

FILED IN CHAMBERS
U.S.D.C. - Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 26 2016

By: JAMES N. HATTEN, Clerk
Deputy Clerk

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JAMES M. DONNAN, III and GREGORY
L. CRABTREE,

Defendants,

JEFFREY TODD DONNAN,
TAMMY L. DONNAN, and GREGORY
K. JOHNSON,

Relief Defendants.

Civil Action No.
1:12-CV-2831-ODE

JUDGMENT

This cause came before the Court on Plaintiff's Motion for Final Order Against Donnan Setting Disgorgement, Prejudgment Interest, and Civil Penalties [Doc. 63] ("Motion"). The Court has reviewed the Motion and memorandum of law in support thereof, and finds that sufficient legal and factual grounds exist for the relief requested in the Motion.

It is hereby ORDERED that the Motion is GRANTED.

Accordingly, IT IS HEREBY ORDERED and ADJUDGED that Defendant James M. Donnan, III, shall pay disgorgement in the amount of \$3,484,991, which represents \$2,524,377 in ill-gotten gains, and \$960,664 in prejudgment interest. Donnan is also ORDERED to pay a \$10,000 civil penalty under 15 U.S.C. §§ 77t(d) and 78u(d)(3). Payment of these amounts shall be due 14 days after entry of this Judgment.

Payments may be transmitted electronically to Plaintiff, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment also may be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Payment also may be made by certified check, bank cashier's check or U.S. 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 Blvd.
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Defendant's name as a defendant in this action; and specifying that payment is made pursuant to this Amended Judgment. Defendant shall simultaneously transmit photocopies of evidence of payment and case identifying information to Plaintiff'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 shall hold the funds together with any interest and income earned thereon (collectively, the “Fund”), and may propose a plan to distribute the Fund subject to the Court’s approval. The Court shall retain jurisdiction over the administration of any distribution of the Fund. 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. If the Commission determines that the funds will not be distributed, then the Commission shall send the funds paid pursuant to this Judgment to the United States Treasury.

The Commission may enforce this Judgment by moving for civil contempt and/or through other collection procedures authorized by law at any time after 14 days following entry of this Judgment. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. §1961.

There being no just reason for delay, pursuant to Fed.R.Civ.P. 54(b), this Amended Judgment shall be deemed a final judgment as to Defendant Donnan.¹

¹ Pursuant to Fed.R.Civ.P. 58(b)(2), this proposed Judgment is approved, and the Clerk is directed to promptly enter the proposed Judgment.

Dated at Atlanta, Georgia, this 26 day of September, 2016.

A handwritten signature in black ink, appearing to read "Orinda D. Evans", written over a horizontal line.

ORINDA D. EVANS
UNITED STATES DISTRICT JUDGE