

Case No. 14-16733

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SECURITIES AND EXCHANGE COMMISSION

Plaintiff and Appellee

vs.

LYNDON, et al

Defendant, Appellant

**ADDENDUM #1 of 2
FOR
APPELLANT'S OPENING BRIEF**

Appeal from Final Judgments of the
U.S. District Court for the District of Hawaii
Hon. Susan Mollway, Presiding
(USDC Case No. CV13-00486 SOM-KSC)

Plaintiff – Appellee
U.S. Securities & Exchange Commission
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NOTICE OF APPEAL

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ORIGINAL

FILED IN THE UNITED STATES DISTRICT COURT DISTRICT OF HAWAII

SEP 10 2014 at 12 o'clock and 49 min. P.M. SUE BEITIA, CLERK

1 DEFENDANT: TROY LYNDON
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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF HAWAII

7 SECURITIES AND EXCHANGE COMMISSION ; Case No. CV13-00486 SOM-KSC
8 Plaintiff, ; OFFICIAL APPEAL RE: JUDGEMENT OF
9 TROY LYNDON AND RONALD ZAUCHA ; DISGORGEMENT, INTEREST &
10 Defendants. ; CIVIL PENALTIES DATED 8/11/2014
11 ----- ;

12 DECLARATION OF TROY LYNDON

13 Although references to "Lyndon" are in the third-person, I request that this Court recognize and
14 interpret my statements herein as part of my testimony and declaration. */s/ Troy Lyndon*

15 Lyndon remains hopeful that those considering this appeal will review and comment on all of
16 Lyndon's relevant pleadings, facts and evidences presented so that the truth will be revealed for all to see.

17 INTRODUCTION

18 For years, defendants have entered into settlement agreements, also referred to as consent
19 judgments, with the Securities & Exchange Commission, avoiding the cost, expense and time to put
20 forth an adequate defense. Even innocent defendants, like Lyndon in this case, are relieved to settle a
21 dispute with the SEC because they have never committed a crime in their lives and they are happy to
22 put the 'civil' matter behind them in exchange for agreeing never to participate in a public company as
23 an officer or director again – and if any gains were "ill-gotten", such defendants (i.e. Lyndon) are
24 willing to give money back. In Lyndon's case, entering into the SEC's standard settlement agreement
25 was an easy decision, because he knew that he had no "ill-gotten" gains.

26 Lyndon expected the SEC to act appropriate as a Federal Agency of the United States of America
27 – to uphold the highest standards of integrity and honesty while in the pursuit of justice.

28 Lyndon did NOT expect the SEC to act dishonorably and ask the court to require Lyndon repay

1 money that was never “ill-gotten”.

2 Lyndon is hereby appealing the judgment amount of disgorgement, interest and civil penalties
3 determined by Judge Mollway on August 11, 2014 (Dkt 143) – and any language in the parties’
4 settlement agreement (consent judgment) which restricts Lyndon or the Court from having the right or
5 authority to present or review evidence which could validate or invalidate whether such settlement
6 agreement was “fair and reasonable” or whether monies received by Lyndon were the result of alleged
7 “ill-gotten” gains.

8 **PRIMARY ISSUE OF APPEAL**

9 Perhaps this court will determine that it is a mere handmaiden to a settlement privately negotiated
10 on the basis of unknown facts, while the public is deprived of ever knowing the truth.

11 On June 4, 2014, the United States Court of Appeals for the Second Circuit issued a significant
12 decision in SEC v. Citigroup Global Markets Inc., in which it concluded that the district court’s refusal
13 to approve a consent judgment between the SEC and Citigroup was an abuse of discretion. In SEC’s
14 case against Lyndon, Judge Mollway did, however, approve a consent judgment – derived from the
15 parties’ settlement agreement. That said, what is relevant in the Second Circuit’s decision and
16 comments is their noted ability of the SEC “*to regulate without the involvement of the courts. (Op. at*
17 *27 (“[T]o the extent that the S.E.C. does not wish to engage with the courts, it is free to eschew the*
18 *involvement of the courts and employ its own arsenal of remedies instead.”). However, “**if the S.E.C.**
19 **prefers to call upon the power of the courts in ordering a consent decree and issuing an injunction,**
20 **then the S.E.C. must be willing to assure the court that the settlement proposed is fair and**
21 **reasonable.**” (Op. 27.)”*

22 Therefore, the legal issue at hand is, does the recent Second Circuit’s ruling require the SEC to
23 allow the Court to determine if a proposed settlement is “fair and reasonable”? And if so, is any
24 language in the parties’ settlement agreement invalid which limits the Court’s authority to use a proper
25 legal standard when determining if it is “fair and reasonable”? And further, is any language in the
26 parties’ settlement agreement invalid which limits Lyndon’s ability to present facts and evidence to the
27 Court which could assist the Court in determining if the proposed settlement was “fair and reasonable?”

28 In this particular case, the parties’ settlement agreement (consent judgment) was signed by Judge

1 Mollway on October 30, 2013 (Dkt 20). This occurred before the Second Circuit's decision on June 14,
2 2014. This appeal is with regard to Judge Mollway's recent order of August 11, 2014 (Dkt 143).

3 **QUESTIONS PRESENTED**

4 **QUESTION #1:** Why did Judge Mollway fail to recognize an obvious discrepancy in SEC's
5 accounting that is clearly NOT "fair and reasonable" for the SEC to request monies from Lyndon it knew
6 were never "ill-gotten"? As stated in Lyndon's Opposition to Plaintiff SEC's Motion for Summary
7 Judgment (Dkt 103, page 5, Section 11 on page 5, lines 4-10), "*SEC refused to provide the agreement*
8 *between Lyndon and Zaucha, as part of Lyndon's discovery requests, until after Lyndon filed his Motion to*
9 *Compel. SEC attempted to hide such agreement because it represents solid evidence proving that monies*
10 *personally received by Lyndon from Zaucha were not part of any alleged scheme, but instead part of an*
11 *asset purchase by Zaucha of Lyndon's television show "Spiritual Perspective", which aired with 14*
12 *episodes in America's largest test market of San Diego. This information was provided to this Court in a*
13 *previous pleading by Lyndon.*"

14 In an effort by the SEC to cover its tracks, the SEC's REPLY to Lyndon's pleading (Dkt 111, page
15 14, lines 10-12), stated, "*While the SEC certainly agrees that Lyndon did not "earn" any of the ill-gotten*
16 *gains, and does not dispute that he may not have reported the monies as income, whether Lyndon did so is*
17 *not relevant.*"

18 In this same SEC REPLY, (Dkt 111, page 15, lines 12-17), the SEC stated, "*First, as explained in*
19 *Ms. Shau's declaration and alleged in the Complaint, the \$3.3 million was kicked back by Zaucha to LBG*
20 *– not to Lyndon. Lyndon then decided how to spend the funds, including by misappropriating \$918,043 for*
21 *his personal use. If Zaucha made other payments to Lyndon, they are not the subject of this motion. Second,*
22 *any debt that Lyndon owed to Zaucha is separate from any judgment debt he may come to owe to the SEC.*"

23 Firstly, by the SEC stating, "*any debt that Lyndon owed Zaucha is separate from any judgment*",
24 they have acknowledged that any monies personally received by Lyndon are not part of any judgment.

25 Secondly, the SEC stated, "*the \$3.3 million was kicked back by Zaucha to LBG – not to Lyndon.*
26 *Lyndon then decided how to spend the funds, including by misappropriating \$918,043 for his personal use*".

27 Herein, the SEC has contradicted itself. In SEC accountant Carol Shau's declaration (Dkt 68-2),
28 she admittedly invents her own categories and creates her own accounting statements to come up with

1 \$918,043 in monies she claims was used by Lyndon for personal expenses.

2 Wouldn't a reasonable person ask why Judge Mollway did not seek to reconcile how A) Lyndon
3 could "misappropriate" monies for personal use, while B) not consider such monies "earned"? Wouldn't a
4 reasonable person ask why Judge Mollway did not ask how any monies clearly "earned" were also included
5 in the SEC's calculations? Wouldn't a reasonable person ask that if no evidence was required by SEC to
6 prove how Lyndon absconded with any amount of money under the watchful eyes of LBG's auditors
7 Malone Bailey, a firm that is regulated by the SEC and the Public Company Accounting Oversight Board,
8 and in fact, is a firm which provides such services to more than 100 public companies, could the SEC at
9 least explain that if the case went to trial whether or not it had any evidence to prove that the company's
10 financials were fraudulent, other than the opinion of their own unqualified staff accountant?

11 **QUESTION #2:** Why did Judge Mollway fail to consider or determine the timeframe of SEC's
12 allegations and the estimated dates of stock sales that were relevant to the claims in SEC's original
13 allegations?

14 In the declaration of the SEC's accountant Carol Shau (Dkt 68-2), in Sections 5 a-d on pages 1 and
15 2, Ms. Shau points out that she based her accounting upon records beginning in May and June of 2009.

16 Considering that the SEC's allegations of fraud are based upon this same timeframe, why did Judge
17 Mollway disregard any consideration of Lyndon's pleading (Dkt 31) and exhibits "I", "J" and "K"? Why
18 did Judge Mollway allow 2009 financial data to be included when it is common knowledge that the issuance
19 of any restricted stock to Zaucha could not then have been sold until 2010?

20 Wouldn't a reasonable person ask why Judge Mollway never commented on such evidence
21 presented by Lyndon, especially when reviewing time periods to determine calculated amounts of SEC's
22 requested judgment against Lyndon?

23 **QUESTION 3:** As stated in Lyndon's Opposition to Plaintiff SEC's Motion for Summary
24 Judgment (Dkt 103, page 5, in pages 3-5, in Sections 8 and 9), Lyndon revealed to the Court deficiencies
25 in SEC Accountant Ms. Shau's qualifications and review of records.

26 Wouldn't a reasonable person seek to validate or perform even the smallest amount of due-
27 diligence in this post-Madoff era before giving the SEC a blank check to determine how much money
28 Lyndon should be required to pay?

1 **QUESTION 4:** Later in SEC's REPLY, (Dkt 111, page 14, lines 18-22), the SEC stated, "*Lyndon*
2 *asserts that the SEC has not provided "proper discovery" and that as a result information has been "hidden"*
3 *from the Court, and that such evidence "would substantially raise doubts to the amounts owed, if any" as*
4 *well as his scienter. (Opp. at 4:26-5:2.) Lyndon nowhere explains what this "evidence" is, or why he would*
5 *not already possess it."* During Lyndon's cooperation with SEC's investigation, he provided numerous
6 emails to SEC including those relating to "revenue recognition" with auditors and provided testimony
7 relating to his discussions with attorneys. Such damning evidence against SEC's case was presented in
8 Lyndon's Conforming Motion for Permanent Stay – clearly one of his most important pleadings in this case
9 (Dkt 101), with numerous exhibits which provide clear evidence supporting Lyndon's claims.

10 Later in this same SEC REPLY, (page 14, lines 22-24), the SEC stated, "*Nor does he explain what*
11 *"evidence" beyond the over 21,000 pages of bank and brokerage records and summaries of those records*
12 *he needs in order to refute Ms. Shau's calculations."* Evidence of SEC's contradictions in accounting were
13 provided for by the SEC itself, in this same SEC REPLY, as described above by Lyndon.

14 Wouldn't any reasonable person ask why Judge Mollway failed to hear Lyndon's claims and
15 perform the necessary diligence to reveal such discrepancies in SEC's accounting? How is it that Judge
16 Mollway could bring forth any judgment against Lyndon while the SEC has openly admitted that Lyndon
17 never "earned" any "ill-gotten" gains?

18 **QUESTION #5,** why did Judge Mollway and the Court fail to perform ANY diligence by simply
19 asking the SEC for an explanation as to why Lyndon's reported income is in such disparity with the
20 amount of money sought by the SEC, all the while knowing that Lyndon is an award-winning
21 entrepreneur, age 49 and a model citizen previous to SEC's allegations?

22 In line 25 to 26 of page 4 in Lyndon's response pleading (Dkt 103), "*Lyndon's filed tax returns*
23 *were based upon his personal Adjusted Gross Income of \$0.00 for 2010, \$30,742.00 in 2011 and \$1,810*
24 *in 2012."*

25 Wouldn't a reasonable person ask the SEC accountant who was present in court on June 30, 2014,
26 about the disparity between the SEC's request and Lyndon's income, especially considering the fact that
27 Lyndon has stated under penalty of perjury that he has no assets and income of less than \$1,000 per
28 month? Wouldn't a reasonable person ask why this Court has failed to recognize any significance in such

1 disparity of income and seek an explanation from the same SEC accountant who has analyzed Lyndon's
2 finances and who has provided a declaration to the Court on which this Court relied upon as the basis of
3 its judgment amount? If such SEC accountant could not provide a good explanation, wouldn't a
4 reasonable person consider reducing the amount of the disgorgement accordingly and consider Lyndon's
5 related claims, including his request for dismissal?

6 **QUESTION #6:** In lines 20 to 24 of page 5 of Lyndon's motion (Dkt 101), Lyndon presented
7 evidence suggesting that SEC's allegations that Zaucha was a "related-party" is false as follows, "*More*
8 *Attorneys were involved and provided licensed, professional advice: In Exhibit X, the court can read how*
9 *Lyndon and Attorneys #1 and #2, had a long email discussion that went on for many pages about Zaucha*
10 *and Lighthouse. In particular, the Court can read that the entire "related-party" definition from Item 404*
11 *of SEC Regulation S-K was literally pasted by one of the attorneys into the email discussion.*"

12 Wouldn't a reasonable person ask why this Court has failed to perform ANY diligence by simply
13 asking the SEC to answer Lyndon's claim and provide the precise language, section and words within its
14 "AFFILIATE-RELATED PARTY" document?

15 Because SEC's entire case hinges upon this "related-party" issue, wouldn't a reasonable person
16 be interested to learn of the precise section, words and language the SEC relied upon in bringing forth this
17 case in order to validate, at the very least, that the SEC's allegations are genuine, and accordingly, that the
18 parties' settlement agreement is in fact "fair and reasonable" or not?

19 **QUESTION #7:** In lines 25 to 28 of page 5 and lines 1 to 9 on page 6 of Lyndon's motion (Dkt
20 101), Lyndon provides facts and evidence which demonstrate a clear reliance upon professionals as
21 follows, "*More Auditors and Attorneys were involved in providing licensed, professional advice: In*
22 *Exhibit Y, the Court can read how Lyndon forwarded the entire discussion from Exhibit X with Attorneys*
23 *#1 and #2, to and for the benefit of two of the Company's newest auditors, Jay Norris and Frank Sharp of*
24 *Malone-Bailey, as well as two (2) other attorneys representing two (2) other law firms. A total of four (4)*
25 *attorneys from three (3) law firms were involved in such disclosures without any differing advice. In*
26 *Lyndon's email, the entire email string was provided along with a clear explanation about how Lyndon*
27 *and his attorney determined that Zaucha was NOT a "related-party."* Furthermore, Lyndon invited the
28 *Company's auditor to ask questions, if there were any. This is especially important to recognize, because*

1 *the auditors were intimately aware of all financial and securities transactions involving Zaucha. It is also*
2 *important to note that this communication was on March 28, 2011, literally 4 months prior to Malone*
3 *Bailey's completion of the Company's annual report, showing clearly that this information wasn't held by*
4 *Lyndon from the auditor for any period of time." And accordingly the SEC's allegations that Lyndon*
5 *misled his auditors was fabricated.*

6 Wouldn't a reasonable person ask why this Court failed to perform ANY diligence by simply
7 asking the SEC why Lyndon's evidence of communication with his auditors regarding "revenue
8 recognition" and with numerous attorneys regarding the critical "related party" issue, are both insufficient
9 to understand that Lyndon clearly relied upon his professionals and that "scienter" never existed?

10 Wouldn't a reasonable person recognize that if the SEC cannot provide a sensible answer, then
11 the basis of its case should be brought into question and the granting of Lyndon's request for dismissal
12 considered? Wouldn't a reasonable person ask why Judge Mollway refused to ask the SEC any such
13 questions which would undoubtedly be required in order to determine if the parties' settlement agreement
14 was "fair and reasonable" or not?

15 **QUESTION #8:** On page 11 of this Court's Order (Dkt. 143), Judge Mollway writes, "He does
16 not attribute his financial straits to the SEC." This is an outright misrepresentation of Lyndon by Judge
17 Mollway.

18 In response to SEC's request for Summary Judgment, in pleading (Dkt 103), in lines 11 through
19 15 of page 5, Lyndon clearly explains how "SEC's interference" was involved in his inability to meet a
20 financial demand by Zaucha, which attributed to his bankruptcy. The entire excerpt is provided as
21 follows: "*Because of Lyndon's failure to perform under the agreement [with Zaucha], which occurred as*
22 *a result of SEC's interference in Company's business, upon receiving a demand by Zaucha to repay all*
23 *funds received, a demand which Zaucha confirmed via email, which is in SEC's possession, Lyndon*
24 *included such monies [owed by a Corporation not subject to this lawsuit] of approximately \$429,000 in*
25 *his bankruptcy, which was discharged on July 3, 2012."*

26 In Lyndon's pleading (Dkt 101), in lines 7 and 8 on page 8, Lyndon underlined the text, "which
27 led to Lyndon's personal bankruptcy and his inability to pay for an attorney to provide an adequate
28 defense in this case."

1 Further, in this same pleading (Dkt 101), in lines 16 to 18 on page 8, Lyndon also underlined the
2 similar text, "Lyndon's inability to pay for an attorney to provide an adequate defense in this case, is the
3 direct result of SEC's actions prior to the filing of this case."

4 Why did Judge Mollway seek to intentionally misrepresent Lyndon's position regarding "how the
5 SEC is responsible for his financial straits" to this Court and the public by failing to properly reference
6 Lyndon's pleadings?

7 Wouldn't a reasonable person ask how Judge Mollway could intentionally omit both Lyndon's
8 claims and the evidence he presented to prove that SEC was responsible for his financial straits, including
9 exhibits in his pleadings (i.e. Dkt 101) in which FINRA clearly acknowledged that it's denial of a
10 corporate action was the direct result of their conversation with SEC, when SEC interfered in the
11 \$10,000,000 financing of Lyndon's company – LBG, prior to his personal bankruptcy?

12 Wouldn't a reasonable person ask how Judge Mollway could fail to review such facts and
13 damning evidence against SEC's case in determining the parties' settlement agreement was "fair and
14 reasonable" or not?

15 **QUESTION #9:** On page 24 of this Court's Order (Dkt. 143), Judge Mollway writes, "*Lyndon,*
16 *however, fails to explain why dismissal is appropriate.*" Again, this is another outright misrepresentation
17 of Lyndon by Judge Mollway.

18 In Lyndon's Request that Judge Mollway recuse herself (Dkt 140), in lines 19 to 25 of page 2,
19 Lyndon writes, "*However, it will become quite obvious to any reasonable person after reviewing Docs*
20 *28, 31, 32, 35, 36, 39, 41, 43, 48, 61, 75, 76, 81, 90, 99, 101, 103, 109, 110, 112, 118, 127 and 131, that*
21 *Judge Mollway's attempt to compare Lyndon's lengthy 8 year relationship with the SEC to a one-time*
22 *drug-store purchase transaction in Court on June 30, 2014, was both inappropriate and berating to*
23 *Lyndon. Most importantly, Lyndon has provided this Court with all of the facts, evidences and additional*
24 *information necessary to grant his request for a permanent stay, and for that matter, to dismiss this case*
25 *in entirety.*" Lyndon has also made this same request for dismissal in-person in Court before Judge Chang
26 and in other pleadings – but Lyndon was never asked why and both judges failed to discuss any of the
27 facts and evidences presented by Lyndon.

