Judgment.

14 The Commission may enforce the Court's judgment for penalties by the use of all  
15 collection procedures authorized by law, including the Federal Debt Collection Procedures Act,  
16 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court orders  
17 issued in this action. Defendant shall pay post judgment interest on any amounts due after 30  
18 days of the entry of this Final Judgment pursuant to 28 U.S.C. § 1961. The Commission shall  
19 hold the funds, together with any interest and income earned thereon (collectively, the "Fund"),  
20 pending further order of the Court.  
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23 The Commission may propose a plan to distribute the Fund subject to the Court's  
24 approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund  
25 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain  
26 jurisdiction over the administration of any distribution of the Fund and the Fund may only be  
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