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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN JOSE DIVISION**

12 SECURITIES AND EXCHANGE COMMISSION,
13

14 Plaintiff,

15 vs.

16 GLR CAPITAL MANAGEMENT, LLC,
CHRISTOPHER A. LUCK and CHRISTOPHER A.
LUCK
17

18 Defendants

19 and

20 GLR GROWTH FUND, L.P.,

21 Relief Defendant.
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Case No. CV12-2663 (EJD)

**[PROPOSED] FINAL
JUDGMENT AS TO DEFENDANT
CHRISTOPHER A. LUCK**

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2 The Securities and Exchange Commission (“Commission”) having filed a Complaint and
3 Defendant Christopher A. Luck (“Defendant”) having entered a general appearance; consented to the
4 Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this
5 Final Judgment as to Defendant Christopher A. Luck (“Final Judgment”); waived findings of fact and
6 conclusions of law; and waived any right to appeal from this Final Judgment:

7 I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant’s
9 agents, servants, employees, attorneys, and all persons in active concert or participation with them
10 who receive actual notice of this Final Judgment by personal service or otherwise are permanently
11 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
12 Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R.
13 § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any
14 facility of any national securities exchange, in connection with the purchase or sale of any security:

- 15 (a) to employ any device, scheme, or artifice to defraud;
16 (b) to make any untrue statement of a material fact or to omit to state a material fact
17 necessary in order to make the statements made, in the light of the circumstances
18 under which they were made, not misleading; or
19 (c) to engage in any act, practice, or course of business which operates or would
20 operate as a fraud or deceit upon any person.

21 II.

22 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and
23 Defendant’s agents, servants, employees, attorneys, and all persons in active concert or participation
24 with them who receive actual notice of this Final Judgment by personal service or otherwise are
25 permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 [15
26 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of
27 transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

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

- 1 (b) to obtain money or property by means of any untrue statement of a material fact or any
2 omission of a material fact necessary in order to make the statements made, in light of
3 the circumstances under which they were made, not misleading; or
4 (c) to engage in any transaction, practice, or course of business which operates or would
5 operate as a fraud or deceit upon the purchaser.

6 III.

7 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants and
8 Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation
9 with them who receive actual notice of this Final Judgment by personal service or otherwise are
10 permanently restrained and enjoined from violating Section 206(4) the Investment Advisers Act of
11 1940 [15 U.S.C. § 80b-6(4)] and Rule 206(4)-8 thereunder [17 C.F.R. 275.206(4)-8] by, while acting
12 as an investment adviser, using the mails or any means or instrumentality of interstate commerce:

- 13 (a) engaging in any act, practice, or course of business which is fraudulent, deceptive, or
14 manipulative; or
15 (b) while acting as an investment adviser to a pooled investment vehicle:
16 (1) making any untrue statement of a material fact or omitting to state a material fact
17 necessary to make the statements made, in the light of the circumstances under
18 which they were made, not misleading, to any investor or prospective investor in
19 the pooled investment vehicle; or
20 (2) otherwise engaging in any act, practice, or course of business that is fraudulent,
21 deceptive, or manipulative with respect to any investor or prospective investor in
22 the pooled investment vehicle.

23 IV.

24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
25 liable for disgorgement of \$541,000, together with prejudgment interest thereon in the amount of
26 \$78,099.58, for a total of \$619,099.58. Defendant's payment of disgorgement and prejudgment
27 interest is deemed satisfied by the Amended Final Judgment in a Criminal Case entered February 27,
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1 2015 ordering Luck to pay restitution and forfeiture in *United States v. Christopher Anthony Luck*,
2 Crim. No. 12-CR-00888-002 EJD.

3 V.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, for purposes of exceptions
5 to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the
6 Complaint are true and admitted by Defendant, and further, any debt for disgorgement, prejudgment
7 interest, civil penalty or other amounts due by Defendant under this Judgment or any other judgment,
8 order, consent order, decree or settlement agreement entered in connection with this proceeding, is a
9 debt for the violation by Defendant of the federal securities laws or any regulation or order issued
10 under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

11 VI.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent of Christopher
13 A. Luck is incorporated herein with the same force and effect as if fully set forth herein, and that
14 Defendant shall comply with all of the undertakings and agreements set forth therein.


15 VII.

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

18 VIII.

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

21 Dated: 6/10, 2015

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24 EDWARD J. DAVILA
25 UNITED STATES DISTRICT JUDGE
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