28 In Lyndon's pleadings, Dkt 101, 103, 127 and 131, three of which are bolded in the cited

1 pleadings above, Lyndon provides this Court with ample facts and evidence proving that Lyndon relied
2 upon his professionals and most importantly, that “scienter” could not possibly have existed. Most
3 condemning to SEC’s case are Exhibits “A, B, C, D, H, X, Y, Z, AA, AB, AC, AG and AH” in Dkts 101
4 and 127.

5 Wouldn’t a reasonable person ask, “Why did Judge Mollway seek to intentionally misrepresent
6 Lyndon’s position regarding ‘why dismissal is appropriate’ to this Court and to the public by intentionally
7 omitting references to such facts and evidences provided by Lyndon?

8 **QUESTION #10:** From the bottom of page 14 and top of page 15 of the Court’s order (Dkt.
9 143), Judge Mollway wrote, “*But the amount of disgorgement should include all gains flowing from the*
10 *violations. JT Wallenbrock, 440 F.3d at 1113.*” The ruling in the JT Wallenbrock case stated, “*The*
11 *injunction order also precluded the defendants from ‘denying or arguing that they did not violate the*
12 *federal securities laws in the manner set out in the Commission’s complaint,’ but did not preclude*
13 *defendants from “presenting evidence as to whether and what amount of disgorgement, prejudgment*
14 *interest and civil penalties are appropriate.”*

15 Wouldn’t a reasonable person ask, “Why did Judge Mollway use the first part of the above text as
16 an authority to justify all-gains and intentionally fail to apply the second part of the above text to this
17 current case? As stated in this same case-law authority used by Judge Mollway, Lyndon would NOT be
18 precluded from “presented evidence” which can be used to determine “whether” there should be any
19 disgorgement.

20 Wouldn’t a reasonable person ask why Judge Mollway made such an intentional omission when
21 using this legal citation as an authority, and then further attempted to distort the truth by failing to
22 acknowledge the same case did, in fact, involve a consent judgment – as she later again misrepresented
23 such case law by failing to acknowledge that a consent judgment was involved?

24 **QUESTION #11:** In lines 23 to 25 of page 5 of Lyndon’s response pleading (Dkt 103), Lyndon
25 requested that “2) *this Court reduce amounts based upon facts and evidence presented to this Court in*
26 *this and previous pleadings; and 3) this Court limit SEC’s reward to the monies received by Lyndon for*
27 *his unrelated business activities with Zaucha, which were discharged in Lyndon’s bankruptcy.”*

28 Wouldn’t a reasonable person ask, “Why did Mollway seek to intentionally misrepresent

1 Lyndon's position regarding "the reconsideration of discouragement amounts" as stated in Lyndon's
2 pleadings and fail to acknowledge the facts and evidence he provided?

3 **QUESTION #12:** On page 23 of the Court's Order (Dkt. 143), Judge Mollway writes, "*It is*
4 *certainly unclear where the nearly \$3.3 million in "kick backs" has gone*". Again, Lyndon is
5 misrepresented by Judge Mollway.

6 The Consent Judgment was clearly NOT an admission of guilt regarding SEC's allegations, since
7 Lyndon neither admitted or denied the allegations in the settlement agreement. Although, he has clearly
8 denied allegations within the SEC's complaint and provided this Court with facts and evidences which
9 clearly, without doubt, support his positions in numerous pleadings, including those in Dkts 101, 103, 127
10 and 131.

11 Why has Judge Mollway sought to intentionally misrepresent Lyndon's position regarding "guilt
12 or location of money" to this Court and to the public by failing to properly address and comment on
13 Lyndon's positions and evidence as stated in his pleadings?

14 Wouldn't a reasonable person ask why Judge Mollway failed to ask the SEC's accountant where
15 such money went, while she was present in Court on June 30, 2014, especially because Judge Mollway
16 has relied 100% upon such SEC accountant's spreadsheets to determine the judgment amount?

17 **QUESTION #13:** In view of Lyndon's request that Judge Mollway recuse herself, the mistakes
18 made by Judge Mollway in her order were clearly intentionally - to teach Lyndon a lesson for questioning
19 her inclination or for asking her to recuse herself. In fact, on page 23 of this Court's Order (Dkt. 143),
20 Judge Mollway writes, "*Nor is it clear that Lyndon has 'learned his lesson'*" - with "*learned his lesson*"
21 in quotes.

22 Wouldn't a reasonable person ask that if Lyndon has denied the allegations and made claims and
23 "presented evidence" relevant to this case, why has Judge Mollway refused to acknowledge that Lyndon
24 cannot "learn a lesson" until the SEC has provided the necessary explanations regarding i) the precise
25 language the SEC relied upon in determining that Zaucha was a related-party; and ii) why Lyndon's
26 reliance upon professionals position and evidence provided to this Court is insufficient?

27 Wouldn't a reasonable person ask why Judge Mollway failed to recognize that Lyndon could not
28 possibly "*learn a lesson*" until the SEC provides enough information to gain understanding?

IN SUMMARY

Lyndon prays that this Court will recognize:

- the SEC stated that no “ill-gotten” gains were “earned” by Lyndon; and
- the SEC stated that such judgment does not (and therefore should not) include monies received by Lyndon; and
- Lyndon presented compelling evidence proving that:
 - Lyndon followed the advice of his auditors when determining “revenue recognition”; and
 - Lyndon followed the advice of his attorneys when determining that Zaucha was not a “related-party”; and
- Lyndon’s company was audited by a reputable public company audit firm; with more than 100 public company clients, for virtually all periods covered in SEC’s calculations; and
- SEC’s staff accountant invented her own set of financials, because she is unqualified to comment on the audited financials of a public company approved by such a reputable firm; and
- Judge Mollway’s entire ruling was based solely upon the spreadsheets invented by such SEC staff accountant, who has never been licensed to serve or audit the financials of a public company; and
- Judge Mollway misrepresented Lyndon’s position numerous times; documented in writing; regarding the evidence he presented which potentially incriminates SEC for interfering in the financing of Lyndon’s business nearly two years prior to the filing of SEC’s case; and
- Judge Mollway intentionally omitted any comments, review or discussion to acknowledge that Lyndon’s Motion for Sanctions against Plaintiff SEC for Illegal Intimidation, Threat and Violation of Defendant Lyndon’s 14th Amendment Rights (Dkt 81) which included valuable written evidence proving that the SEC’s intentionally sought to gain advantage as it knowingly, willfully and intentionally misrepresented Lyndon’s positions to the Court; and
- Judge Mollway failed to perform even the most basic due-diligence to determine if the proposed judgment by SEC was “fair and reasonable” in accordance with any standard whatsoever.

If this court determines that it chooses to respect the Second Circuit Appellate Court’s requirement that the court’s responsibility is to determine if the proposed summary judgment was “fair and reasonable”, will this court grant Lyndon’s appeal and dismiss the case in entirety, or will this court uphold Judge

1 Mollway's judgment with the full knowledge that the SEC hasn't put forth an ounce of credible
2 evidence proving any wrongdoing by Lyndon, while Lyndon has presented evidence which
3 substantially brings into doubt A) the validity of SEC's allegations and B) the validity of SEC's
4 invented accounting records by an unqualified CPA with no public company experience.

5 This motion and *declarations herein by Lyndon* are based on facts warranted as true under
6 penalty of perjury.

7 /s/Troy Lyndon / Defendant



September 10, 2014

8

9

CERTIFICATION OF SERVICE

10 I hereby represent and warrant under penalty of perjury that the above pleading has been served
11 to the appropriate parties, on this same day, via email with hard-copies offered if requested, based upon
12 the permission of the various parties.

13 /s/Troy Lyndon / Defendant



September 10, 2014

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Consent

(settlement agreement with proposed judgment)

{ begins on next page }

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9
10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF HAWAII**

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 v.

16 TROY LYNDON AND RONALD
ZAUCHA,

17 Defendants.

Case No. CV13-00486 SOM-KSC

**CONSENT OF DEFENDANT TROY
LYNDON TO ENTRY OF
JUDGMENT OF PERMANENT
INJUNCTION AND OTHER
RELIEF**

18
19 1. Defendant Troy Lyndon (“Defendant”) acknowledges having been
20 served with the Complaint in this action, enters a general appearance, and admits
21 the Court’s jurisdiction over Defendant and over the subject matter of this action.

22 2. Without admitting or denying the allegations of the Complaint (except
23 as to personal and subject matter jurisdiction, which Defendant admits), Defendant
24 hereby consents to the entry of the Judgment in the form attached hereto (the
25 “Judgment”) and incorporated by reference herein, which, among other things:

26 (a) permanently restrains and enjoins Defendant from violation of Sections
27 5(a), 5(c) and 17(a) of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. §§
28 77e(a), 77e(c) & 77q(a), and Sections 10(b), 13(a) and 13(b)(5) of the Securities

1 Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§ 78j(b), 78m(a) &
2 78m(b)(5), and Rules 10b-5, 12b-20, 13a-1, 13a-13, 13a-14, 13b2-1 and 13b2-2
3 thereunder, 17 C.F.R. §§ 240.10b-5, 240.12b-20, 240.13a-1, 240.13a-13, 240.13a-
4 14, 240.13b2-1 & 240.13b2-2; pursuant to Section 20(e) of the Securities Act, 15
5 U.S.C. § 77t(e);

6 (b) permanently prohibits Defendant from acting as an officer or director of
7 any issuer that has a class of securities registered pursuant to Section 12 of the
8 Exchange Act, 15 U.S.C. § 78l, or that is required to file reports pursuant to
9 Section 15(d) of the Exchange Act, 15 U.S.C. § 78o(d) and Section 21(d)(2) of the
10 Exchange Act, 15 U.S.C. § 78u(d)(2); and

11 (c) permanently prohibits Defendant from participating in an offering of
12 penny stock, including engaging in activities with a broker, dealer, or issuer for
13 purposes of issuing, trading, or inducing or attempting to induce the purchase or
14 sale of any penny stock, a penny stock being equity security that has a price of less
15 than five dollars, except as provided in Rule 3a51-1 under the Exchange Act, 17
16 C.F.R. 240.3a51-1.

17 3. Defendant agrees that the Court shall order disgorgement of ill-gotten
18 gains, prejudgment interest thereon, and a civil penalty pursuant to Section 20(d)
19 of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange
20 Act, 15 U.S.C. § 78u(d)(3). Defendant further agrees that the amounts of the
21 disgorgement and civil penalty shall be determined by the Court upon motion of
22 the Commission, and that prejudgment interest shall be calculated from August 4,
23 2011, based on the rate of interest used by the Internal Revenue Service for the
24 underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2).
25 Defendant further agrees that in connection with the Commission’s motion for
26 disgorgement and/or civil penalties, and at any hearing held on such a motion: (a)
27 Defendant will be precluded from arguing that he did not violate the federal
28 securities laws as alleged in the Complaint; (b) Defendant may not challenge the

1 validity of this Consent or the Judgment; (c) solely for the purposes of such
2 motion, the allegations of the Complaint shall be accepted as and deemed true by
3 the Court; and (d) the Court may determine the issues raised in the motion on the
4 basis of affidavits, declarations, excerpts of sworn deposition or investigative
5 testimony, and documentary evidence, without regard to the standards for
6 summary judgment contained in Rule 56(c) of the Federal Rules of Civil
7 Procedure. In connection with the Commission's motion for disgorgement and/or
8 civil penalties, the parties may take discovery, including discovery from
9 appropriate non-parties.

10 4. Defendant waives the entry of findings of fact and conclusions of law
11 pursuant to Rule 52 of the Federal Rules of Civil Procedure.

12 5. Defendant waives the right, if any, to a jury trial and to appeal from
13 the entry of the Judgment.

14 6. Defendant enters into this Consent voluntarily and represents that no
15 threats, offers, promises, or inducements of any kind have been made by the
16 Commission or any member, officer, employee, agent, or representative of the
17 Commission to induce Defendant to enter into this Consent.

18 7. Defendant agrees that this Consent shall be incorporated into the
19 Judgment with the same force and effect as if fully set forth therein.

20 8. Defendant will not oppose the enforcement of the Judgment on the
21 ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules of
22 Civil Procedure, and hereby waives any objection based thereon.

23 9. Defendant waives service of the Judgment and agrees that entry of the
24 Judgment by the Court and filing with the Clerk of the Court will constitute notice
25 to Defendant of its terms and conditions. Defendant further agrees to provide
26 counsel for the Commission, within thirty days after the Judgment is filed with the
27 Clerk of the Court, with an affidavit or declaration stating that Defendant has
28 received and read a copy of the Judgment.

1 10. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the
2 claims asserted against Defendant in this civil proceeding. Defendant
3 acknowledges that no promise or representation has been made by the Commission
4 or any member, officer, employee, agent, or representative of the Commission with
5 regard to any criminal liability that may have arisen or may arise from the facts
6 underlying this action or immunity from any such criminal liability. Defendant
7 waives any claim of Double Jeopardy based upon the settlement of this proceeding,
8 including the imposition of any remedy or civil penalty herein. Defendant further
9 acknowledges that the Court's entry of a permanent injunction may have collateral
10 consequences under federal or state law and the rules and regulations of self-
11 regulatory organizations, licensing boards, and other regulatory organizations.
12 Such collateral consequences include, but are not limited to, a statutory
13 disqualification with respect to membership or participation in, or association with
14 a member of, a self-regulatory organization. This statutory disqualification has
15 consequences that are separate from any sanction imposed in an administrative
16 proceeding. In addition, in any disciplinary proceeding before the Commission
17 based on the entry of the injunction in this action, Defendant understands that he
18 shall not be permitted to contest the factual allegations of the Complaint in this
19 action.

20 11. Defendant understands and agrees to comply with the terms of 17
21 C.F.R. § 202.5(e), which provides in part that it is the Commission's policy "not to
22 permit a defendant or respondent to consent to a judgment or order that imposes a
23 sanction while denying the allegations in the complaint or order for proceedings,"
24 and "a refusal to admit the allegations is equivalent to a denial, unless the
25 defendant or respondent states that he neither admits nor denies the allegations."
26 As part of Defendant's agreement to comply with the terms of Section 202.5(e),
27 Defendant: (i) will not take any action or make or permit to be made any public
28 statement denying, directly or indirectly, any allegation in the Complaint or

1 creating the impression that the Complaint is without factual basis; (ii) will not
2 make or permit to be made any public statement to the effect that Defendant does
3 not admit the allegations of the Complaint, or that this Consent contains no
4 admission of the allegations, without also stating that Defendant does not deny the
5 allegations; and (iii) upon the filing of this Consent, Defendant hereby withdraws
6 any papers filed in this action to the extent that they deny any allegation in the
7 Complaint. If Defendant breaches this agreement, the Commission may petition
8 the Court to vacate the Judgment and restore this action to its active docket.
9 Nothing in this paragraph affects Defendant's: (i) testimonial obligations; or (ii)
10 right to take legal or factual positions in litigation or other legal proceedings in
11 which the Commission is not a party.

12 12. Defendant hereby waives any rights under the Equal Access to Justice
13 Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any
14 other provision of law to seek from the United States, or any agency, or any
15 official of the United States acting in his or her official capacity, directly or
16 indirectly, reimbursement of attorney's fees or other fees, expenses, or costs
17 expended by Defendant to defend against this action. For these purposes,
18 Defendant agrees that Defendant is not the prevailing party in this action since the
19 parties have reached a good faith settlement.

20 13. In connection with this action and any related judicial or
21 administrative proceeding or investigation commenced by the Commission or to
22 which the Commission is a party, Defendant (i) agrees to appear and be
23 interviewed by Commission staff at such times and places as the staff requests
24 upon reasonable notice; (ii) will accept service by mail or facsimile transmission of
25 notices or subpoenas issued by the Commission for documents or testimony at
26 depositions, hearings, or trials, or in connection with any related investigation by
27 Commission staff; (iii) with respect to such notices and subpoenas, waives the
28 territorial limits on service contained in Rule 45 of the Federal Rules of Civil

1 Procedure and any applicable local rules, provided that the party requesting the
2 testimony reimburses Defendant's travel, lodging, and subsistence expenses at the
3 then-prevailing U.S. Government per diem rates; and (iv) consents to personal
4 jurisdiction over Defendant in any United States District Court for purposes of
5 enforcing any such subpoena.

6 14. Defendant agrees that the Commission may present the Judgment to
7 the Court for signature and entry without further notice.

8 15. Defendant agrees that this Court shall retain jurisdiction over this
9 matter for the purpose of enforcing the terms of the Judgment.

10 Dated: 10/23/13

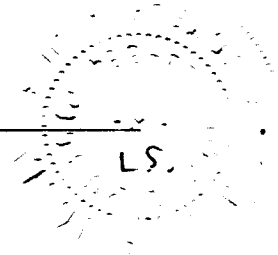
Troy Lyndon
TROY LYNDON

11
12
13 On October 23rd, 2013, Troy A. Lyndon, a person known
14 to me, personally appeared before me and acknowledged executing the foregoing
15 Consent.

Dawn Nishiyama

Notary Public

Commission expires



NOTARY PUBLIC CERTIFICATION

Dawn Nishiyama First Judicial Circuit
Doc. Description: Consent of Defendant
Troy Lyndon to entry of Judgment of
permanent injunction & other relief
No. of Pages: 6 Date of Doc. 10/23/13

Dawn Nishiyama 10/23/2013
Notary Signature Date

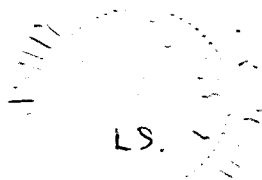


EXHIBIT 1

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**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI'I**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TROY LYNDON AND RONALD
ZAUCHA,

Defendants.

Case No. CV13-00486 SOM-KSC

**[PROPOSED] JUDGMENT OF
PERMANENT INJUNCTION AND
OTHER RELIEF AGAINST
DEFENDANT TROY R. LYNDON**

The Securities and Exchange Commission having filed a Complaint and Defendant Troy Lyndon 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 Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by

1 personal service or otherwise are permanently restrained and enjoined from
2 violating Section 5 of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. §
3 77e(a)(1)-(2), 77e(c), by, directly or indirectly, in the absence of any applicable
4 exemption:

- 5 (a) Unless a registration statement is in effect as to a security, making use
6 of any means or instruments of transportation or communication in
7 interstate commerce or of the mails to sell such security through the
8 use or medium of any prospectus or otherwise (15 U.S.C. §
9 77e(a)(1));
- 10 (b) Unless a registration statement is in effect as to a security, carrying or
11 causing to be carried through the mails or in interstate commerce, by
12 any means or instruments of transportation, any such security for the
13 purpose of sale or for delivery after sale (15 U.S.C. § 77e(a)(2));; or
- 14 (c) Making use of any means or instruments of transportation or
15 communication in interstate commerce or of the mails to offer to sell
16 or offer to buy through the use or medium of any prospectus or
17 otherwise any security, unless a registration statement has been filed
18 with the Commission as to such security, or while the registration
19 statement is the subject of a refusal order or stop order or (prior to the
20 effective date of the registration statement) any public proceeding or
21 examination under Section 8 of the Securities Act, 15 U.S.C. § 77h
22 ((15 U.S.C. § 77e(c)).

