

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
	:	
Plaintiff	:	Civil Action No.
	:	2:11-cv-04429-PD
v.	:	
	:	
JOHN N. IRWIN, CPA and JACKLIN ASSOCIATES, INC.,	:	
	:	
	:	
Defendants.	:	
	:	

FINAL JUDGMENT AS TO DEFENDANT JOHN N. IRWIN

The Securities and Exchange Commission having filed a complaint (the "Complaint") and Defendant John N. Irwin ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction and except as otherwise provided herein in Paragraph IV); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment; and

This Court having entered Judgment as to Defendant John N. Irwin on July 12, 2011, Docket No. 4, which Judgment remains in full effect and is incorporated by reference into this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$5,453,500, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$1,107,222.18, for a

total of \$6,560,722.18; but that this obligation shall be deemed satisfied upon the completion of all of the following:

a. Within 14 days after entry of this Final Judgment, Defendant's payment of \$1,151,655.80 to the Receiver jointly appointed in SEC v. Forte, Civ. Act. No. 2:09-cv-00063-PD (E.D. Pa.) and CFTC v. Forte, 09-CV-0064-PD (E.D. Pa.) (the "Receiver");

b. Within 14 days after entry of this Final Judgment, the release by Defendant and his wife of any and all claims against the Receivership Estate jointly established in SEC v. Forte, Civ. Act. No. 2:09-cv-00063-PD (E.D. Pa.) and CFTC v. Forte, 09-CV-0064-PD (E.D. Pa.) (the "Receivership Estate"), specifically including, but not limited to, the claims of Investor #1057 and Investor #1059;

c. Within fourteen (14) days of the entry of this Final Judgment, the assignment by Defendant to the Receiver of any claim that Jacklin Associates, Inc. may have in the Irwin Bankruptcy; and

d. The final and unappealable resolution of the Receiver's claim (Claim No. 8-1) in the bankruptcy action In re: John N. Irwin, Case No. 10-14407 (Bkcy. E.D. Pa.) (the "Irwin Bankruptcy").

All payments pursuant to this paragraph are to be incorporated by the Receiver into the Receivership Estate for distribution pursuant to Court Order. Defendant relinquishes all legal and equitable right, title, and interest to any payment made pursuant to this Paragraph, and no part of the funds paid shall be returned to Defendant. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

The determination not to impose a civil penalty, and to accept as full satisfaction of this Final Judgment the payments set forth above, is contingent upon Defendant's completion of the obligations and assignments set forth herein, and the accuracy and completeness of his representations and warranties as set forth in the Consent. If at any time following the entry of this Final Judgment, the Commission obtains information indicating that Defendant failed to complete, or otherwise breached, his obligations and/or assignments set forth in paragraph I of this Final Judgment, and/or that any of Defendant's representations and warranties made herein were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such

representation or warranty was made, the Commission may, at its sole discretion and without prior notice to Defendant, petition the Court for an order requiring Defendant to pay the unpaid portion of the disgorgement, prejudgment and post-judgment interest thereon pursuant to 28 U.S.C. § 1961, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issues shall be whether Defendant has failed to complete or otherwise breached his obligations and/or assignments set forth in Paragraph I of this Final Judgment, and/or whether any of the representations and warranties provided by Defendant in the Consent was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representation or warranty was made.

In any such petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Defendant to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Defendant may not, by way of defense to such petition: (1) challenge the validity of the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of disgorgement, prejudgment and post-judgment interest should not be ordered; (4) contest the amount of disgorgement and prejudgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

II.

Upon completion of a. through d. in Paragraph I, above, the Receiver shall certify to the same in a document served on all parties to this action. If and as appropriate, the Commission shall then file a satisfaction of judgment as to a. through d. in Paragraph I.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent 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.

IV.

IT IS 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 or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §523(a)(19).

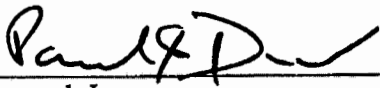
V.

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

VI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: December 19, 2014



Diamond, J.