1	JINA L. CHOI (N.Y. Bar No. 2699718)		
2	MICHAEL S. DICKE (Cal. Bar No. 158187) JOHN S. YUN (Cal Bar No. 112260)		
3	yunj@sec.gov		
	schneidere@sec.gov		
4	Attorneys for Plaintiff		
5	SECURITIES AND EXCHANGE COMMISSION 44 Montgomery Street, Suite 2800		
6	~ . ~		
7	Facsimile: (415) 705-2501		
8			
9	LIMITED CTATEC D	STRICT COLIDT	
10			
11	NORTHERN DISTRICT OF CALIFORNIA		
12	SAN FRANCISCO DIVISION		
13			
14	SECURITIES AND EXCHANGE COMMISSION,	Case No. C-13-CV-00895 SC	
	Plaintiff,	CORRECTED FINAL JUDGMENT AS TO	
15	V.	DEFENDANT BRUCE HORWITZ	
16			
17	WALTER NG, KELLY NG, BRUCE HORWITZ, and THE MORTGAGE FUND, LLC		
18	Defendants.		
19			
20			
21	The Securities and Exchange Commission having filed a Complaint and Defendant Bruce		
22	Horwitz ("Defendant") having entered a general appearance; consented to the Court's jurisdiction		
23	over Defendant and the subject matter of this action; consented to entry of this Final Judgment		
24	without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived		
25	findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:		
26	I.		
27	IT IS HEERBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's		
28	agents, servants, employees, attorneys, and all persons in active concert or participation with them		
		± ±	

10

11 12

14

13

16

15

17 18

19

20

21 22

23

25

26

24

27

28

who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5(b) promulgated thereunder [17 C.F.R. § 240.10b-5(b)], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security, to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a)(2) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)(2)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly, to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$615,999, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$9,343, and a civil penalty in the amount of \$100,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)] and Section 20(d)(1) of the Securities Act [15 U.S.C. § 77t(d)(1)]. Defendant shall satisfy this obligation by paying \$725,342 to the Securities and Exchange Commission within 60 days after entry of this Final Judgment.

Defendant 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 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

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; Bruce Horwitz as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendant 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 relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendant.

The Commission 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 60 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any interest and income earned thereon (collectively, the "Fund"), pending further order of the Court.

The Commission may propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Defendant's payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Defendant's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Defendant by or on behalf of one or more investors based on substantially the same facts as alleged in the Complaint in this action.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant Bruce Horwitz is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

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

Case 3:13-cv-00895-SC Document 52 Filed 08/01/14 Page 5 of 5

1	or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the	
2	Bankruptcy Code, 11 U.S.C. § 523(a)(19).	
3	VI.	
4	IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall	
5	retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.	
6		
7	IT IS SO ORDERED.	
8		
9	Dated: 07/31/2014	
10	SĂMUEL CONT, UNITED STATES DISTRICT JUDGE	
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
2526		
26		
28		
40		