23 **II.**

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
25 Defendant and Defendant’s agents, servants, employees, attorneys, and all persons
26 in active concert or participation with them who receive actual notice of this
27 Judgment by personal service or otherwise are permanently restrained and enjoined
28 from violating Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), in the offer

1 or sale of any security by the use of any means or instruments of transportation or
2 communication in interstate commerce or by use of the mails, directly or
3 indirectly:

- 4 (a) to employ any device, scheme, or artifice to defraud (15 U.S.C. §
5 77q(a)(1));
- 6 (b) to obtain money or property by means of any untrue statement of a
7 material fact or any omission of a material fact necessary in order to
8 make the statements made, in light of the circumstances under which
9 they were made, not misleading (15 U.S.C. § 77q(a)(2)); or
- 10 (c) to engage in any transaction, practice, or course of business which
11 operates or would operate as a fraud or deceit upon the purchaser (15
12 U.S.C. § 77q(a)(3)).

13 **III.**

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

- 23 (a) to employ any device, scheme, or artifice to defraud (17 C.F.R.
24 § 240.10b-5(a));
- 25 (b) to make any untrue statement of a material fact or to omit to state a
26 material fact necessary in order to make the statements made, in the
27 light of the circumstances under which they were made, not
28 misleading (17 C.F.R. § 240.10b-5(b)); or

1 (c) to engage in any act, practice, or course of business which operates or
2 would operate as a fraud or deceit upon any person (17 C.F.R.
3 § 240.10b-5(c)).

4 **IV.**

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
6 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
7 in active concert or participation with them who receive actual notice of this
8 Judgment by personal service or otherwise are permanently restrained and enjoined
9 from aiding and abetting any violation of Section 13(a) of the Exchange Act, 15
10 U.S.C. § 78m(a), and Rules 12b-20, 13a-1 and 13a-13 thereunder, 17 C.F.R. §§
11 240.12b-20, 240.13a-1 & 240.13a-13, by knowingly providing substantial
12 assistance to an issuer that files annual reports with the Commission on Forms
13 10-K or quarterly reports with the Commission on Forms 10-Q that fail to contain
14 material information necessary to make the required statements in the Forms 10-K
15 or 10-Q, in light of the circumstances under which they are made, not misleading.

16 **V.**

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
18 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
19 in active concert or participation with them who receive actual notice of this
20 Judgment by personal service or otherwise are permanently restrained and enjoined
21 from violating Section 13(b)(5) of the Exchange Act, 15 U.S.C. § 78m(b)(5), by
22 knowingly circumventing or knowingly failing to implement a system of internal
23 accounting controls or knowingly falsifying any book, record or account required
24 to be kept by Section 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A),
25 in order to, in reasonable detail, accurately and fairly reflect the transactions and
26 dispositions of the assets of the issuer.

27 **VI.**

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

1 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
2 in active concert or participation with them who receive actual notice of this
3 Judgment by personal service or otherwise are permanently restrained and enjoined
4 from violating Rule 13b2-1 of the Exchange Act, 17 C.F.R. § 240.13b2-1, by,
5 directly or indirectly, falsifying or causing to be falsified, any book, record, or
6 account subject to Section 13(b)(2)(A) of the Exchange Act.

7
8 **VII.**

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
10 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
11 in active concert or participation with them who receive actual notice of this
12 Judgment by personal service or otherwise are permanently restrained and enjoined
13 from violating, directly or indirectly, Rule 13b2-2 of the Exchange Act, 17 C.F.R.
14 § 240.13b2-2, while an officer or director of an issuer by:

- 15 (a) making or causing to be made a materially false or misleading
16 statement 17 C.F.R. § 240.13b2-2(a)(1)); or
17 (b) omitting to state, or causing another person to omit to state, any
18 material fact necessary in order to make statements made, in light of
19 the circumstances under which such statements are made, not
20 misleading (17 C.F.R. § 240.13b2-2(a)(2));

21 to an accountant in connection with:

- 22 (1) any audit, review or examination of the financial statements of
23 the issuer required to be made (17 C.F.R. § 240.13b2-
24 2(a)(2)(i)), or
25 (2) the preparation or filing of any document or report required to
26 be filed with the Commission (17 C.F.R. § 240.13b2-
27 2(a)(2)(ii)); or
28 (c) taking any action to coerce, manipulate, mislead, or fraudulently

1 influence any independent public or certified public accountant
2 engaged in the performance of an audit or review of the financial
3 statements of that issuer that are required to be filed with the
4 Commission if he knows or should know that such action, if
5 successful, could result in rendering the issuer's financial statements
6 materially misleading (17 C.F.R. § 240.13b2-2(b)(1)).

7 **VIII.**

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
9 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
10 in active concert or participation with them who receive actual notice of this
11 Judgment by personal service or otherwise are permanently restrained and enjoined
12 from violating Exchange Act Rule 13a-14, 17 C.F.R. § 240.13a-14, by signing any
13 certification included with an issuer's periodic filings with the Commission,
14 certifying the filings fully comply with the requirements of the Exchange Act and
15 fairly present, in all material respects, the financial condition and results of
16 operation of the company, when, in fact, the reports contain untrue statements of
17 material fact and omit material information necessary to make the reports not
18 misleading.

19 **IX.**

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that,
21 pursuant to Section 20(e) of the Securities Act, 15 U.S.C. § 77t(e), and Section
22 21(d)(2) of the Exchange Act, 15 U.S.C. § 78u(d)(2), Defendant is permanently
23 prohibited from acting as an officer or director of any issuer that has a class of
24 securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l,
25 or that is required to file reports pursuant to Section 15(d) of the Exchange Act, 15
26 U.S.C. § 78o(d).

27 **X.**

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
2 Defendant is permanently prohibited from participating in an offering of penny
3 stock, including engaging in activities with a broker, dealer, or issuer for purposes
4 of issuing, trading, or inducing or attempting to induce the purchase or sale of any
5 penny stock. A penny stock is any equity security that has a price of less than five
6 dollars, except as provided in Rule 3a51-1 under the Exchange Act, 17 C.F.R.
7 240.3a51-1.

8 **XI.**

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
10 Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest thereon,
11 and a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C.
12 § 77t(d), and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). The
13 Court shall determine the amounts of the disgorgement and civil penalty upon
14 motion of the Commission. Prejudgment interest shall be calculated from August
15 4, 2011, based on the rate of interest used by the Internal Revenue Service for the
16 underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In
17 connection with the Commission's motion for disgorgement and/or civil penalties,
18 and at any hearing held on such a motion: (a) Defendant will be precluded from
19 arguing that he did not violate the federal securities laws as alleged in the
20 Complaint; (b) Defendant may not challenge the validity of the Consent or this
21 Judgment; (c) solely for the purposes of such motion, the allegations of the
22 Complaint shall be accepted as and deemed true by the Court; and (d) the Court
23 may determine the issues raised in the motion on the basis of affidavits,
24 declarations, excerpts of sworn deposition or investigative testimony, and
25 documentary evidence, without regard to the standards for summary judgment
26 contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection
27 with the Commission's motion for disgorgement and/or civil penalties, the parties
28 may take discovery, including discovery from appropriate non-parties.

1 **XII.**

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
3 Consent is incorporated herein with the same force and effect as if fully set forth
4 herein, and that Defendant shall comply with all of the undertakings and
5 agreements set forth therein.

6 **XIII.**

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this
8 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms
9 of this Judgment, and for purposes of determining additional relief in this action,
10 including the amounts of any disgorgement, interest and/or penalty.

11 **XIV.**

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

15
16 Dated:

17 HONORABLE SUSAN OKI MOLLWAY
18 UNITED STATES DISTRICT JUDGE
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Judgment #1

{ begins on next page }

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 01 2013

at 2 o'clock and 40 min. P.M.
SUE BEITIA, CLERK

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UNITED STATES DISTRICT COURT
DISTRICT OF HAWAI'I

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TROY LYNDON AND RONALD
ZAUCHA,

Defendants.

Case No. CV13-00486 SOM-KSC

^{COM}
~~PROPOSED~~ JUDGMENT OF
PERMANENT INJUNCTION AND
OTHER RELIEF AGAINST
DEFENDANT TROY R. LYNDON

The Securities and Exchange Commission having filed a Complaint and Defendant Troy Lyndon 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 Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by

1 personal service or otherwise are permanently restrained and enjoined from
2 violating Section 5 of the Securities Act of 1933 (“Securities Act”), 15 U.S.C. §
3 77e(a)(1)-(2), 77e(c), by, directly or indirectly, in the absence of any applicable
4 exemption:

- 5 (a) Unless a registration statement is in effect as to a security, making use
6 of any means or instruments of transportation or communication in
7 interstate commerce or of the mails to sell such security through the
8 use or medium of any prospectus or otherwise (15 U.S.C. §
9 77e(a)(1));
- 10 (b) Unless a registration statement is in effect as to a security, carrying or
11 causing to be carried through the mails or in interstate commerce, by
12 any means or instruments of transportation, any such security for the
13 purpose of sale or for delivery after sale (15 U.S.C. § 77e(a)(2));; or
- 14 (c) Making use of any means or instruments of transportation or
15 communication in interstate commerce or of the mails to offer to sell
16 or offer to buy through the use or medium of any prospectus or
17 otherwise any security, unless a registration statement has been filed
18 with the Commission as to such security, or while the registration
19 statement is the subject of a refusal order or stop order or (prior to the
20 effective date of the registration statement) any public proceeding or
21 examination under Section 8 of the Securities Act, 15 U.S.C. § 77h
22 ((15 U.S.C. § 77e(c)).

23 **II.**

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
25 Defendant and Defendant’s agents, servants, employees, attorneys, and all persons
26 in active concert or participation with them who receive actual notice of this
27 Judgment by personal service or otherwise are permanently restrained and enjoined
28 from violating Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), in the offer

1 or sale of any security by the use of any means or instruments of transportation or
2 communication in interstate commerce or by use of the mails, directly or
3 indirectly:

- 4 (a) to employ any device, scheme, or artifice to defraud (15 U.S.C. §
5 77q(a)(1));
- 6 (b) to obtain money or property by means of any untrue statement of a
7 material fact or any omission of a material fact necessary in order to
8 make the statements made, in light of the circumstances under which
9 they were made, not misleading (15 U.S.C. § 77q(a)(2)); or
- 10 (c) to engage in any transaction, practice, or course of business which
11 operates or would operate as a fraud or deceit upon the purchaser (15
12 U.S.C. § 77q(a)(3)).

13 **III.**

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
15 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
16 in active concert or participation with them who receive actual notice of this
17 Judgment by personal service or otherwise are permanently restrained and enjoined
18 from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act
19 of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
20 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of
21 interstate commerce, or of the mails, or of any facility of any national securities
22 exchange, in connection with the purchase or sale of any security:

- 23 (a) to employ any device, scheme, or artifice to defraud (17 C.F.R.
24 § 240.10b-5(a));
- 25 (b) to make any untrue statement of a material fact or to omit to state a
26 material fact necessary in order to make the statements made, in the
27 light of the circumstances under which they were made, not
28 misleading (17 C.F.R. § 240.10b-5(b)); or

1 (c) to engage in any act, practice, or course of business which operates or
2 would operate as a fraud or deceit upon any person (17 C.F.R.
3 § 240.10b-5(c)).

4 **IV.**

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
6 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
7 in active concert or participation with them who receive actual notice of this
8 Judgment by personal service or otherwise are permanently restrained and enjoined
9 from aiding and abetting any violation of Section 13(a) of the Exchange Act, 15
10 U.S.C. § 78m(a), and Rules 12b-20, 13a-1 and 13a-13 thereunder, 17 C.F.R. §§
11 240.12b-20, 240.13a-1 & 240.13a-13, by knowingly providing substantial
12 assistance to an issuer that files annual reports with the Commission on Forms
13 10-K or quarterly reports with the Commission on Forms 10-Q that fail to contain
14 material information necessary to make the required statements in the Forms 10-K
15 or 10-Q, in light of the circumstances under which they are made, not misleading.

16 **V.**

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
18 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
19 in active concert or participation with them who receive actual notice of this
20 Judgment by personal service or otherwise are permanently restrained and enjoined
21 from violating Section 13(b)(5) of the Exchange Act, 15 U.S.C. § 78m(b)(5), by
22 knowingly circumventing or knowingly failing to implement a system of internal
23 accounting controls or knowingly falsifying any book, record or account required
24 to be kept by Section 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A),
25 in order to, in reasonable detail, accurately and fairly reflect the transactions and
26 dispositions of the assets of the issuer.

27 **VI.**

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that

1 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
2 in active concert or participation with them who receive actual notice of this
3 Judgment by personal service or otherwise are permanently restrained and enjoined
4 from violating Rule 13b2-1 of the Exchange Act, 17 C.F.R. § 240.13b2-1, by,
5 directly or indirectly, falsifying or causing to be falsified, any book, record, or
6 account subject to Section 13(b)(2)(A) of the Exchange Act.

7
8 **VII.**

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
10 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
11 in active concert or participation with them who receive actual notice of this
12 Judgment by personal service or otherwise are permanently restrained and enjoined
13 from violating, directly or indirectly, Rule 13b2-2 of the Exchange Act, 17 C.F.R.
14 § 240.13b2-2, while an officer or director of an issuer by:

- 15 (a) making or causing to be made a materially false or misleading
16 statement 17 C.F.R. § 240.13b2-2(a)(1)); or
17 (b) omitting to state, or causing another person to omit to state, any
18 material fact necessary in order to make statements made, in light of
19 the circumstances under which such statements are made, not
20 misleading (17 C.F.R. § 240.13b2-2(a)(2));

21 to an accountant in connection with:

- 22 (1) any audit, review or examination of the financial statements of
23 the issuer required to be made (17 C.F.R. § 240.13b2-
24 2(a)(2)(i)), or
25 (2) the preparation or filing of any document or report required to
26 be filed with the Commission (17 C.F.R. § 240.13b2-
27 2(a)(2)(ii)); or
28 (c) taking any action to coerce, manipulate, mislead, or fraudulently

1 influence any independent public or certified public accountant
2 engaged in the performance of an audit or review of the financial
3 statements of that issuer that are required to be filed with the
4 Commission if he knows or should know that such action, if
5 successful, could result in rendering the issuer's financial statements
6 materially misleading (17 C.F.R. § 240.13b2-2(b)(1)).

7 **VIII.**

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
9 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
10 in active concert or participation with them who receive actual notice of this
11 Judgment by personal service or otherwise are permanently restrained and enjoined
12 from violating Exchange Act Rule 13a-14, 17 C.F.R. § 240.13a-14, by signing any
13 certification included with an issuer's periodic filings with the Commission,
14 certifying the filings fully comply with the requirements of the Exchange Act and
15 fairly present, in all material respects, the financial condition and results of
16 operation of the company, when, in fact, the reports contain untrue statements of
17 material fact and omit material information necessary to make the reports not
18 misleading.

19 **IX.**

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that,
21 pursuant to Section 20(e) of the Securities Act, 15 U.S.C. § 77t(e), and Section
22 21(d)(2) of the Exchange Act, 15 U.S.C. § 78u(d)(2), Defendant is permanently
23 prohibited from acting as an officer or director of any issuer that has a class of
24 securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l,
25 or that is required to file reports pursuant to Section 15(d) of the Exchange Act, 15
26 U.S.C. § 78o(d).

27 **X.**

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
2 Defendant is permanently prohibited from participating in an offering of penny
3 stock, including engaging in activities with a broker, dealer, or issuer for purposes
4 of issuing, trading, or inducing or attempting to induce the purchase or sale of any
5 penny stock. A penny stock is any equity security that has a price of less than five
6 dollars, except as provided in Rule 3a51-1 under the Exchange Act, 17 C.F.R.
7 240.3a51-1.

8 **XI.**

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
10 Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest thereon,
11 and a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C.
12 § 77t(d), and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). The
13 Court shall determine the amounts of the disgorgement and civil penalty upon
14 motion of the Commission. Prejudgment interest shall be calculated from August
15 4, 2011, based on the rate of interest used by the Internal Revenue Service for the
16 underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In
17 connection with the Commission's motion for disgorgement and/or civil penalties,
18 and at any hearing held on such a motion: (a) Defendant will be precluded from
19 arguing that he did not violate the federal securities laws as alleged in the
20 Complaint; (b) Defendant may not challenge the validity of the Consent or this
21 Judgment; (c) solely for the purposes of such motion, the allegations of the
22 Complaint shall be accepted as and deemed true by the Court; and (d) the Court
23 may determine the issues raised in the motion on the basis of affidavits,
24 declarations, excerpts of sworn deposition or investigative testimony, and
25 documentary evidence, without regard to the standards for summary judgment
26 contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection
27 with the Commission's motion for disgorgement and/or civil penalties, the parties
28 may take discovery, including discovery from appropriate non-parties.

1 **XII.**

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
3 Consent is incorporated herein with the same force and effect as if fully set forth
4 herein, and that Defendant shall comply with all of the undertakings and
5 agreements set forth therein.

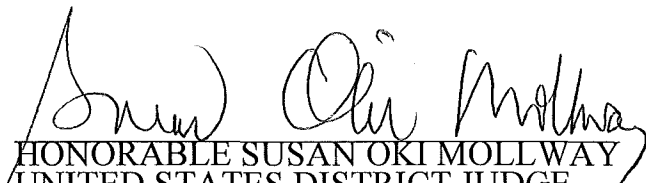
6 **XIII.**

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this
8 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms
9 of this Judgment, and for purposes of determining additional relief in this action,
10 including the amounts of any disgorgement, interest and/or penalty.

11 **XIV.**

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

15
16 Dated:

17 
18 HONORABLE SUSAN OKI MOLLWAY
19 UNITED STATES DISTRICT JUDGE
20
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23
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25
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27
28

Judgment #2

{ begins on next page }

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SECURITIES AND EXCHANGE	)	CIVIL NO. 13-00486 SOM-KSC
COMMISSION,)	
	)	ORDER GRANTING IN PART AND
Plaintiff,	)	DENYING IN PART PLAINTIFF'S
	)	MOTION FOR SUMMARY JUDGMENT
vs.	)	(ECF NO. 68); ORDER DENYING
	)	DEFENDANT TROY LYNDON'S
TROY LYNDON, et al.,	)	MOTION FOR SANCTIONS (ECF NO.
	)	81), MOTION TO QUASH (ECF NO.
Defendants.	)	90), MOTION FOR PERMANENT
	)	STAY OF CONSENT AND JUDGMENT
	)	(ECF NO. 101), AND REQUEST TO
	)	EXTEND MOTIONS DEADLINE (ECF
	)	NO. 127); ORDER AFFIRMING
	)	MAGISTRATE JUDGE ORDER
	)	CONCERNING DISCOVERY AND
	)	REJECTING APPEALS BY
	)	DEFENDANT TROY LYNDON (ECF
	)	NOS. 112 AND 118)

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF NO. 68); ORDER DENYING DEFENDANT TROY LYNDON'S MOTION FOR SANCTIONS (ECF NO. 81), MOTION TO QUASH (ECF NO. 90), MOTION FOR PERMANENT STAY OF CONSENT AND JUDGMENT (ECF NO. 101), AND REQUEST TO EXTEND MOTIONS DEADLINE (ECF NO. 127); ORDER AFFIRMING MAGISTRATE JUDGE ORDER CONCERNING DISCOVERY AND REJECTING APPEALS BY DEFENDANT TROY LYNDON (ECF NOS. 112 AND 118)

I. INTRODUCTION.

This case involves allegations of securities fraud. On October 30, 2013, a consent to entry of judgment and permanent injunction in favor of Plaintiff Securities and Exchange Commission ("SEC") was filed. See ECF No. 20. On November 1, 2013, the court entered its Judgment of permanent injunction and other relief against Defendant Troy Lyndon. See ECF No. 22.

