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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

GANNON GIGUIERE, ANDREW
HACKETT, and ANNETTA
BUDHU,

Defendants.

Case No.: 18-cv-1530-WQH-JLB

**JUDGMENT AS TO DEFENDANT
ANNETTA BUDHU**

The Securities and Exchange Commission having filed a Complaint and Defendant Annetta Budhu 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 V) waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of

1 the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rules
2 10b-5(a) and (c) promulgated thereunder [17 C.F.R. § 240.10b-5(a) and (c)], by using any
3 means or instrumentality of interstate commerce, or of the mails, or of any facility of any
4 national securities exchange, in connection with the purchase or sale of any security:

- 5 (i) to employ any device, scheme, or artifice to defraud; or
- 6 (ii) to engage in any act, practice, or course of business which operates or would
7 operate as a fraud or deceit upon any person.

8 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, as provided
9 in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the
10 following who receive actual notice of this Final Judgment by personal service or
11 otherwise: (a) Defendant’s officers, agents, servants, employees, and attorneys; and (b)
12 other persons in active concert or participation with Defendant or with anyone described
13 in (a).

14 **II.**

15 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
16 Defendant is permanently barred from participating in an offering of penny stock, including
17 engaging in activities with a broker, dealer, or issuer for purposes of issuing, trading, or
18 inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is
19 any equity security that has a price of less than five dollars, except as provided in Rule
20 3a51-1 under the Exchange Act [17 C.F.R. 240.3a51-1].

21 **III.**

22 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
23 Defendant is liable for disgorgement of \$5,000, representing net profits gained as a result
24 of the conduct alleged in the Complaint, together with prejudgment interest thereon in the
25 amount of \$1,589.67, and a civil penalty in the amount of \$5,000 pursuant to Section
26 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall satisfy this
27 obligation by paying \$11,589.67 to the Securities and Exchange Commission pursuant to
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1 the terms of the payment schedule set forth in paragraph IV below after entry of this Final
2 Judgment.

3 Defendant may transmit payment electronically to the Commission, which will
4 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be
5 made directly from a bank account via Pay.gov through the SEC website at
6 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check,
7 bank cashier's check, or United States postal money order payable to the Securities and
8 Exchange Commission, which shall be delivered or mailed to

9 Enterprise Services Center
10 Accounts Receivable Branch
11 6500 South MacArthur Boulevard
12 Oklahoma City, OK 73169

13 and shall be accompanied by a letter identifying the case title, civil action number, and
14 name of this Court; Annetta Budhu as a defendant in this action; and specifying that
15 payment is made pursuant to this Final Judgment.

16 Defendant shall simultaneously transmit photocopies of evidence of payment and
17 case identifying information to the Commission's counsel in this action. By making this
18 payment, Defendant relinquishes all legal and equitable right, title, and interest in such
19 funds and no part of the funds shall be returned to Defendant.

20 The Commission may enforce the Court's judgment for disgorgement and
21 prejudgment interest by using all collection procedures authorized by law, including, but
22 not limited to, moving for civil contempt at any time after 30 days following entry of this
23 Final Judgment.

24 The Commission may enforce the Court's judgment for penalties by the use of all
25 collection procedures authorized by law, including the Federal Debt Collection Procedures
26 Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation of any Court
27 orders issued in this action.

1 The Commission shall hold the funds, together with any interest and income earned
2 thereon (collectively, the “Fund”), pending further order of the Court.

3 The Commission may propose a plan to distribute the Fund subject to the Court’s
4 approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair
5 Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall
6 retain jurisdiction over the administration of any distribution of the Fund and the Fund may
7 only be disbursed pursuant to an Order of the Court.

8 Regardless of whether any such Fair Fund distribution is made, amounts ordered to
9 be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the
10 government for all purposes, including all tax purposes. To preserve the deterrent effect of
11 the civil penalty, Defendant shall not, after offset or reduction of any award of
12 compensatory damages in any Related Investor Action based on Defendant’s payment of
13 disgorgement in this action, argue that she is entitled to, nor shall she further benefit by,
14 offset or reduction of such compensatory damages award by the amount of any part of
15 Defendant’s payment of a civil penalty in this action (“Penalty Offset”). If the court in any
16 Related Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after
17 entry of a final order granting the Penalty Offset, notify the Commission’s counsel in this
18 action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair
19 Fund, as the Commission directs. Such a payment shall not be deemed an additional civil
20 penalty and shall not be deemed to change the amount of the civil penalty imposed in this
21 Judgment. For purposes of this paragraph, a “Related Investor Action” means a private
22 damages action brought against Defendant by or on behalf of one or more investors based
23 on substantially the same facts as alleged in the Complaint in this action.

24 **IV.**

25 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant
26 shall pay the total of disgorgement, prejudgment interest, and penalty due of \$11,589.67 in
27 two installments to the Commission according to the following schedule: (1) \$5,794.83,
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1 within 180 days of entry of this Final Judgment; and (2) \$5,794.84 within 365 days of this
2 Final Judgment. Payments shall be deemed made on the date they are received by the
3 Commission.

4 If Budhu fails to make any payment by the date agreed and/or in the amount agreed
5 according to the schedule set forth above, all outstanding amounts due under this Final
6 Judgment, shall accrue interest pursuant to 28 U.S.C. § 1961 from the date of the entry of
7 the Final Judgment and the entire balance of the debt shall become due and payable
8 immediately at the discretion of the staff of the Commission without further application to
9 the Court.

10 **V.**

11 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, solely for
12 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11
13 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant, and
14 further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts
15 due by Defendant under this Final Judgment or any other judgment, order, consent order,
16 decree or settlement agreement entered in connection with this proceeding, is a debt for the
17 violation by Defendant of the federal securities laws or any regulation or order issued under
18 such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C.
19 § 523(a)(19).

20 **VI.**

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

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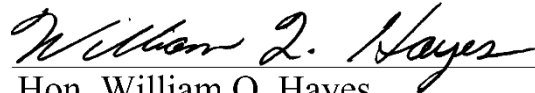
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VII.

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: January 30, 2023



Hon. William Q. Hayes
United States District Court

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