

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: Case No. 17-CV-23572-MORENO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

PEDRO FORT BERBEL,

Defendant,

**JUDGMENT AS TO DEFENDANT PEDRO FORT BERBEL SETTING
DISGORGEMENT, PREJUDGMENT INTEREST AND CIVIL PENALTIES**

THIS MATTER is before the Court on Plaintiff's Motion seeking to set disgorgement, prejudgment interest and civil penalties against Defendant Pedro Fort Berbel (DE:). The Court has fully considered the motion, the record, and being fully advised in the premises:

IT IS ORDERED AND ADJUDGED that the Plaintiff's motion is **GRANTED** and Judgment is entered against the Defendant as follows:

I. DISGORGEMENT, PREJUDGMENT INTEREST AND CIVIL PENALTIES

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$7,025,000, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$948,191.70, for a total of \$7,973,191.70, for which Defendant is liable on a joint and several basis with defendant Fort Marketing Group LLC. Of the total disgorgement amount due from Defendant Berbel, relief defendant, Sibades, LLC shall be jointly and severally liable for \$1,418,717.38. Defendant is also liable for civil penalties in the amount of

\$7,025,000. Defendant shall satisfy these obligations by paying \$7,973,191.70 to the Securities and Exchange Commission within 14 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/ofin.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; Pedro Fort Berbel 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 14 days following entry of this Final Judgment. Defendant shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. Amounts collected shall be applied first to disgorgement, then prejudgment interest until the disgorgement and prejudgment interest amount in this Final Judgment is fully satisfied and thereafter then applied

to civil penalties; only then shall any amount be applied to post judgment interest. 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.

II. RETENTION OF JURISDICTION

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

DONE AND ORDERED in Chambers at Miami, Florida, this day of 15

F. Moreno, 2019.



HON. FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies to: counsel and parties of record