Before the court is the SEC's motion for summary judgment, seeking to establish the amount of monetary relief. The SEC calculates that Lyndon owes \$3.3 million in disgorgement, plus prejudgment interest and a civil penalty. See ECF No. 68. Lyndon, proceeding pro se, opposes the motion, arguing that he was mistaken as to the scope of the consent he signed and of the Judgment, and that the effect of those documents should therefore be stayed. See ECF No. 101.

Lyndon has also filed his own motion, which seeks to quash the SEC's motion for summary judgment and also seeks sanctions against the SEC for having allegedly threatened and intimidated him. See ECF Nos. 81 and 90. Lyndon appeals the Magistrate Judge's rejection of his requests for discovery and seeks an extension of the deadline to file motions. See ECF Nos. 112, 118, and 127.

At a hearing on June 30, 2014, the court said that it was inclined to grant the SEC's motion, but not inclined to award the full amount requested. The court also announced that it was inclined to deny all of Lyndon's motions and appeals. At the conclusion of the hearing, the court took the motions and appeals under advisement. Later that afternoon, Lyndon filed a request that this judge recuse herself. This court refrained from ruling on the motions and the appeals while the motion to recuse was pending before a different judge. On July 31, 2014, District

Judge Leslie E. Kobayashi denied the motion to recuse. See ECF Nos. 131 and 142.

The court now rules on the motions before it, granting the SEC's motion in part and denying it in part. The court grants the SEC the relief it requests, but reduces the amount of disgorgement. The court awards \$3,251,169 in disgorgement, prejudgment interest of \$289,897.18, and a civil penalty of \$150,000. The court denies all of Lyndon's motions and affirms the Magistrate Judge's order that is the subject of Lyndon's appeal.

II. FACTUAL BACKGROUND.

The SEC filed the Complaint in this matter on September 24, 2013. See ECF No. 1.

On October 23, 2013, Lyndon executed a Consent of Defendant Troy Lyndon to Entry of Judgment of Permanent Injunction and Other Relief ("Consent"). This Consent was filed with the court on October 30, 2013. See ECF No. 20. In the Consent, Lyndon agreed to the entry of a judgment against him that 1) permanently enjoined him from violating certain securities laws; 2) prohibited him from acting as an officer or director of certain types of companies registered with the SEC or filing reports pursuant to the Exchange Act; and 3) prohibited him from participating in the offering of penny stocks. See Id., PageID # 91. Lyndon also acknowledged that the entry of a

permanent injunction against him might have collateral consequences, including disqualification from participation in or association with certain organizations. See Id., PageID # 93. Lyndon agreed not to deny the allegations in the Complaint or make any public statement to that effect. Id., PageID #s 93-94.

The Consent included Lyndon's agreement to having this court "order disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange At, 15 U.S.C. § 77u(d)(3)." Id. Lyndon agreed that these amounts would be determined by this court based on a motion by the SEC, that prejudgment interest would run from August 4, 2011, and that, with respect to any such motion, Lyndon was 1) precluded from arguing that he had not violated the federal securities laws that were the subject of the Complaint in this matter; 2) agreeing not to challenge the validity of the Consent or the judgment thereon; and 3) for purposes of the motion, agreeing that the allegations of the Complaint were to be deemed to be true. Id., PageID #s 91-92. Accordingly, for purposes of this motion only, the court deems the allegations of the Complaint to be true instead of evaluating the factual record using the usual summary judgment standard. To the extent this order talks about Zaucha's conduct, the court does not intend anything it says here to be binding on Zaucha.

Lyndon acknowledged in the Consent that he was entering into the agreement voluntarily, and that no "threats, offers, promises, or inducements of any kind have been made by the [SEC] or any member, officer, employee, agent, or representative of the [SEC] to induce [Lyndon] to enter into [the] Consent." Id., PageID # 92.

The Complaint alleges that Lyndon was the founder, chief executive officer, chief financial officer, and chairman of the board of Left Behind Games, Inc. See Complaint ¶¶ 3, 13, ECF No. 1, PageID #s 2, 4. It further alleges that Defendant Ronald Zaucha, a pastor, is Lyndon's close friend and has been a Left Behind Games consultant since 2008. Zaucha also owns a company called Lighthouse Distributors, Inc. See Complaint ¶¶ 3, 14, ECF No. 1, PageID # 2, 4. Lighthouse purportedly distributed video games, including Left Behind's games. Lyndon and Zaucha had a Lighthouse employee sign the distributor agreement on behalf of Lighthouse; Zaucha's name therefore did not appear on the agreement. The agreement called for Left Behind to sell its video games to Lighthouse and to ship them to Lighthouse, which was in the same building as Left Behind. Id. ¶ 58 and 60, PageID # 14-15. Lighthouse ceased operations in 2012, shortly after Left Behind ceased operations. Id. ¶ 19, PageID # 5.

As part of a fraudulent scheme, Left Behind, beginning in 2009, issued approximately 1.7 billion shares of its common

stock to Zaucha, supposedly in exchange for Zaucha's consulting services. Id. ¶¶ 3-4, 23-27, 37, PageID #s 2, 6-8, 9-10. During the time Zaucha was a Left Behind consultant, Left Behind was unprofitable and severely undercapitalized. Id. ¶ 4, PageID # 2. The Complaint alleges that the consulting agreements between Zaucha and Left Behind were a "sham" designed to enable Zaucha to sell unregistered shares of Left Behind common stock and to "kick back" stock proceeds to Left Behind, which needed funds. Id. ¶ 36, PageID # 9.

At Lyndon's direction, Zaucha "sold virtually all of this [Left Behind] stock, reaping approximately \$4.6 million in sales proceeds. Zaucha then kicked back approximately \$3.3 million of these proceeds to the company in three ways." Id. ¶ 4, PageID # 2. First, Zaucha paid Left Behind \$871,169 in "early-sell fees." Id. ¶¶ 5, 97, PageID #s 2, 24. Second, Zaucha's company, Lighthouse, purchased about \$1.38 million of Left Behind's old inventory, then sold a fraction of this inventory for a few thousand dollars and gave most of it away. This indicates that the money allegedly paid for the inventory was actually for a different purpose. Id. ¶¶ 6, 67-68, PageID #s 2-3, 15-16. Finally, Zaucha also "kicked back" about \$1 million to Left Behind in the form of "loans" and "investments." Id. ¶¶ 8, 97, PageID #s 3, 24.

Zaucha allegedly used \$1.28 million from the Left Behind stock sales to pay his living expenses, to fund Lighthouse's operations, and to purchase property in Hawaii and California. Id. ¶ 9, 97(d), PageID #s 3, 24.

The Complaint alleges that, relying on the scheme, Left Behind overstated its income on various filings with the SEC. See id. ¶ 7, PageID # 3; see also id. ¶ 63, PageID # 15 (alleging that Left Behind's Form 10-K indicated that its 2011 revenues increased \$1,485,044 over the previous year as a result of Lighthouse's alleged purchases), ¶ 68 (alleging that Lighthouse gave away most of the Left Behind product and that Left Behind failed to disclose this in its financial statements and Forms 10-Q, 10-Q/A, and 10-K), ¶¶ 82, 85, 93-94 (alleging that Left Behind filed Forms 10-Q, 10-Q/A, and 10-K with false and misleading revenue statements relating to "sham transactions using the proceeds of the sale of Zaucha's stock").

The Complaint further alleges that Zaucha knew that, under SEC Rule 144, 17 C.F.R. § 230.144, the common stock he received could not be sold within a six-month period. Id. ¶ 40, PageID # 10. To get around this restriction, Lyndon sent faxes to Left Behind's stock transfer agent, asking that "New Restricted Stock Certificates" be issued to Zaucha with the following instruction, "Note, hold for 144 paperwork to remove legend." The faxes also back-dated the beneficial ownership date

of the stock six months. Id. ¶ 42, PageID # 10. Ultimately, the transfer agent removed the restrictive legends from the common stock and sent the stock to Zaucha's brokerage accounts, from which Zaucha offered and sold the shares into the market. See id. ¶ 47, PageID # 11.

As detailed in Paragraph 48 of the Complaint, between August 4, 2009, and October 10, 2011, Zaucha had accounts at six different brokerage firms from which he sold a total of more than 1.7 billion unregistered Left Behind shares for more than \$4.6 million. Id. ¶ 46, PageID # 12. Lyndon instructed Zaucha what price to sell the stock at and how to split the proceeds. That split included a "kick back" of \$871,169 to Left Behind as an "early sell fee." Id. ¶ 49-50, PageID # 12-13.

The Complaint alleges that Lyndon was a signatory on all Left Behind bank accounts and that he "treated corporate accounts as his own, withdrawing funds for his personal use." Id. ¶ 36, PageID # 9.

III. THE COURT DENIES LYNDON'S MOTION TO STAY THE CONSENT AND JUDGMENT (ECF NO. 101) AND DENIES HIS MOTION TO QUASH THE SEC'S MOTION FOR SUMMARY JUDGMENT (ECF NO. 90).

Lyndon seeks relief from the Consent and Judgment under Rule 60(b)(1) of the Federal Rules of Civil Procedure, which provides: "On motion and just terms, the court may relieve a party . . . from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or

excusable neglect[.]” Fed. R. Civ. P. 60(b)(1). “Motions for relief under Fed. R. Civ. P. 60(b) are addressed to the sound discretion of the trial court.” Thompson v. Housing Auth. of Los Angeles, 782 F.2d 829, 832 (9th Cir. 1986). Rule 60(b)(1) motions should be liberally construed to assure that a case is tried on the merits and a just result is achieved. See Rodgers v. Watt, 722 F.2d 456, 459 (9th Cir. 1983). On the other hand, “there is a compelling interest in the finality of judgments which should not be lightly disregarded.” Id. (citations and quotations omitted).

Lyndon claims he was the victim of a fraud because the Consent “was written in such a manner that it is impossible for anyone to fully understand without the assistance of an attorney.” See ECF No. 101, PageID # 1107. Although there is no dispute that he signed the Consent, which expressly states that it is entered into voluntarily, Lyndon claims that the SEC “took full advantage” of his “psychological state” and that there was “no meeting of the minds.” Id. He says that he was unaware that the Consent provided that, for purposes of a motion for summary judgment concerning disgorgement, the allegations of the Complaint were to be deemed true. Id., PageID # 1108. He also claims he was unaware that the Consent prohibited him from making any public statement denying the allegations of the Complaint.

Id. Lyndon also denies his involvement in the fraudulent scheme alleged in the Complaint. Id., PageID # 1109.

Lyndon correctly notes that “[i]t is an elementary rule of contract law that there must be mutual assent or a meeting of the minds on all essential elements or terms in order to create a binding contract.” Malani v. Clapp, 56 Haw. 507, 510, 542 P.2d 1265, 1267 (1975). However, a person who is aware that he or she has entered into a contract may not avoid its effect by failing to read it. That is, mutual assent is not lacking when a person willingly declines to review a document available for review. “Such a rule would undermine reliance on written instruments.” Douglass v. Pflueger Haw., Inc., 110 Haw. 520, 534 n.12, 135 P.3d 129, 143 n.12 (2006). Accordingly, courts have rejected arguments that parties should not be bound by provisions in a contract just because they say they were unaware of the inclusion of those provisions in the contract. In Leong by Leong v. Kaiser Foundation Hospitals, 71 Haw. 240, 245, 788 P.2d 164, 168 (Haw. 1990), for example, the Hawaii Supreme Court stated: “The general rule of contract law is that one who assents to a contract is bound by it and cannot complain that he has not read it or did not know what it contained.”

Lyndon argues that, because he was unaware of certain obligations in the document he signed, he should be relieved of those obligations. This argument is not sufficient to establish

a mistake for purposes of Rule 60(b)(1). If Lyndon regrets having signed an agreement, that regret does not give rise to a right to retract the agreement and to posit different facts. Lyndon knew what he had and had not done at the time he executed the agreement, so he cannot be said to have newly discovered whether he had or had not committed the alleged acts.

Moreover, although Lyndon argues that only an attorney could interpret the Consent, he does not say that the SEC denied him the opportunity to consult with an attorney before executing the Consent. At most he says he could not afford to pay an attorney. He does not attribute his financial straits to the SEC. More importantly, he does not identify specific passages that were incomprehensible to him. For example, one portion of the Consent that Lyndon's motion appears to hinge on contains no legalese at all. That portion says that, solely for the purposes of an SEC motion seeking disgorgement and/or civil penalties from Lyndon, "the allegations of the Complaint shall be accepted as and deemed true by the Court." ECF No. 20, ¶ 3. It is hard to see how not having been able to afford an attorney to interpret that language somehow relates to a violation of constitutional rights. Nor does Lyndon identify other specific language that he needed an attorney's help to decipher.

Because Lyndon fails to demonstrate any reason justifying relief from the Consent and subsequent Judgment, his

motion to stay the effect of those documents is denied.

Similarly, to the extent Lyndon seeks to "quash" the SEC's motion for summary judgment, ECF No. 90, his motion is denied, as Lyndon's request is unaccompanied by persuasive reasoning or authority.

IV. LYNDON IS NOT ENTITLED TO THE DISCOVERY HE NOW REQUESTS.

On April 4, 2014, Lyndon filed a motion to compel the SEC to provide him with discovery. See ECF No. 76. On May 5, 2014, the Magistrate Judge orally denied that request. See ECF No. 114. On May 8, 2014, the Magistrate Judge issued a written ruling, stating that the "discovery sought by Lyndon is not relevant to the issue remaining before the Court, which is a determination with regards to the amounts of disgorgement and Civil Penalties owed by Lyndon." ECF No. 115, PageID 1347. The Magistrate Judge reasoned that, based on the Judgment of November 1, 2013, issues of discovery concerning facts that would vindicate Lyndon or establish that he acted properly were no longer before the court. Id.

Lyndon appealed the oral and written denials of his request for discovery. See ECF Nos. 112 and 118. Lyndon argues that, because he is seeking a stay of the Consent and subsequent Judgment, discovery with respect to liability issues is still relevant. Given this court's denial of his motion to stay the Consent and Judgment, Lyndon's argument fails. The court affirms

the discovery order of May 8, 2014. This ruling terminates Lyndon's appeals, ECF Nos. 112 and 118.

V. THE SEC'S MOTION FOR SUMMARY JUDGMENT IS GRANTED IN PART AND DENIED IN PART.

The SEC's motion for summary judgment seeks a judgment against Lyndon of \$3.3 million in disgorgement, as well as prejudgment interest and a civil penalty. See ECF No. 68. The motion is granted in part and denied in part.

A. Applicable Standard.

Under Rule 56 of the Federal Rules of Civil Procedure, summary judgment shall be granted when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a) (2010). See Addisu v. Fred Meyer, Inc., 198 F.3d 1130, 1134 (9th Cir. 2000). The movants must support their position that a material fact is or is not genuinely disputed by either "citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for the purposes of the motion only), admissions, interrogatory answers, or other materials"; or "showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact." Fed. R. Civ. P. 56(c).

Paragraph 3 of the Consent, ECF No. 20, PageID # 92, allows this court to decide the present motion for summary judgment "without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure." Accordingly, this court need not require a party to support factual assertions with evidence in the record, with evidence that would be admissible in evidence, or based on affidavits or declarations based on personal knowledge. Instead, for purposes of the present motion, the parties agreed that "the allegations of the Complaint shall be accepted as and deemed true." Id.

B. Disgorgement.

District courts have broad equity powers to order disgorgement of ill-gotten gains obtained through violations of securities laws. Such disgorgement is designed to deprive a wrongdoer of unjust enrichment and to deter others from violating securities laws by making violations unprofitable. See SEC v. Platforms Wireless Int'l Corp., 617 F.3d 1072, 1096 (9th Cir. 2010); SEC v. JT Wallenbrock & Assocs., 440 F.3d 1109, 1113 (9th Cir. 2006); SEC v. First Pac. Bancorp, 142 F.3d 1186, 1192 (9th Cir. 1998). District courts have broad discretion in calculating disgorgement amounts. JT Wallenbrock, 440 F.3d at 1113. Disgorgement need only be a "reasonable approximation of profits causally connected to the violation." Platforms Wireless, 617 F.3d at 1096; First Pac. Bancorp, 142 F.3d at 1192 n.6. But the

amount of disgorgement should include all gains flowing from the violations. JT Wallenbrock, 440 F.3d at 1113.

In Platform Wireless, the Ninth Circuit examined whether a proper disgorgement amount was limited to proceeds a defendant had personally benefitted from as a result of securities violations. The Ninth Circuit did not so limit the disgorgement amount, instead holding that a person who controlled funds flowing from securities violations was liable "for the funds he or she dissipated as well as the funds he or she retained." Platforms Wireless, 617 F.3d at 1097. The defendant in Platforms Wireless who "had control over when and by whom the securities would be sold and hence how the proceeds would be used" was jointly and severally liable for all of the proceeds from the unlawful sale of securities even if that defendant did not personally benefit from all of those proceeds. Id.

JT Wallenbrock similarly held individuals responsible for more than they actually received from the securities violations. In that case, the defendants had schemed to obtain money under false pretenses to fund their business ventures. The Ninth Circuit held that all of the proceeds obtained from investors were ill-gotten gains subject to disgorgement, even though some of the money was spent to cover operating expenses of the defendants' companies. JT Wallenbrock, 440 F.3d at 1114. Citing SEC v. Great Lakes Equities Co., 775 F. Supp. 211, 215

(E.D. Mich. 1991), for the proposition that obtaining such funds benefits the wrongdoer because it defrays the wrongdoer's obligations, the Ninth Circuit determined that the defendants were liable for all of the proceeds obtained from the securities violations, not just the money that they obtained for their personal use. JT Wallenbrock, 440 F.3d at 1114.

Lyndon agreed in the Consent that this court would award a disgorgement amount against him. ECF No. 20, ¶ 3, PageID # 91. He also agreed that he had told Zaucha how to sell the securities that were part of the fraudulent scheme and how to "kick back" proceeds to Left Behind. Lyndon further agreed that he had controlled all of Left Behind's bank accounts and had used them as his own personal accounts. Like the Defendants in Platforms Wireless, Lyndon had controlled how the proceeds obtained from the violations of securities laws would be used. Lyndon is therefore liable for all of those funds. Platforms Wireless, 617 F.3d at 1097; JT Wallenbrock, 440 F.3d at 1114.

The SEC also seeks to hold Lyndon liable for disgorgement under 15 U.S.C. § 78t(a), which states, "Every person who, directly or indirectly, controls any person liable under any provision of this chapter or of any rule or regulation thereunder shall also be liable jointly and severally with and to the same extent as such controlled person to any person to whom such controlled person is liable . . . , unless the controlling

person acted in good faith and did not directly or indirectly induce the act or acts constituting the violation or cause of action." The court is not persuaded by this argument, as the SEC fails to establish on this motion that Lyndon controlled a "person liable" for violations of securities laws. Because the present record does not establish that another person or company is liable for having violated securities laws, Lyndon cannot be said to be jointly and severally liable for violations by another. Lyndon himself has agreed not to deny that he violated securities laws. The Consent cannot be read to establish liability on the part of Zaucha or Left Behind; Zaucha is contesting liability, and Left Behind is not a party in this case.

