

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12CV803-GCM

SECURITIES AND EXCHANGE)
COMMISSION,)
)
Plaintiff,)
)
vs.)
)
JOHN W. FEMENTIA, et al.,)
)
Defendants.)
<hr style="width:45%; margin-left:0;"/>)

ORDER AND JUDGMENT

WHEREAS, this matter is before the Court on the Plaintiff Securities and Exchange Commission’s (“Plaintiff” or “SEC”) Motion for Disgorgement and Civil Penalty [Dkt. 356] filed with the Court on April 3, 2018 (“Motion”) with respect to Defendant Aaron M. Wens (“Defendant” or “Wens”);

WHEREAS, Wens previously agreed to and the Court entered preliminary injunctive and other relief with respect to Wens on December 13, 2012, including the freezing of certain bank, brokerage and investment accounts owned, co-owned or controlled by Wens (“December 13 Order”) [Dkt. 23];

WHEREAS, Wens executed a Consent [Dkt. 352] and the Court entered a consent Judgment [Dkt. 353], which, among other things, included a waiver of findings of fact and

conclusions of law and an admission by Wens of the allegations of the First Amended Complaint for purposes of this Motion, a permanent injunction against the violation of Section 10(b) of the Securities Exchange Act of 1934, and an agreement to the Court's determination of disgorgement, prejudgment interest thereon and civil penalty, if any;

WHEREFORE, after consideration of the foregoing, a review of the submissions and documentation filed by the parties and the other documents filed in this case, and the positions and arguments of the parties,

IT IS HEREBY ORDERED as follows:

1. The Plaintiff's Motion is GRANTED.
2. Defendant Wens is liable for disgorgement of \$160,000.
3. In payment of the foregoing disgorgement, all those monies in the accounts owned or controlled, in whole or in part, by Wens that were and are currently frozen pursuant to the Court's December 13 Order shall be paid to the Commission by transferring the frozen amounts electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request or through via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Such payment may also be made by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, 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; Wens as a defendant in this action; and specifying that payment is made pursuant to this Judgment. The Commission shall send all the funds paid pursuant to this Judgment to the United States Treasury.

4. To the extent that the foregoing amounts from the frozen accounts do not satisfy the entirety of the disgorgement ordered pursuant to this Judgment, Wens shall satisfy the remaining outstanding amount by paying such remaining amount to the Securities and Exchange Commission within 60 days after entry of this Judgment. Defendant Wens may transmit payment electronically to the Commission, 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>. Defendant Wens may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

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

Defendant Wens shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this

payment, Defendant Wens relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant Wens. The Commission shall send the funds paid pursuant to this Judgment to the United States Treasury.

6. Except as otherwise ordered herein, upon the filing of this Judgment, any and all asset freezes against other assets of Wens are hereby lifted, vacated and dissolved.

7. This Judgment resolves, concludes and terminates Plaintiff's case against defendant Wens. This Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

Signed: April 24, 2018

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

