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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiffs,

v.

BRETT A. COHEN; DAVID V. MYERS;
AARON J. SCALIA; and STEPHEN J.
SCALIA,

Defendants.

Civil No. 10cv2514 L(WMC)

**FINAL JUDGMENT AS TO
DEFENDANT DAVID V. MYERS**

The Securities and Exchange Commission having filed a First Amended Complaint and Defendant David V. Myers ("Myers") having entered a general appearance; consented to the Court's jurisdiction over Myers and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the First Amended Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Myers and Myers' agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this 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

1 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
2 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
3 connection with the purchase or sale of any security:

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

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

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


10 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
11 disgorgement, prejudgment interest, and a civil penalty pursuant to Section 21(d)(3) of the
12 Exchange Act [15 U.S.C. § 78u(d)(3)], are appropriate in this case. However, as a result of the
13 criminal sanctions ordered against Myers in *United States v. Myers*, 10-cr-4832 (BTM) (S.D.
14 Cal.), the Commission is not seeking monetary remedies against Myers this proceeding.

15 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Consent is
16 incorporated herein with the same force and effect as if fully set forth herein, and that Myers
17 shall comply with all of the undertakings and agreements set forth therein.

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

20 **IT IS SO ORDERED.**

21 DATED: April 26, 2012

22 
23 M. James Lorenz
United States District Court Judge

24 COPY TO:

25 HON. WILLIAM McCURINE, JR.
26 UNITED STATES MAGISTRATE JUDGE

27 ALL PARTIES/COUNSEL

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