Having determined that Lyndon is liable for the proceeds of his own violations of securities laws, the court must determine the appropriate disgorgement amount. The SEC bears the initial burden of demonstrating that the disgorgement amount it seeks against Lyndon "reasonably approximates the amount of unjust enrichment." See Platforms Wireless, 617 F.3d at 1096. Once the SEC meets that burden, the burden shifts to Lyndon to demonstrate that the figure is not a "reasonable approximation." See id. The Ninth Circuit places this burden on a defendant because information is not "obtainable at negligible costs." Id.

(quotation marks and citation omitted). A defendant is more likely to have access to relevant information. Id.

The SEC is not seeking to hold Lyndon liable for disgorgement of all proceeds obtained from the sale of Left Behind stock by Zaucha. Instead, citing the allegations in the Complaint, which Lyndon agreed the court should deem true for purposes of this motion, the SEC argues that Lyndon is responsible for \$3.3 million in disgorgement. But the Complaint at most alleges that Zaucha “kicked back approximately \$3.3 million” to Left Behind. Complaint ¶ 4 (emphasis added). The alleged “kick backs” detailed in the Complaint actually total a little less than \$3.3 million. Specifically, the Complaint refers to three items: 1) Zaucha’s payment to Left Behind of \$871,169 in “early-sell fees,” id. ¶¶ 5, 97, PageID #s 2, 24; 2) a purchase by Lighthouse of about \$1.38 million of Left Behind’s old inventory, which Lighthouse did not actually use, indicating that the money was not really paid for the inventory, id. ¶¶ 6, 67-68, PageID # 2-3, 15-16; and 3) Zaucha’s “kick back” of about \$1 million to Left Behind in the forms of “loans” and “investments,” id. ¶¶ 8, 97, PageID #s 3, 24. The sum of these amounts, which themselves include amounts of “about” certain figures, is \$3,251,169. The court concludes that the SEC meets its burden of demonstrating that \$3,251,169 is a “reasonable approximation” of Lyndon’s illicit gains based on the violations

of various securities laws. At the hearing on the motions, the SEC accepted \$3,251,169 as an appropriate disgorgement amount based on the papers before this court. See Transcript of Proceeding at 4, ECF No. 138, PageID # 1561.

The burden now shifts to Lyndon to demonstrate that \$3,251,169 is not a "reasonable approximation" of his illicit gains. His opposition to the motion and arguments at the hearing cast no doubt on that figure, especially given his statements in the Consent, including his agreement to this court's treatment of the allegations in the Complaint as true.

C. Prejudgment Interest.

In the Consent, Lyndon agreed that this court "shall order disgorgement of ill-gotten gains" and "prejudgment interest thereon." ECF No. 20, ¶ 3, PageID # 91. In Platform Wireless, the Ninth Circuit approved the calculation of prejudgment interest based on the tax underpayment rate set forth in 26 U.S.C. § 6621. Platform Wireless, 617 F.3d at 1099.

The SEC has submitted the Declaration of Carol Shau setting forth a prejudgment interest calculation of \$289,897.18 based on application of that statutory rate to the disgorgement amount of \$3,251,169. See ECF No. 133-1. The court concludes that this is an appropriate amount of prejudgment interest.

D. Civil Penalty.

In the Consent, Lyndon also agreed that this court “shall order . . . a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 78u(d)(3).” ECF No. 20, ¶ 3, PageID # 91. That provision allows this court to impose a civil penalty and creates three tiers of such penalties.

The first tier originally provided for a maximum penalty amount of \$5,000 on a natural person or the gross amount of pecuniary gain as a result of a statutory violation. 15 U.S.C. § 78u(d)(3)(B)(i). This maximum penalty was increased to \$7,500 as required by the Debt Collection Improvement Act of 1996. See 17 C.F.R. § 2001.1001 (increasing amount for violations occurring from December 1996 to February 2001 from \$5,000 to \$5,500); 17 C.F.R. § 2001.1002 (increasing amount for violations after February 2001 from \$5,500 to \$6,500); 17 C.F.R. § 2001.1004 (increasing amount for violations after March 2009 from \$6,500 to \$7,500).

The second tier originally provided for a maximum penalty of \$50,000 on a natural person or the gross amount of pecuniary gain for a violation of securities laws involving “fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement.” 15 U.S.C. § 78u(d)(3)(B)(ii). This maximum penalty was increased to \$75,000 as required by the Debt Collection Improvement Act of 1996. See 17 C.F.R.

§ 2001.1001 (increasing amount for violations occurring from December 1996 to February 2001 from \$50,000 to \$50,000); 17 C.F.R. § 2001.1002 (increasing amount for violations from February 2001 from \$55,000 to \$60,000); 17 C.F.R. § 2001.1003 (increasing amount for violations from February 2005 from \$60,000 to \$65,000); 17 C.F.R. § 2001.1004 (increasing amount for violations after March 2009 from \$65,000 to \$75,000).

The third tier provided for a maximum penalty of \$100,000 on a natural person or the gross amount of pecuniary gain for a violation of securities laws involving "fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement" and involving violations that "directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons." 15 U.S.C. § 78u(d)(3)(B)(iii). This maximum penalty was increased to \$150,000 as required by the Debt Collection Improvement Act of 1996. See 17 C.F.R. § 2001.1001 (increasing amount for violations occurring from December 1996 to February 2001 from \$100,000 to \$110,000); 17 C.F.R. § 2001.1002 (increasing amount for violations from February 2001 from \$110,000 to \$120,000); 17 C.F.R. § 2001.1003 (increasing amount for violations from February 2005 from \$120,000 to \$130,000); 17 C.F.R. § 2001.1004 (increasing amount for violations from March 2009 from \$130,000 to \$150,000).

Civil penalties punish the wrongdoer and deter future violations. See SEC v. Toure, ___ F. Supp. 2d ___, 2014 WL 969442 (S.D.N.Y. Mar. 12, 2014). Courts may award the maximum civil penalty for each violation of the Exchange Act. See SEC v. Wilde, 2012 WL 6621747, *16 (C.D. Cal. Dec. 17, 2012). Courts should set a civil penalty "in light of the facts and circumstances." 15 U.S.C. § 78u(d)(3)(B)(i). A court may determine appropriate civil penalties by looking at the factors applicable to injunctive relief. These factors include "(1) the degree of scienter involved; (2) the isolated or recurrent nature of the infraction; (3) the defendant's recognition of the wrongful nature of his conduct; (4) the likelihood, because of defendant's professional occupation, that future violations might occur; (5) and the sincerity of his assurances against future violations." Wilde, 2012 WL 6621747, *16 (quotation marks and citation omitted). A court may also examine a defendant's ability to pay the civil fine in determining the appropriate amount. See SEC v. Jasper, 883 F. Supp. 2d 915, 931-32 (N.D. Cal. 2010).

The SEC seeks the \$150,000 maximum civil penalty set forth in the third tier, arguing that Lyndon's violations detailed in the Complaint involved "fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement" and "directly or indirectly resulted in substantial losses or

created a significant risk of substantial losses to other persons.” 15 U.S.C. § 78u(d)(3)(B)(iii). The SEC is seeking only a single \$150,000 penalty, not a \$150,000 penalty for each of Lyndon’s violations or a penalty equal to the gross amount of pecuniary gain.

The court agrees that a \$150,000 penalty is a reasonable civil penalty under the facts and circumstances of this case. Over a lengthy period of time, Lyndon perpetrated a fraud that caused people buying shares of Left Behind to invest about \$4.6 million in a company that was not financially solvent. Left Behind received about \$3.3 million of that money in “kick backs.” The \$150,000 amount represents a small fraction of the money involved in the fraudulent scheme. Lyndon has asserted that he is without funds but has not documented his financial status. It is certainly unclear where the nearly \$3.3 million in “kick backs” has gone. Nor is it clear that Lyndon has “learned his lesson.” Although he executed the Consent, which precludes him from denying that he violated securities laws and which bars him from certain positions involving companies subject to securities law, Lyndon has filed numerous pleadings in which he denies wrongdoing and complains about an inability to work in the securities industry. Under these circumstances, the court determines that a \$150,000 civil penalty is appropriate.

VI. LYNDON'S REQUEST TO EXTEND THE DEADLINE FOR FILING A MOTION TO DISMISS IS DENIED.

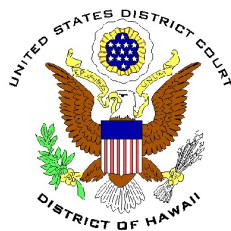
In his filing of June 16, 2014, Lyndon requests that the court dismiss this case with prejudice or allow him to file a motion to dismiss. See ECF No. 127. Lyndon, however, fails to explain why dismissal is appropriate. The court is granting the SEC's motion for summary judgment, leaving no issues to be determined with respect to Lyndon. Accordingly, Lyndon's request to extend the deadline to file motions is denied.

IV. CONCLUSION.

The court grants the SEC's motion for summary judgment in part. To the extent it seeks disgorgement of \$3.3 million, the court denies the motion. Instead, the court grants disgorgement of \$3,251,169, prejudgment interest of \$289,897.18, and a civil penalty of \$150,000. All motions by Lyndon are denied and any order he appeals is affirmed.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, August 11, 2014.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Securities and Exchange Commission v. Lyndon, et al., Civ. No. 13-00486 SOM/KSC; ORDER DENYING MOTION TO STAY CONSENT AND JUDGMENT (ECF NO. 28); ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF NO. 68); ORDER DENYING DEFENDANT TROY LYNDON'S MOTION FOR SANCTIONS (ECF NO. 81), MOTION TO QUASH (ECF NO. 90), MOTION FOR PERMANENT STAY OF CONSENT AND JUDGMENT (ECF NO. 101), AND REQUEST TO EXTEND MOTIONS DEADLINE (ECF NO. 127); ORDER AFFIRMING MAGISTRATE JUDGE ORDER CONCERNING DISCOVERY AND REJECTING APPEALS BY DEFENDANT TROY LYNDON (ECF NOS. 112 AND 118)

Complete Docket Record

{ begins on next page }

APPEAL,CLOSED

**U.S. District Court
District of Hawaii (Hawaii)
CIVIL DOCKET FOR CASE #: 1:13-cv-00486-SOM-KSC**

Securities and Exchange Commission v. Lyndon et al
Assigned to: JUDGE SUSAN OKI MOLLWAY
Referred to: JUDGE KEVIN S.C. CHANG
Case in other court: 9CCA, 14-16733
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 09/24/2013
Date Terminated: 01/22/2015
Jury Demand: None
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Securities and Exchange Commission**represented by **Amy J. Longo**

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Date Filed	#	Docket Text
09/24/2013	<u>1</u>	COMPLAINT against All Defendants - filed by Securities and Exchange Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(emt,) (Entered: 09/26/2013)

09/24/2013	2	Order Setting Rule 16 Scheduling Conference for 09:00AM on 12/23/2013 before JUDGE KEVIN S.C. CHANG - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 9/24/13. (Attachments: # 1 Memo from Clerk Re: Corporate Disclosure Statements)(emt,) (Entered: 09/26/2013)
09/24/2013	3	Filing fee: \$ 400, receipt number HI009374 re 1 Complaint. (emt,) (Entered: 09/26/2013)
09/24/2013	4	Summons Issued as to Troy Lyndon. (emt,) (Entered: 09/26/2013)
09/24/2013	5	Summons Issued as to Ronald Zaucha. (emt,) (Entered: 09/26/2013)
10/16/2013	6	(NOTICE) CONSENT of Defendant Troy Lyndon to Entry of Judgment of Permanent Injunction and Other Relief - by Securities and Exchange Commission re 1 Complaint Securities and Exchange Commission. (Longo, Amy) Modified on 10/17/2013 to clarify docket text to correlate to caption (emt,). (Entered: 10/16/2013)
10/16/2013	7	(document re-entered as docket entry 10 Summons returned executed) AFFIDAVIT of Service for Complaint served on Troy Lyndon on 09-26-2013, filed by Securities and Exchange Commission. (Longo, Amy) Modified on 10/17/2013 (emt,). (Entered: 10/16/2013)
10/16/2013	8	(document re-entered as docket entry 11 Summons returned executed) AFFIDAVIT of Service for Complaint served on Ronald Zaucha on 09-26-2013, filed by Securities and Exchange Commission. (Longo, Amy) Modified on 10/17/2013 (emt,). (Entered: 10/16/2013)
10/16/2013	9	NOTICE by Securities and Exchange Commission re 6 Notice (Other) <i>Proposed Judgment</i> Securities and Exchange Commission. (Longo, Amy) (Entered: 10/16/2013)
10/16/2013	10	PROOF OF SERVICE OF SUMMONS - SUMMONS Returned Executed by Securities and Exchange Commission. Troy Lyndon served on 9/25/2013, answer due 10/16/2013. The Clerks Office re-enters this document (e-filed by Amy Longo on 10/16/2013) to reflect as a "summons returned executed". (emt,) (Entered: 10/17/2013)
10/16/2013	11	PROOF OF SERVICE OF SUMMONS - SUMMONS Returned Executed by Securities and Exchange Commission. Ronald Zaucha served on 9/25/2013, answer due 10/16/2013. (The Clerks Office re-enters this document (e-filed by Amy Longo on 10/16/2013) to reflect as a "summons returned executed".) (emt,) (Entered: 10/17/2013)
10/17/2013		CORRECTIVE ENTRY. The entry docket number 9 Proof of Service (entered in ECF as "Notice") filed by Securities and Exchange Commission was filed incorrectly in this case. Please be advised that the document is signed "/s/Henry A. Forgione" but e-filed using Amy Longo's ECF Login. LR100.5.1. states "The name of the CM/ECF user under whose login and password the document is being electronically filed must be preceded by "/s/" and typed in the space where the signature otherwise would appear (e.g. /s/ John or Jane Lawyer)." The filing party is also advised that filer's identification should be referenced in the upper left hand corner of the first page, refer to LR10.2.(b) Identification of Person Filing Document. Lastly, the docketing event for Certificate of Service is located in the "Service of Process" category. The filing party shall re-submit a corrected filing. (emt,) (Entered: 10/17/2013)
10/17/2013	12	CERTIFICATE OF SERVICE by Securities and Exchange Commission re 9 Notice (Other) <i>POS - Mail</i> (Longo, Amy) (Entered: 10/17/2013)
10/18/2013	13	REQUEST by Plaintiff Securities and Exchange Commissioner for Clerk to Enter Default Against Defendant Ronald Zaucha Amy J. Longo appearing for Plaintiff Securities and Exchange Commission (Attachments: # 1 Declaration, # 2 Default by

		Clerk Re: Ronald Zaucha)(Longo, Amy) Modified on 10/21/2013 (emt,). (Entered: 10/18/2013)
10/18/2013	14	CERTIFICATE OF SERVICE by Securities and Exchange Commission re 13 MOTION for Entry of Default (Longo, Amy) (Entered: 10/18/2013)
10/21/2013	15	DEFAULT BY CLERK RE: DEFENDANT RONALD ZAUCHA re 13 . (emt,) (Entered: 10/21/2013)
10/22/2013	16	EO: On October 16, 2013, a consent by Defendant Troy Lyndon to the entry of judgment of a permanent injunction and for other relief was filed. See ECF No. 6. Yesterday, this court received a proposed judgment of permanent injunction and other relief. For the most part, the proposed judgment tracks the consent of October 16, 2013. However, the court has been unable to locate in the consent a few things that are in the proposed order. No later than October 28, 2013, the SEC is asked to submit a supplemental memorandum describing where the following items are discussed in the consent of October 16, 2013: (1) the reference to 15 U.S.C. §§ 77t(e) and 78u(d)(2) on page 6, section IX, of the proposed order; and (2) the reference to penny stocks on page 6, section X, of the proposed order. If these items were not mentioned in the consent of October 16, 2013, the SEC should inform the court and Lyndon whether it wishes to delete references to them or why it is appropriate for the requested relief to remain in the proposed order. If the relief is to remain in the order, the court will issue an order asking Lyndon for a response. To make things easier on the court in the future, the court requests that orders track the statutes. For example, on page 2, the proposed order refers to 15 U.S.C. § 77e. The order lists actions in subsections (a), (b), and (c), while referring to the language of § 77e(a)(1) and (2) and § 77e(c). The reference to subsection (b) does not appear to track anything in the consent, creating confusion because it does not reference § 77e(a)(2) and appears at first blush to refer to § 77e(b). This confusion is not fatal to the proposed order, but it does require court time to consider. Ms. Longo to serve a copy of this EO upon the defendants. re 6 Notice (Other), 1 Complaint. (JUDGE SUSAN OKI MOLLWAY)(tbf,) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/22/2013)
10/28/2013	17	(NOTICE) CONSENT OF DEFENDANT TROY LYNDON TO ENTRY OF JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF re 6 - by Securities and Exchange Commission . (Attachments: # 1 Certificate of Service) (Longo, Amy) Modified on 10/29/2013 to clarify docket text (emt,). (Entered: 10/28/2013)
10/28/2013	18	SUPPLEMENTAL MEMORANDUM Pursuant to Court's Electronic Order Dated October 22, 2013 re 6 , 16 , 17 filed by Securities and Exchange Commission. (Longo, Amy) Modified on 10/29/2013 to add linkage to 16 , 17 ; clarify docket text (emt,). (Entered: 10/28/2013)
10/28/2013	19	PROOF OF SERVICE of 16 Electronic Order Re Consent by Troy Lyndon to the Entry of Judgment of a Permanent Injunction - by Securities and Exchange Commission (Longo, Amy) Modified on 10/29/2013 to clarify docket text (emt,). (Entered: 10/28/2013)
10/30/2013	20	(NOTICE) CONSENT OF TROY LYNDON TO ENTRY OF JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF by Securities and Exchange Commission re 6 Notice (Other), <i>Revised Consent of Troy Lyndon</i> Securities and

		Exchange Commission. (Attachments: # 1 Exhibit)(Longo, Amy) Modified on 10/30/2013 (emt,). (Entered: 10/30/2013)
10/30/2013	21	CERTIFICATE OF SERVICE by Securities and Exchange Commission re 20 Notice (Other) (Longo, Amy) (Entered: 10/30/2013)
11/01/2013	22	JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST DEFENDANT TROY R. LYNDON - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY. Judgment is entered pursuant to Rule 54(b) of the Federal Rules of Civil Procedure. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/04/2013)
12/13/2013	23	EO: At counsel's request, Rule 16 Scheduling Conference set 12/23/13 shall be continued to 09:00AM on 2/14/2014 before JUDGE KEVIN S.C. CHANG. Rule 16 Scheduling Conference statements due: 2/7/14. Karen Matteson to notify all parties. (JUDGE KEVIN S.C. CHANG)(sna,)No COS issued for this docket entry (Entered: 12/13/2013)
12/19/2013	24	MOTION for Default Judgment as to <i>Defendant Ronald Zaucha</i> Karen Matteson appearing for Plaintiff Securities and Exchange Commission (Attachments: # 1 Memorandum, # 2 Exhibit 1 to Memorandum)(Matteson, Karen) (Entered: 12/19/2013)
12/19/2013	25	NOTICE of Hearing on Motion 24 : Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment Against Defendant Ronald Zaucha set for 1/24/2014 09:30 AM before JUDGE KEVIN S.C. CHANG. Rule 16 Scheduling Conference set 2/14/14 before Judge Chang is hereby vacated. (sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 12/19/2013)
12/19/2013	26	EO: Rule 16 Scheduling Conference put back on calendar for 09:00AM on 2/14/2014 before JUDGE KEVIN S.C. CHANG. Rule 16 Scheduling Conference statements due: 2/7/14. Per Ms. Matteson, Defendant Troy Lyndon should not be terminated. (JUDGE KEVIN S.C. CHANG)(sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/19/2013)
12/20/2013	27	NOTICE by Securities and Exchange Commission re 24 MOTION for Default Judgment as to <i>Defendant Ronald Zaucha of Hearing Date and Time for Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment against Defendant Ronald Zaucha</i> Securities and Exchange Commission. (Matteson, Karen) (Entered: 12/20/2013)
12/20/2013	28	MOTION by Defendant Troy Lyndon to Place Temporary Stay on Consent and Judgement re 22 - by Defendant Troy Lyndon (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(emt,) (Entered: 12/20/2013)

		12/20/2013)
12/22/2013	29	MEMORANDUM in Opposition re 28 MOTION to Place Temporary Stay on Consent and Judgement 22 filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 12/22/2013)
12/23/2013		ADVISORY ENTRY. The entry docket number 29 Opposition to Motion by Defendant Troy Lyndon to Place Temporary Stay on Consent and Judgment filed by Securities and Exchange Commission was filed incorrectly in this case. Please be advised that the Declaration of Karen Matteson and the exhibits should have been attached to the main document as separate ECF attachments and labeled accordingly. The filing party should refer to LR100.2.5., which states "Each exhibit referenced in a document shall be submitted as a separate CM/ECF attachment to the main document, regardless of the size of the file containing the exhibit." No further action necessary. (emt,) (Entered: 12/23/2013)
12/23/2013	30	NOTICE of Hearing:.Telephone Conference set for 1/6/2014 01:30 PM before JUDGE SUSAN OKI MOLLWAY. Parties notified. (tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 12/23/2013)
12/23/2013	31	RESPONSE to SEC's Opposition to 28 Defendant Troy Lyndon's MOTION to Place Temporary Stay on Consent and Judgement - filed by Troy Lyndon. (Attachments: # 1 Exhibit G, # 2 Exhibit H, # 3 Exhibit I, # 4 Exhibit J, # 5 Exhibit K)(emt,) (Entered: 12/24/2013)
12/24/2013		EO: The motion to place temporary stay shall be decided without a hearing. The SEC may file a response to the motion by January 13, 2014, and the movant may file a reply memorandum by January 27, 2014. 28 MOTION to Place Temporary Stay on Consent and Judgement 22 . (JUDGE SUSAN OKI MOLLWAY)(tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/24/2013)
12/30/2013	32	REQUEST Wait on 28 MOTION for Temporary Stay & New MOTION to Compel Plaintiff Produce Evidence Promptly to Avoid Irreperable Harm for Which There is No Remedy - by Defendant Troy Lyndon. (Attachments: # 1 Exhibit L)(emt,) (Entered: 12/30/2013)
12/31/2013	33	EO: EO: On October 30, 2013, a consent to entry of judgment and permanent injunction against Troy Lyndon and in favor of the SEC was filed. See ECF No. 20. On November 1, 2013, a judgment of permanent injunction and other relief was filed. See ECF No. 22. On December 20, 2013, Lyndon filed a motion to stay the consent and judgment. See ECF No. 28. On December 23, 2013, a telephone conference with the parties was scheduled for January 6, 2014, at 1:30. See ECF No. 30. On December 24, 2013, the court entered a minute order, informing the SEC that it could file an opposition to the motion to stay by January 13, 2014, and that Lyndon could file a reply in support of that motion by January 27, 2013. The minute order further stated that the motion to stay would be decided without a hearing. On December 30, 2013, Lyndon filed an emergency motion, which again seeks a stay of the consent and judgment. He also seeks certain discovery. Lyndon claims that he was deceived by

		<p>SEC counsel regarding the effect of his consent. He claims that, because of the judgment in this case, he cannot represent his company in an administrative hearing. The judge in that hearing apparently has until January 22, 2014, to issue his decision. Lyndon seeks expedited relief because he wants to be able to represent his company in that other case before the administrative law judge issues a decision. See ECF No. 32 To the extent Lyndon seeks to expedite a decision on his motion to stay, that request is denied. Lyndon has not demonstrated that, even if the court were to stay the consent and judgment, he would be able to represent the company in the hearing before the other judge. Nothing in the record indicates that Lyndon is an attorney allowed to represent the company at that hearing. Nor is there anything in the record indicating that the judge in the other hearing would allow Lyndon to act in that capacity for the company. The briefing schedule previously set forth in the minute order of December 24, 2013, shall be followed by the parties. To the extent the motion of December 30, 2013, seeks discovery, that part of the motion is referred to the Magistrate Judge assigned to this case. The court cancels the telephone conference set for January 6, 2014. (JUDGE SUSAN OKI MOLLWAY)(lls,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/31/2013)</p>
01/02/2014	34	<p>NOTICE of Hearing on Motion 32 : New Motion to Compel Plaintiff Produce Evidence Promptly to Avoid Irreperable Harm for Which There is no Remedy set for 2/4/2014 09:30 AM before JUDGE KEVIN S.C. CHANG. (sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 01/02/2014)</p>
01/03/2014	35	<p>MOTION to Order Plaintiff to Accept Deliveries; Statement of Defendant Troy Lyndon - filed by Defendant Troy Lyndon. (Attachments: # 1 Exhibit N, # 2 Exhibit O) (afc) (Entered: 01/06/2014)</p>
01/03/2014	36	<p>MOTION for Reconsideration re 28 MOTION for Temporary Stay to Avoid Irreparable Harm for which there is no remedy at law; Statement of Defendant Troy Lyndon - filed by Defendant Troy Lyndon. (Attachments: # 1 Exhibit M)(afc) (Entered: 01/06/2014)</p>
01/07/2014	37	<p>EO: Defendant Troy Lyndon has filed a motion that seeks to order Plaintiff Securities and Exchange Commission ("SEC") to sign for certified mail and to refrain from blocking his e-mail correspondence. That motion is denied without prejudice and without a hearing pursuant to Local Rule 7.2(d). The parties are ordered to meet and confer about the matters raised in the motion before raising the matters with the court. This "meet and confer" requirement may be done via telephone. The court suggests that the SEC call Lyndon about these matters. The court further suggests that counsel for the SEC and Lyndon agree to a way for Lyndon to contact counsel for the SEC. This order is not intended to impose obligations on the parties that are not otherwise part of the Federal Rules of Civil Procedure.denying 35 Motion. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p>

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/07/2014)
01/07/2014	38	ORDER DENYING MOTION TO STAY CONSENT AND JUDGMENT (ECF NO. 28); ORDER DENYING AS MOOT MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO EXPEDITE HEARING ON MOTION TO STAY CONSENT AND JUDGMENT (ECF NO. 36) re 28 ; 36 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 1/7/2014. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon, Ronald Zaucha served by first class mail at the addresses of record on January 7, 2014. (Entered: 01/07/2014)
01/07/2014	39	Emergency MOTION Regarding Reconsideration of Temporary Stay and New Motion to Compel Plaintiff to Respond to Subpoena to Avoid Consequences for Which There is No Remedy re 33 - by Defendant Troy Lyndon (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R)(emt,) (Entered: 01/07/2014)
01/07/2014	40	EO: Earlier today, this court filed an order that denied Defendant Troy Lyndon's motion to stay the consent and judgment and an order that denied as moot his motion to expedite the hearing on that motion. Since then, Lyndon has filed an "Emergency Motion Regarding Reconsideration of Temporary Stay and New Motion to Compel Plaintiff to Respond to Subpoena to Avoid Consequences for Which There is No Remedy." See ECF No. 39. That new motion is denied. First, to the extent the motion continues to seek a stay of the consent and judgment, it does not address this court's order of this morning. Lyndon cannot simply say that he did not expect certain harm to flow from his agreement as a justification for relief from the judgment. This court can relieve him of that judgment if he demonstrates the applicability of Rule 60(b) of the Federal Rules of Civil Procedure. Because his latest motion does not do that, it is denied. Second, to the extent Lyndon seeks to compel the SEC to respond to the subpoena he served, the court denies that request. Before coming to the court for relief, the parties are ordered to meet and confer about this issue. See Local Rule 37.1(a). This "meet and confer" requirement may be done via telephone. The court suggests that the SEC call Lyndon about this matter. In so suggesting, the court expresses no inclination as to the SEC's obligations with respect to the subpoena. Third, as noted in the court's earlier minute order, the court also suggests that the parties agree to a way for Lyndon to contact counsel for the SEC. Finally, to the extent Lyndon seeks permission to file electronically, that request is denied given the present status of this case and the absence of evidence that Lyndon has completed the training required for registration as an electronic filer. denying 39 Motion for Reconsideration. (JUDGE SUSAN OKI MOLLWAY)(tbf,)

		<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/07/2014)</p>
01/09/2014	41	Legal Basis for Motion Regarding Request for Temporary Stay and MOTION to Compel Plaintiff to Deliver on Subpoena to Avoid Consequences for Which There is No Remedy re 32 - by Defendant Troy Lyndon (emt,) (Entered: 01/09/2014)
01/09/2014	42	Rule 45 - NOTICE of Subpoena - by Troy Lyndon. (Attachments: # 1 Exhibit P, # 2 Exhibit R)(emt,) (Entered: 01/10/2014)
01/10/2014	43	MOTION for Permanent Stay of Consent and Judgment and REQUEST for a Jury Trial re 22 - by Defendant Troy Lyndon (emt,) (Entered: 01/10/2014)
01/10/2014	44	ORDER DENYING RULE 60(b) MOTION re 41 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 1/10/2014. (emt,)
		<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon, Ronald Zaucha served by first class mail at the addresses of record on January 10, 2014. (Entered: 01/10/2014)</p>
01/10/2014	45	ORDER Re: Motion for Permanent Stay of Consent and Judgment and Request for a Jury Trial re 43 - DENIED by CHIEF JUDGE SUSAN OKI MOLLWAY. (emt,)
		<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon and Ronald Zaucha shall be served by first class mail at the addresses of record on January 13, 2014. (Entered: 01/10/2014)</p>
01/14/2014	46	MEMORANDUM in Opposition re 32 REQUEST Wait on 28 MOTION for Temporary Stay MOTION to Compel filed by Securities and Exchange Commission. (Attachments: # 1 Declaration, # 2 Certificate of Service)(Longo, Amy) (Entered: 01/14/2014)
01/14/2014	47	Mail Returned as Undeliverable (ECF No. 34 Notice of Hearing). Mail sent to Ronald Zaucha at 753 Avenida Majorca, Unit A, Laguna Woods, CA 92637 returned undeliverable. (emt,) (Entered: 01/15/2014)
01/23/2014	48	MOTION to Delay Proceeding - by Defendant Troy Lyndon. (emt,) (Entered: 01/23/2014)
01/24/2014	49	EO: re 48 On 1/23/14, Defendant Troy Lyndon filed a Motion to Delay Proceeding, requesting a 6 month continuance of the trial and associated deadlines. Insofar as the Court issued a Judgment of Permanent Injunction and Other Relief Against Defendant Troy R. Lyndon on 11/1/13, there is no basis to continue deadlines as to Defendant Lyndon. Defendant Lyndon sought relief from the consent and judgment, but Chief Judge Mollway denied his request. In any event, a scheduling order has yet to issue, so there are no Court-imposed deadlines to continue, other than those related to the motions that Defendant Lyndon has filed. The deadlines that have been imposed upon Defendant Lyndon are of his own making; he has raised multiple issues with the Court and wants expedited review. To address the matters on an expedited basis, it is necessary for the Court to impose condensed briefing schedules. If Defendant Lyndon is requesting a six month continuance of the scheduling conference, such a request is

		<p>denied. This case has been pending since September 2013. The Court will not allow nearly one year to lapse before holding the scheduling conference. For these reasons, the Motion is DENIED in part. To the extent Defendant Lyndon seeks a continuance of the hearing on his motion to compel, the Motion is GRANTED. The Court hereby continues the hearing to 9:30 a.m. on 3/3/14. Defendant Lyndon is cautioned that the Court will not entertain multiple requests to continue the hearing on the motion to compel. If Defendant Lyndon believes he requires more time before the matter is heard, he should withdraw the motion and refile it once he is prepared to proceed. (JUDGE KEVIN S.C. CHANG)(chang1,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/24/2014)</p>
01/24/2014	50	<p>EP: Hearing on 24 Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment Against Defendant Ronald Zaucha held on 1/24/2014. Telephonic discussion held. Hearing on 24 Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment Against Defendant Ronald Zaucha is CONTINUED to 3/03/2014 at 9:30 a.m. in Courtroom 8 before JUDGE KEVIN S.C. CHANG. Opposition briefs due: 2/21/2014. Optional Reply briefs due: 2/28/2014. Counsel for Plaintiff and Defendant Ronald Zaucha can participate telephonically at the hearing set for 3/03/2014. A telephonic Status Conference is set for 2/07/2014 at 09:30 AM in Chambers of Judge Kevin S Chang before JUDGE KEVIN S.C. CHANG. The Court expects that Mr. Brand, Defendant Zaucha's mainland counsel, will have made a proper appearance prior to the 2/07/2014 status conference. The Court will send copy of this Minutes to Mr. Ronald Zaucha at 753 Avenida Majorca, Unit A, Laguna Woods, CA 92637. This address is what appears on the docket.(Court Reporter FTR - C8) (JUDGE KEVIN S.C. CHANG)(mrf)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/24/2014)</p>
01/27/2014	51	<p>EO: Rule 16 Scheduling Conference set 2/14/14 shall be continued to 09:30AM on 3/3/2014 before JUDGE KEVIN S.C. CHANG. Rule 16 Scheduling Conference statements due: 2/24/14. (JUDGE KEVIN S.C. CHANG)(sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/27/2014)</p>
02/07/2014	52	<p>EP: Status Conference Re: Representation held on 2/7/2014. Donny Brand, counsel for Defendant Ronald Zaucha participated by phone. Mr. Brand updated the Court that he has come to an agreement in principle with Lars Peterson. The Court will allow Mr. Brand until close of business on Wednesday, 2/12/14 to submit the Pro Hac Vice application. If no submission, the Court will issue an Order to Show Cause.(In Chambers - no record, 9:30-9:35am.) (JUDGE KEVIN S.C. CHANG)(sna,)No COS issued for this docket entry (Entered: 02/07/2014)</p>

02/12/2014	53	Application to Appear Pro Hac Vice (Donny E. Brand, Esq.) . (Attachments: # 1 Declaration Declaration of Counsel)(Peterson, Lars) Modified on 2/13/2014 to change event type from "application" to "motion for pro hac vice" (emt,). (Entered: 02/12/2014)
02/13/2014		ADVISORY ENTRY. If the filing party has not already done so, the fee of \$300.00 associated with docket number 53 Application to Appear Pro Hac Vice (Donny E. Brand, Esq.) may be submitted to the Clerks Office along with two courtesy copies of the application. The check may be made payable to "Clerk, U.S. District Court". (emt,) (Entered: 02/13/2014)
02/13/2014	54	ORDER GRANTING EX PARTE APPLICATION FOR ADMISSION PRO HAC VICE (DONNY E. BRAND, ESQ.) re 53 - Signed by JUDGE KEVIN S.C. CHANG on 2/13/2014. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 02/13/2014)
02/19/2014	55	PHV Filing fee for Donny E. Brand, Esq. : \$ 300, receipt number HI010948 re 53 APPLICATION to Appear Pro Hac Vice (Donny E. Brand, Esq.) (emt,) (Entered: 02/20/2014)
02/21/2014	56	MEMORANDUM in Opposition re 24 MOTION for Default Judgment as to Defendant Ronald Zaucha filed by Ronald Zaucha. (Attachments: # 1 Affidavit Affidavit of Ronald Zaucha, # 2 Certificate of Service)(Peterson, Lars) (Entered: 02/21/2014)
02/21/2014	57	AMENDED CERTIFICATE OF SERVICE re 56 - by Ronald Zaucha. Amended Certificate of Service. (Peterson, Lars) Modified on 2/24/2014 (emt,). (Entered: 02/21/2014)
02/21/2014	58	MOTION to Continue Status Conference Lars Peterson appearing for Defendant Ronald Zaucha (Attachments: # 1 Affidavit of Donny E. Brand, # 2 Exhibit A, # 3 Certificate of Service)(Peterson, Lars) (Entered: 02/21/2014)
02/24/2014	59	EO: re 58 Currently set for hearing on 3/3/14 is Plaintiff's Motion for Default Judgment. Defendant Ronald Zaucha filed an Opposition on 2/21/14. Although Defendant Zaucha has now appeared, even assuming the Motion for Default Judgment is denied, he will remain in default until he files and prevails on a motion to set aside default. To promote judicial economy, the motion to set aside default and the motion for default judgment should be addressed concurrently. Accordingly, if Defendant Zaucha wishes to set aside default, he must file a proper motion by 3/10/14. Any opposition to a motion to set aside default is due by 3/19/14. An optional reply is due by 3/25/14. The hearing on the Motion for Default Judgment is hereby continued to 4/7/14 at 9:30 AM before JUDGE KEVIN S.C. CHANG. If Defendant Zaucha timely files a motion to set aside default, it will also be set for hearing on 4/7/14. Given the continuance of the Motion for Default Judgment, the Court hereby GRANTS Defendant Zaucha's Motion to Continue Status Conference, filed 2/21/14, and continues the Rule 16 Scheduling Conference to 4/7/14 at 9:30AM before JUDGE KEVIN S.C. CHANG. (JUDGE KEVIN S.C. CHANG)(sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this

		docket entry (Entered: 02/24/2014)
02/24/2014	60	Rule 34 - NOTICE of Subpoena - by Troy Lyndon. (Attachments: # 1 Exhibit V)(emt,) (Entered: 02/24/2014)
02/24/2014	61	RESPONSE to Defendant Ronald Zaucha's Opposition to 24 Plaintiff's MOTION for Default Judgment - filed by Troy Lyndon. (Attachments: # 1 Exhibit U)(emt,) (Entered: 02/24/2014)
02/24/2014	62	WITHDRAWAL OF MOTION TO COMPEL re 32 and REQUEST FOR RECONSIDERATION to Order Plaintiff to Halt Destructive Online Marketing - by Defendant Troy Lyndon (emt,) (Entered: 02/24/2014)
02/24/2014	63	EO: Pursuant to the Withdrawal filed 2/24/14, Defendant Troy Lyndon's Request Wait on Motion for Temporary Stay and new Motion to Compel Plaintiff Produce Evidence Promptly to Avoid Irreparable Harm for Which There is No Remedy 32 set for hearing on 3/3/14 before Judge Chang is hereby vacated. (JUDGE KEVIN S.C. CHANG)(sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 02/24/2014)
02/25/2014	64	EO: re 62 To the extent document no. 62 seeks reconsideration of a previously raised issue regarding Plaintiff's alleged destructive online marketing, it is denied. If Defendant Troy Lyndon seeks Court action regarding Plaintiff's actions, he must file an appropriate motion supported by legal authority. Moreover, in the future, Defendant Lyndon should limit his motions/filings to related subject matter, rather than including multiple unrelated arguments and facts in a single document. (JUDGE KEVIN S.C. CHANG)(sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 02/25/2014)
03/05/2014	65	RULE 45- NOTICE of Subpoena - by Troy Lyndon. (Attachments: # 1 Subpoena to Produce Documents issued to the Law Offices of Christian Smith & Jewell, LLP)(emt,) (Entered: 03/06/2014)
03/10/2014	66	MOTION to Set Aside Default Lars Peterson appearing for Defendant Ronald Zaucha (Attachments: # 1 Memorandum in Support of Motion, # 2 Affidavit of Ronald Zaucha, # 3 Certificate of Service)(Peterson, Lars) (Entered: 03/10/2014)
03/11/2014	67	NOTICE of Hearing on Motion 66 : Defendant Ronald Zaucha's Motion to Set Aside Entry of Default set for 4/7/2014 09:30 AM before JUDGE KEVIN S.C. CHANG. (sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 03/11/2014)

03/13/2014	68	MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i> Karen Matteson appearing for Plaintiff Securities and Exchange Commission (Attachments: # 1 Memorandum of Points and Authorities, # 2 Declaration of Carol Shau, # 3 Exhibit 1 to Shau Declaration, # 4 Exhibit 2 to Shau Declaration)(Matteson, Karen) (Entered: 03/13/2014)
03/13/2014	69	CONCISE STATEMENT of Facts re 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i> filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 03/13/2014)
03/14/2014	70	NOTICE of Hearing on Motion 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i> : Motion Hearing set for 5/19/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 03/14/2014)
03/19/2014	71	MEMORANDUM in Opposition re 66 MOTION to Set Aside Default ; <i>Supplemental Declaration of Karen Matteson</i> filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1 to Supplemental Declaration of Karen Matteson, # 2 Exhibit 2 to the Supplemental Declaration of Karen Matteson)(Matteson, Karen) (Entered: 03/19/2014)
03/25/2014	72	REPLY re 71 Memorandum in Opposition to Motion, 66 MOTION to Set Aside Default filed by Ronald Zaucha. (Attachments: # 1 Certificate of Service re: Reply-Setting Aside Default)(Peterson, Lars) (Entered: 03/25/2014)
03/31/2014	73	<i>Declaration of Karen Matteson Re Failure by Defendant Troy Lyndon to Timely Review and Sign Rule 26(f) Joint Report.</i> (Attachments: # 1 Exhibits 1-13)(Matteson, Karen) Modified on 4/1/2014 (emt,). (Entered: 03/31/2014)
03/31/2014	74	Scheduling Conference Statement <i>by Plaintiff Securities and Exchange Commission.</i> (Matteson, Karen) (Entered: 03/31/2014)
04/01/2014		ADVISORY ENTRY. The entry docket number 73 Declaration of Karen Mattheson Re: Failure by Defendant Troy Lyndon to Timely Review and Sign Rule 26(f) Report was filed incorrectly in this case. Please be advised that the each exhibit should be separately attached to the main document and labeled accordingly. The filing party may refer to 100.2.5. which states "Each exhibit referenced in a document shall be submitted as a separate CM/ECF attachment to the main document, regardless of the size of the file containing the exhibit." No further action necessary. (emt,) (Entered: 04/01/2014)
04/01/2014	75	REPORT of Planning Meeting <i>Joint Report by Plaintiff SEC and Defendant Lyndon Pursuant to Fed. R. Civ. P. 26(f).</i> (Attachments: # 1 Exhibit SEC Initial Disclosures) (Matteson, Karen) (Entered: 04/01/2014)
04/04/2014	76	MOTION to Compel Plaintiff SEC to Provide Production - by Defendant Troy Lyndon (emt,) (Entered: 04/04/2014)
04/04/2014	77	EO: re 67 59 Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment Against Defendant Ronald Zaucha 24 ; Defendant Ronald Zaucha's Motion to Set Aside Entry of Default 66 ; and Rule 16 Scheduling Conference set 4/7/14 at 9:30am before Judge Chang. Amy J. Longo to participate by phone. (JUDGE

		KEVIN S.C. CHANG)(sna,)No COS issued for this docket entry (Entered: 04/04/2014)
04/04/2014	78	EO: re 67 59 Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment Against Defendant Ronald Zaucha 24 ; Defendant Ronald Zaucha's Motion to Set Aside Entry of Default 66 ; and Rule 16 Scheduling Conference set 4/7/14 at 9:30am before Judge Chang. Donny E. Brand to participate by phone. (JUDGE KEVIN S.C. CHANG)(sna,)No COS issued for this docket entry (Entered: 04/04/2014)
04/04/2014	79	NOTICE of Hearing on Motion 76 : Motion to Compel Plaintiff SEC to Provide Production set for 5/5/2014 09:30 AM before JUDGE KEVIN S.C. CHANG. (sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/04/2014)
04/07/2014	80	EP: taking under advisement: 66 Defendant Ronald Zaucha's Motion to Set Aside Entry of Default; taking under advisement 24 Motion by Plaintiff Securities and Exchange Commission for Entry of Default Judgment Against Defendant Ronald Zaucha held on 4/7/2014. Motions 24 66 taken under advisement. Court to issue written decision. Rule 16 Scheduling Conference held on 4/7/2014. Rule 16 Scheduling Conference Order to be issued. Bench Trial set for 11/18/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference set for 10/7/2014 09:00 AM before JUDGE KEVIN S.C. CHANG. Settlement Conference set for 7/29/2014 11:00 AM before JUDGE KEVIN S.C. CHANG. Motions due by 6/18/2014. Discovery due by 9/19/2014. (FTR C8 - 9:35-9:56am.) (JUDGE KEVIN S.C. CHANG)(sna,)No COS issued for this docket entry (Entered: 04/07/2014)
04/07/2014	81	MOTION for Sanctions Plaintiff SEC for Illegal Intimidation, Threat and Violation of Defendant Lyndon's 14th Amendment Rights - by Defendant Troy Lyndon (Attachments: # 1 Exhibit "TAP-1", # 2 Exhibit "TAP-1" Document List, # 3 2014 3-30 1-14AM Joint Rule 26(f) Reportv.3.docx, # 4 2014 03-31 8-58AM - Joint Rule 26(f) Report (FINAL).docx, # 5 2014 03-31 8AM - Joint Rule 26(f) Report v4.docx, # 6 2014 03-31 9-18AM Joint Rule 26(f) Report (FINAL).docx, # 7 2014 03-31 11-16AM Joint Rule 26(f) Report (FINAL - revised).docx, # 8 2014 03-31 2-39PM Joint Rule 26(f) Report (FINAL - revised) (5).docx, # 9 2014 03-31 2-50PM Joint Rule 26(f) Report (FINAL - revised) (6).docx, # 10 2014 03-31 2-50PM Joint Rule 26(f) Report (FINAL - revised) (6) w changes accepted.docx, # 11 2014 03-31 3-10PM Joint Rule 26(f) Report (FINAL v.9).docx, # 12 2014 03-31 3-10PM Joint Rule 26(f) Report (FINAL v. 10).docx, # 13 2014 3-31 3-25PM Joint Rule 26(f) Report (FINAL - revised) (11).docx, # 14 2014 3-31 3-25PM Joint Rule 26(f) Report (FINAL - revised) (12).docx, # 15 2014 04-01 9-21AM Joint Rule 26(f) Report (FINAL - revised) (13) - Signed by Lyndon, # 16 2014 04-01 11-10AM Joint Rule 26(f) Report (FINAL - revised) (14) - Signed by Lyndon, # 17 2014 03-31 3-44PM Joint Rule 26(f) Report (FINAL), # 18 2014 03-31 5-28PM Doc 73 Matteson Dec re Lyndon Failure to Sign Jt Rpt(Mar 31 2014), # 19 2014 03-31 5-28PM Doc 74 Scheduling Conference Statement by SEC (Mar 31 2014), # 20 Exhibit "TAP-2")(emt,) (Entered: 04/07/2014)
04/08/2014	82	NOTICE of Hearing on Motion 81 : Motion to Sanction Plaintiff SEC for Illegal Intimidation, Threat and Violation of Defendant Lyndon's 14th Amendment Rights set

		for 5/5/2014 09:30 AM before JUDGE KEVIN S.C. CHANG. (sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/08/2014)
04/08/2014	83	NOTICE of Hearing on Motion 81 MOTION for Sanctions .: Motion Hearing set for 5/19/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/08/2014)
04/08/2014	84	ORDER GRANTING DEFENDANT RONALD ZAUCHA'S MOTION TO SET ASIDE ENTRY OF DEFAULT; FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST RONALD ZAUCHA re 24 , 66 - - Signed by JUDGE KEVIN S.C. CHANG on 4/8/2014. "Based on the foregoing, the Court HEREBY GRANTS Zaucha's Motion to Set Aside Entry of Default and FINDS AND RECOMMENDS that Plaintiff's Motion for Entry of Default Judgment Against Defendant Ronald Zaucha be DENIED as moot. Zaucha is ordered to file an Answer by April 15, 2014. " (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on April 8, 2014. (Entered: 04/08/2014)
04/09/2014	85	EO: Motion to Sanction Plaintiff SEC for Illegal Intimidation, Threat and Violation of Defendant Lyndon's 14th Amendment Rights 81 set for hearing on 5/5/14 before Judge Chang is hereby vacated. This Motion will be addressed by Judge Mollway. (JUDGE KEVIN S.C. CHANG)(sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/09/2014)
04/09/2014	86	RULE 16 SCHEDULING ORDER - Signed by JUDGE KEVIN S.C. CHANG on 4/8/2014. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on April 9, 2014. (Entered: 04/09/2014)
04/11/2014	88	(stricken pursuant to ECF No. 89 Minute Order) Defendant Lyndon's MEMORANDUM in Support of 76 MOTION to Compel Plaintiff SEC to Provide Production - filed by Troy Lyndon. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit H, # 6 Exhibit V, # 7 Exhibit X, # 8 Exhibit Y, # 9 Exhibit Z (Part 1 of 4), # 10 Exhibit Z (Part 2 of 4), # 11 Exhibit Z (Part 3 of 4), # 12 Exhibit Z (Part 4 of 4), # 13 Exhibit AA, # 14 Exhibit AB, # 15 Exhibit AC)(emt,) Modified on 4/14/2014 (emt,). (Entered: 04/14/2014)
04/14/2014	87	MEMORANDUM in Opposition re 76 MOTION to Compel <i>Production of Documents; Declaration of Karen Matteson; Exhibit</i> filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1)(Matteson, Karen) (Entered: 04/14/2014)

04/14/2014	89	EO: re 88 On 4/11/14, Defendant Troy Lyndon filed a Memorandum in Support of Motion to Compel Plaintiff SEC to Provide Production, which includes 12 exhibits. This document is untimely. Defendant Lyndon filed his Motion to Compel on 4/4/14, and it is currently set for hearing on 5/5/14. Pursuant to Local Rule 7.2(f), "[a]ll motions shall be accompanied, when appropriate, by affidavits or declarations sufficient to support material factual assertions and by a memorandum of law." Local Rule 7.2(f). Consequently, the memorandum in support is untimely. The tardiness of the filing is prejudicial to Plaintiff because its response to the Motion to Compel is due today, 4/14/14. At this point, extending all deadlines in response to the untimely filing would cause disruption because the Court requires sufficient time to prepare for its hearings. Although the Court recognizes that Defendant Lyndon is proceeding pro se, his status does not excuse his compliance with all rules and statues. Local Rule 83.13. Accordingly, Defendant Lyndon's memorandum and all attached exhibits are hereby stricken. (JUDGE KEVIN S.C. CHANG)(sna,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 04/14/2014)
04/14/2014	90	Defendant Lyndon's MOTION to Quash or Vacate Plaintiff SEC's Motion for Summary Judgment re 68 - by Defendant Troy Lyndon (emt,) (Entered: 04/14/2014)
04/14/2014	91	Rule 34 - NOTICE of Subpoena - by Troy Lyndon. (Attachments: # 1 Exhibit AD)(emt,) (Entered: 04/14/2014)
04/14/2014	92	Rule 45 - NOTICE of Subpoena - by Troy Lyndon. (Attachments: # 1 Exhibit AE)(emt,) (Entered: 04/14/2014)
04/14/2014	93	Rule 45 - NOTICE of Subpoena - by Troy Lyndon. (Attachments: # 1 Exhibit AF)(emt,) (Entered: 04/14/2014)
04/15/2014	94	NOTICE of Hearing on Motion 90 MOTION to Quash :. Motion Hearing set for 5/19/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/15/2014)
04/15/2014	95	STIPULATION AND ORDER EXTENDING TIME TO FILE RESPONSIVE PLEADING BY DEFENDANT RONALD ZAUCHA AND EXTENDING TIME FOR PLAINTIFF SEC TO RESPOND - Signed by JUDGE KEVIN S.C. CHANG on 4/15/2014. (Ronald Zaucha answer due 4/16/2014.) (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon shall be served by first class mail at the address of record on April 16, 2014. (Entered: 04/15/2014)
04/16/2014	96	MEMORANDUM of Points and Authorities in Support of Defendant Ronald Zaucha's Motion to Dismiss Complaint Under FRCP 12(b)(6), 12(b)(2) and 12(b)(3) [MOTION to Dismiss]- Lars Peterson appearing for Defendant Ronald Zaucha (Peterson, Lars) Modified on 4/17/2014 to terminate filing as a pending motion; the filing party has resubmitted the

		Motion to Dismiss (emt,). (Entered: 04/16/2014)
04/16/2014	97	Defendant Ronald Zaucha's MOTION to Dismiss Complaint filed 09/24/13; Memorandum in Support of Motion Lars Peterson appearing for Defendant Ronald Zaucha (Attachments: # 1 Certificate of Service)(Peterson, Lars) Modified on 4/17/2014 (emt,). (Entered: 04/16/2014)
04/17/2014	98	NOTICE of Hearing on Motion 97 MOTION to Dismiss :. Motion Hearing set for 6/2/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/17/2014)
04/18/2014	100	Mail Returned as Undeliverable (Re: 54 ORDER GRANTING EX PARTE APPLICATION FOR ADMISSION PRO HAC VICE (DONNY E. BRAND, ESQ.)). Mail sent to Ronald Zaucha at 753 Avenida Majorca, Unit A, Laguna Woods, CA 92637 returned undeliverable -- UNCLAIMED. (emt,) (Entered: 04/21/2014)
04/21/2014	99	RESPONSE to Plaintiff SEC's Opposition to Defendant Lyndon's Motion to Compel Production re 76 - filed by Troy Lyndon. (emt,) (Entered: 04/21/2014)
04/23/2014	101	Defendant Lyndon's Conforming MOTION for Permanent Stay of Consent and Judgment re 22 - by Defendant Troy Lyndon (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit H, # 6 Exhibit X, # 7 Exhibit Y, # 8 Exhibit Z (Part 1 of 4), # 9 Exhibit Z (Part 2 of 4), # 10 Exhibit Z (Part 3 of 4), # 11 Exhibit Z (Part 4 of 4), # 12 Exhibit AA, # 13 Exhibit AB, # 14 Exhibit AC)(emt,) (Entered: 04/23/2014)
04/24/2014	102	NOTICE of Hearing on Motion 101 Conforming MOTION for Permanent Stay of Consent and Judgment re 22 :. Motion Hearing set for 6/2/2014 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 04/24/2014)
04/28/2014	103	OPPOSITION by Defendant Lyndon to Plaintiff Securities and Exchange Commission to Attain Summary Judgment; Declaration of Troy Lyndon re 68 - filed by Troy Lyndon. (emt,) (Entered: 04/28/2014)
04/28/2014	104	MEMORANDUM in Opposition re 81 MOTION for Sanctions <i>for Illegal Intimidation, Threat and Violation of Lyndon's 14th Amendment Rights; Declaration by Karen Matteson; Exhibits</i> filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Matteson, Karen) (Entered: 04/28/2014)
04/28/2014	105	MEMORANDUM in Opposition re 90 MOTION to Quash <i>or Vacate Plaintiff SEC's Motion for Summary Judgment</i> filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 04/28/2014)

05/01/2014	106	EO: 76 Motion to Compel Plaintiff SEC to Provide Production set for 5/5/14 at 9:00am before Judge Kevin S. C. Chang. Karen Matteson to participate by phone and to notify all parties. (JUDGE KEVIN S.C. CHANG)(tl,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/01/2014)
05/01/2014	107	ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION re 84 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 5/1/2014. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on May 1, 2014. (Entered: 05/01/2014)
05/02/2014	108	AMENDED EO: Motion to Compel Plaintiff SEC to Provide Production set for 5/5/14 at 9:30am before Judge Kevin S. C. Chang. Karen Matteson to participate by phone and to notify all parties. (JUDGE KEVIN S.C. CHANG)(tl,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/02/2014)
05/05/2014	109	Defendant Lyndon's RESPONSE to SEC's Opposition of Lyndon's 81 MOTION to Sanction SEC for Illegal Intimidation, Threat and Violation of Lyndon's Rights - filed by Troy Lyndon. (emt,) (Entered: 05/05/2014)
05/05/2014	110	Defendant Lyndon's RESPONSE to SEC's Opposition of Lyndon's 90 MOTION to Quash or Vacate SEC's Motion for Summary Judgment - filed by Troy Lyndon. (emt,) (Entered: 05/05/2014)
05/05/2014	111	REPLY re 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty Declaration of Karen Matteson</i> filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Matteson, Karen) (Entered: 05/05/2014)
05/05/2014	112	REQUEST for Continuance and MOTION for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery - by Defendant Troy Lyndon (emt,) (Entered: 05/05/2014)
05/05/2014	114	EP: 76 Defendant's Motion to Compel Plaintiff SEC to Provide Production hearing held on 05/05/2014 - re 76 Motion to Compel Plaintiff SEC to Provide Production - DENIED. (FTR-Ctrm C7 FTR 9:49 - 10:00.) (JUDGE KEVIN S.C. CHANG)(bbb) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/07/2014)
05/06/2014	113	EO: The SEC is directed to file, by May 9, a statement as to whether it objects to Lyndon's motion to continue. For his part, Lyndon is directed to file, no later than May 9, clarification as to whether he seeks reconsideration by Magistrate Judge Chang

		<p>himself or review by a district judge.</p> <p>re 112 REQUEST for Continuance MOTION for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/06/2014)</p>
05/08/2014	115	<p>ORDER Denying 76 Defendant Troy Lyndon's MOTION to Compel Plaintiff SEC To Provide Production. Signed by JUDGE KEVIN S.C. CHANG on 5/8/14. (gab,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/08/2014)</p>
05/08/2014	116	<p>MEMORANDUM in Opposition re 112 REQUEST for Continuance MOTION for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 05/08/2014)</p>
05/08/2014	117	<p>MEMORANDUM in Opposition re 101 Conforming MOTION for Permanent Stay of Consent and Judgment re 22 filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 05/08/2014)</p>
05/09/2014		<p>ADVISORY ENTRY. The entry docket number 116 Memorandum in Opposition to Motion, filed by Securities and Exchange Commission was filed incorrectly in this case. The declaration of Carol Shau should be submitted as a separate attachment to this filing pursuant to LR 100.2.6. No further action necessary. (gab,) (Entered: 05/09/2014)</p>
05/09/2014	118	<p>MOTION to Continuance, REQUEST for Reconsideration of Magistrate Judge Decision and REQUEST for an Order to Cross-Examine SEC's Counsel Regarding "Declarations" Made in This Case re 115 - by Defendant Troy Lyndon (cc: SOM) (emt,) (Entered: 05/09/2014)</p>
05/12/2014	119	<p>MEMORANDUM in Opposition re 97 MOTION to Dismiss filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1)(Matteson, Karen) (Entered: 05/12/2014)</p>
05/13/2014	120	<p>EO: On March 13, 2014, Plaintiff Securities and Exchange Commission filed a Motion for Summary Judgment. See ECF No. 68.</p> <p>On April 14, 2014, Defendant Troy Lyndon filed a Motion to Quash or Vacate. See ECF No. 90. This motion seeks to quash or vacate Lyndon's Consent to Entry of Permanent Injunction and Other Relief and subsequent Permanent Injunction, ECF Nos. 20 and 22, and therefore requests the denial of the Motion for Summary Judgment.</p> <p>On April 23, 2014, Lyndon filed a Motion seeking a permanent stay of the consent and judgment. See ECF No. 101.</p> <p>On May 5, 2014, Lyndon filed a request for a continuance of the hearing on the Motion for Summary Judgment and a request for "reconsideration" of a Magistrate</p>

		<p>Judge's order concerning discovery. See ECF No. 112. On May 9, 2014, Lyndon filed a second motion that sought the same relief as the motion of May 5, 2014, as well as a request to have certain Government representatives available for cross-examination at the hearing on the Motion for Summary Judgment. See ECF No. 118.</p> <p>The court sets ECF Nos. 68, 90, and 101, as well as the portions of ECF Nos. 112 and 118 seeking "reconsideration" of the Magistrate Judge's order, for hearing on June 30, 2014, at 9:45, before Chief Judge Susan Oki Mollway. To the extent Lyndon seeks in a portion of ECF Nos. 112 and 118 a continuation of the hearing on the Motion for Summary Judgment, his requests are denied as moot. To the extent Lyndon seeks in a portion of ECF No. 118 to have Government representatives present and available to testify at the summary judgment hearing, that request is denied, as this court will not receive evidence at that hearing. Unless Lyndon immediately notifies the court that he intended otherwise, the court will deem the "reconsideration" motion that is a portion of ECF Nos. 112 and 118 to be an appeal of the Magistrate Judge's order and has therefore scheduled that matter for hearing before the District Judge on June 30.</p> <p>Given the number of similar filings by Lyndon, the court exercises its inherent power to control its docket and bars Lyndon from filing new motions until after the court rules on the motions set for June 30, 2014. If Lyndon feels that it is necessary to file a motion during that period, he must first seek leave of court to file a new motion. Any request for leave to file a motion must attach as an exhibit the proposed motion that Lyndon seeks to file.</p> <p>denying 112 Motion to Continue; denying 118 Motion to Continue; denying 118 Motion ; 90 MOTION to Quash, 101 Conforming MOTION for Permanent Stay of Consent and Judgment re 22 , 112 REQUEST for Continuance MOTION for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery, 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i>, 118 MOTION for ContinuanceREQUEST for Reconsideration of Magistrate Judge Decision 115 REQUEST to Cross-Examine SEC's Counsel Regarding "Declarations" Made in this Case. Motion Hearing set for 6/30/2014 09:45 AM before JUDGE SUSAN OKI MOLLWAY. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/13/2014)</p>
05/13/2014	121	<p>EO: 81 MOTION for Sanctions. Motion Hearing set for 5/19/14 @ 9:00 a.m. is continued to 6/30/2014 09:45 AM before JUDGE SUSAN OKI MOLLWAY. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 05/13/2014)</p>
05/15/2014	122	<p>DECLARATION by Karen Matteson in Support of Opposition by Plaintiff Securities and Exchange Commission to 97 Defendant Ronald Zaucha's MOTION to Dismiss filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit)(Matteson, Karen) Modified on 5/16/2014 (emt,). (Entered: 05/15/2014)</p>

05/22/2014	123	OPPOSITION by Plaintiff Securities and Exchange Commission to Defendant Troy Lyndon's Appeal from Magistrate Judge Decision re 12 , 118 - by Securities and Exchange Commission. [Appellee's BRIEF] (Matteson, Karen) Modified on 5/23/2014 (emt,). (Entered: 05/22/2014)
05/30/2014	124	INCLINATIONS - by CHIEF JUDGE SUSAN OKI MOLLWAY (emt,) (Entered: 05/30/2014)
05/30/2014		COURT'S CERTIFICATE of Service - 124 INCLINATIONS served by First Class Mail to Troy Lyndon and Donny E. Brand, Esq. at the addresses of record on May 30, 2014. Registered Participants of CM/ECF received the document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). (emt,) (Entered: 05/30/2014)
06/02/2014	125	EP: Defendant Ronald Zauchas Motion to Dismiss Complaint Filed 9/24/13 97 -Court takes a recess in order to allow Mr. Lyndon to review the Courts inclination.Mr. Brand requests a continuance in order to file a reply memorandum - Court is inclined to go ahead with this hearing.Arguments.Defendant Ronald Zauchas Motion to Dismiss Complaint Filed 9/24/13 97 - Denied.Court to prepare the order.Mr. Lydon requests clarification re: his reply to the motion for permanent injunction - Mr. Lyndon instructed to comply with Court rules unless different deadlines are set forth in an order.denying 97 Motion to Dismiss. (Court Reporter Debra Chun.) (JUDGE SUSAN OKI MOLLWAY)(tbf,)No COS issued for this docket entry (Entered: 06/04/2014)
06/13/2014	126	ORDER DENYING MOTION TO DISMISS re 97 , 125 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 6/13/2014. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on June 13, 2014. (Entered: 06/13/2014)
06/16/2014	127	Lyndon's REPLY to SEC's Opposition of Lyndon's 101 Conforming MOTION for Permanent Stay of Consent and Judgment re 22 and REQUEST to Extend Motions Deadline - filed by Troy Lyndon. (Attachments: # 1 Exhibits A & B, # 2 Exhibits C & D, # 3 Exhibit H, # 4 Exhibits X & Y, # 5 Exhibit AB, # 6 Exhibit AG, # 7 Exhibit AH)(emt,) (Entered: 06/16/2014)
06/27/2014	128	<i>Defendant Ronald Zaucha's</i> ANSWER to 1 Complaint by Ronald Zaucha. (Attachments: # 1 Certificate of Service)(Peterson, Lars) (Entered: 06/27/2014)
06/30/2014	129	EP: Motion by Plaintiff Securities and Exchange Commission for Summary Judgment Against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty 68 ; Motion to Sanction Plaintiff SEC for Illegal Intimidation, Threat and Violation of Defendant Lyndon's 14th Amendment rights 81 ; Defendant Lyndon's Motion to Quash or Vacate Plaintiff SEC's Motion for Summary Judgment 90 ; Defendant Motion for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery 112 ; Motion for Reconsideration of Magistrate Judge Decision 118 -

		<p>Arguments.All motions taken under advisement.</p> <p>Court to issue a written ruling. Motion Hearing held on 6/30/2014 re 118 MOTION for Continuance REQUEST for Reconsideration of Magistrate Judge Decision 115 REQUEST to Cross-Examine SEC's Counsel Regarding "Declarations" Made in this Case filed by Troy Lyndon, 101 Conforming MOTION for Permanent Stay of Consent and Judgment re 22 filed by Troy Lyndon, 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i> filed by Securities and Exchange Commission, 81 MOTION for Sanctions filed by Troy Lyndon, 90 MOTION to Quash filed by Troy Lyndon, 112 REQUEST for Continuance MOTION for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery filed by Troy Lyndon, Motions Taken Under Advisement: 118 MOTION for ContinuanceREQUEST for Reconsideration of Magistrate Judge Decision 115 REQUEST to Cross-Examine SEC's Counsel Regarding "Declarations" Made in this Case, 101 Conforming MOTION for Permanent Stay of Consent and Judgment re 22 , 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i>, 81 MOTION for Sanctions, 90 MOTION to Quash, 112 REQUEST for Continuance MOTION for Reconsideration of Magistrate Judge Decision Re: Defendant Lyndon's Motion to Compel SEC to Provide Discovery. (Court Reporter Debra Chun.) (JUDGE SUSAN OKI MOLLWAY)(tbf,)No COS issued for this docket entry (Entered: 06/30/2014)</p>
06/30/2014	130	<p>EO: No later than July 7, 2014, the SEC shall file a supplemental declaration regarding the amount of prejudgment interest on a disgorgement amount of \$3,251,169. Troy Lyndon may comment on the proposed prejudgment interest amount no later than July 14, 2014. These documents shall not contain argument as to the appropriateness of awarding prejudgment interest or any other issue raised in the SEC's motion for summary judgment or Lyndon's opposition to that motion. They are instead limited to how to calculate the prejudgment interest amount. re 129 Motion Hearing, Motions Taken Under Advisement,,,,,,,,,,,,,,,,,,,,,,,,,,,,, (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 06/30/2014)</p>
06/30/2014	131	<p>Ex Parte REQUEST ~ Lyndon's REQUEST for Judge Mollway to Recuse Herself - by Defendant Troy Lyndon (emt,) (Entered: 07/01/2014)</p>
07/01/2014	132	<p>EO: COURT'S ORDER re 131 Lyndon's REQUEST for Judge Mollway to Recuse Herself. (JUDGE LESLIE E. KOBAYASHI)(wnn,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/01/2014)</p>
07/02/2014	133	<p>MEMORANDUM in Support re 68 MOTION for Summary Judgment <i>against Troy Lyndon for Disgorgement, Prejudgment Interest and a Civil Penalty</i> filed by Securities and Exchange Commission. (Attachments: # 1 Declaration of Carol Shau, # 2 Exhibit Prejudgment Interest Calculation)(Matteson, Karen) (Entered: 07/02/2014)</p>

07/02/2014	134	NOTICE by Securities and Exchange Commission of <i>Lodging of Proposed Final Judgment Against Defendant Troy Lyndon</i> Securities and Exchange Commission. (Attachments: # 1 Exhibit Proposed Final Judgment)(Matteson, Karen) (Entered: 07/02/2014)
07/03/2014	135	E-mail Correspondence from Troy Lyndon, dated July 2, 2014 Re: SEC's final judgment order. (emt,) (Entered: 07/03/2014)
07/03/2014	136	E-mail Correspondence from Troy Lyndon, dated July 2, 2014. (emt,) (Entered: 07/03/2014)
07/03/2014	137	EO: Defendant Troy Lyndon has sent correspondence to mollway_orders@hid.uscourts.gov. Pursuant to Local Rule 100.8.3, this e-mail address shall only be used for submitting proposed orders and stipulations to the court. The e-mail address "shall not be used for submitting correspondence to the court." The court will, on this one occasion, file Lyndon's e-mails that were improperly sent to this e-mail address in the official court file. Lyndon shall refrain from submitting future correspondence to this e-mail address. The court notes that Lyndon's motion to recuse the Honorable Susan Oki Mollway has been referred to another District Court Judge. The court will not rule on the SEC's pending motion for summary judgment or Lyndon's motions and appeals until that judge decides the motion to recuse. re 135 Letter, 136 Letter. (JUDGE SUSAN OKI MOLLWAY)(tbf,) <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/03/2014)
07/11/2014	138	TRANSCRIPT of Proceedings Various Motions held on 6/30/14 before Judge Susan Oki Mollway. Court Reporter Debra Chun, Telephone number (808) 541-2061. Transcript may be viewed at the court public terminal or ordered through the Court Reporter before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a), FRCrP 49.1(a) and FRBP 9037(a). Redaction Request due 7/29/2014. Redacted Transcript Deadline set for 8/8/2014. Release of Transcript Restriction set for 10/6/2014. (dc@hid.uscourts.gov) pp. 38. (Entered: 07/11/2014)
07/14/2014	139	MEMORANDUM in Opposition re 131 Lyndon's REQUEST for Judge Mollway to Recuse Herself filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 07/14/2014)
07/21/2014	140	Lyndon's REPLY to SEC's Opposition of Lyndon's Ex-Parte Request by Troy Lyndon for Judge Millway to Recuse Herself - filed by Troy Lyndon. (Attachments: # 1 Exhibit A - Transcript of 6/30/2014 Proceedings - Viewing restricted - Exhibit A is a Transcript of Proceedings that has not been released for public viewing. The Clerk's Office will restrict Exhibit A from public view.-) Related document: 139 Memorandum in Opposition to 131 Lyndon's REQUEST for Judge Mollway to Recuse Herself (ecs,) Modified on 11/4/2014 viewing to Exhibit A (transcript of hearing held 6/30/2014) has been unrestricted. The specific transcript is now available through PACER. (emt,). (Entered: 07/21/2014)
07/22/2014	141	EO: Settlement Conference set 7/29/14 before Judge Chang is hereby vacated. (JUDGE KEVIN S.C. CHANG)(sna,)

		<p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 07/22/2014)</p>
07/31/2014	142	<p>ORDER DENYING DEFENDANT'S EX PARTE REQUEST FOR JUDGE MOLLWAY TO RECUSE HERSELF re 131 - Signed by JUDGE LESLIE E. KOBAYASHI on 7/31/2014. (emt,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on July 31, 2014. (Entered: 07/31/2014)</p>
08/11/2014	143	<p>ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS MOTION FOR SUMMARY JUDGMENT (ECF NO. 68); ORDER DENYING DEFENDANT TROY LYNDON'S MOTION FOR SANCTIONS (ECF NO. 81), MOTION TO QUASH (ECF NO. 90), MOTION FOR PERMANENT STAY OF CONSENT AND JUDGMENT (ECF NO. 101), AND REQUEST TO EXTEND MOTIONS DEADLINE (ECF NO. 127); ORDER AFFIRMING MAGISTRATE JUDGE ORDER CONCERNING DISCOVERY AND REJECTING APPEALS BY DEFENDANT TROY LYNDON (ECF NOS. 112 AND 118) re 68 ; 81 ; 90 ; 101 ; 112 ; 118 ; 127 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 8/11/2014.</p> <p>"The court grants the SEC's motion for summary judgment in part. To the extent it seeks disgorgement of \$3.3 million, the court denies the motion. Instead, the court grants disgorgement of \$3,251,169, prejudgment interest of \$289,897.18, and a civil penalty of \$150,000. All motions by Lyndon are denied and any order he appeals is affirmed." (emt,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on August 11, 2014. (Entered: 08/11/2014)</p>
08/12/2014	144	<p>Lyndon's REQUEST of the Court to Provide Clarification Re: Judge Mollway's Order (Dkt 143) & Request it Deny Further Motions - by Defendant Troy Lyndon (emt,) (Entered: 08/13/2014)</p>
08/20/2014	145	<p>ORDER DENYING MOTION FOR RECONSIDERATION OF ORDER OF AUGUST 11, 2014 re 144 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 8/20/2014. (emt,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on August 20, 2014. (Entered: 08/20/2014)</p>
08/21/2014	146	<p>Lyndon's <u>Second</u> REQUEST for Judge Mollway to Provide Clarification to Order and Request She Deny SEC Motions re 143 , 145 - by Defendant Troy Lyndon (emt,) (Entered: 08/21/2014)</p>
08/21/2014	147	<p>ORDER DENYING LYNDON'S SECOND REQUEST FOR JUDGE MOLLWAY TO PROVIDE CLARIFICATION TO ORDER AND REQUEST SHE DENY SEC MOTIONS; ORDER CERTIFYING AS FINAL JUDGMENT SETTING AMOUNTS re 146 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 8/21/2014.</p> <p>"The court, having issued its ruling as to disgorgement, interest, and civil penalty amounts, will enter a new Judgment regarding those amounts. Because (1) the new Judgment is clearly a consequence of the earlier Consent and the earlier Judgment, (2) the earlier Judgment was certified as final under Rule 54(b),</p>

		and (3) there is no just reason for delay with respect to the new Judgment, this court similarly certifies the new Judgment as final pursuant to Rule 54(b) of the Federal Rules of Civil Procedure." (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on August 21, 2014. (Entered: 08/21/2014)
08/21/2014	148	CLERK'S JUDGMENT entered on 8/21/2014 pursuant to 143 , 147 . (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on August 21, 2014. (Entered: 08/21/2014)
08/28/2014	149	EO: <u>The presently scheduled pretrial and trial dates may not be changed without written authorization from the trial judge.</u> Date changes may not be sought informally, either from the trial judge, the magistrate judge, or the courtroom manager, but instead must be sought through a formal motion, which is unlikely to be granted given the age of this case.. (JUDGE SUSAN OKI MOLLWAY)(tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 08/28/2014)
09/01/2014	150	Lyndon's REQUEST That the Court Hear and Grant Lyndon His MOTION for a New Trial - by Defendant Troy Lyndon . (emt,) (Entered: 09/02/2014)
09/02/2014	151	ORDER DENYING: 150 Lyndon's Request That the Court Hear and Grant Lyndon His Motion for a New Trial - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon served by first class mail at the address of record on September 3, 2014. (Entered: 09/03/2014)
09/10/2014	152	OFFICIAL APPEAL RE: JUDGMENT OF DISGORGEMENT, INTEREST & CIVIL PENALTIES DATED 8/11/2014 re 143 , 145 , 147 , 148 - by Troy Lyndon. Filing fee \$ 505. (emt,) 9CCA No. 14-16733 <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. The Ninth Circuit Court of Appeals served. Modified on 9/11/2014 to add reference to the 9CCA case number (afc). (Entered: 09/10/2014)
09/10/2014	153	USCA Appeal Fees received re 152 Notice of Appeal filed by Troy Lyndon, receipt # HI012809, \$505. (emt,) (Entered: 09/10/2014)
09/11/2014	154	USCA Case Number 14-16733 for 152 Notice of Appeal filed by Troy Lyndon. (afc) (Entered: 09/11/2014)
09/11/2014	155	USCA TIME SCHEDULE ORDER as to 152 Notice of Appeal filed by Troy Lyndon. (9CCA No. 14-16733) (afc) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of

		Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/11/2014)
09/11/2014	156	Attorney/Pro-SE Appeal Packet re 152 Notice of Appeal. (Attachments: # 1 Notice of Appeal, # 2 District Court Instructions; Transcript Designation & Ordering form, # 3 Docket Sheet) (afc) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/11/2014)
09/24/2014	157	TRANSCRIPT Designation and Ordering Form - by Troy Lyndon, 9CCA NO. 14-16733. (emt,)No COS issued for this docket entry (Entered: 09/24/2014)
09/24/2014	158	Ex Parte MOTION for Extension of Time to File <i>Dispositive Motion Against Defendant Ronald Zaucha</i> Karen Matteson appearing for Plaintiff Securities and Exchange Commission (Attachments: # 1 Declaration of Karen Matteson, # 2 Exhibit) (Matteson, Karen) (Entered: 09/24/2014)
09/25/2014	159	EO: The court grants the SEC's Ex Parte Application and extends the dispositive motions cutoff for both the SEC and Ronald Zaucha until October 21, 2014. Unexpired deadlines listed in the most recent Scheduling Order are extended approximately 90 days. A new Scheduling Order will issue with precise new deadlines and a new trial date. granting 158 Motion for Extension of Time to File. (JUDGE SUSAN OKI MOLLWAY)(tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/25/2014)
09/25/2014	160	EO: New dates given: 1.Non-jury trial on February 11, 2015 at 9:00 a.m. before SOM 2.Final Pretrial Conference on December 31, 2014 at 9:00 a.m. before KSC 3.Final Pretrial Conference before District Judge N/A 4.Final Pretrial Statement by December 24, 2014 5.File motions to Join/Add Parties/Amend Pleadings by N/A 6.File other Non-Dispositive Motions by N/A 7.File Dispositive Motions by 10/21/14 8a.File Motions in Limine by January 21, 2015 8b.File opposition memo to a Motion in Limine by January 28, 2015 11a.Plaintiffs Expert Witness Disclosures by N/A 11b.Defendants Expert Witness Disclosures by N/A 12.Discovery deadline N/A 13.Settlement Conference set for 10/24/14 at 10:00 a.m. before KSC 14.Settlement Conference statements by 10/17/14 20.Submit Voir Dire Questions, Special Verdict Form, Concise Statement of Case and Jury Instructions by N/A 21.File Final witness list by January 21, 2015 24.Exchange Exhibit and Demonstrative aids by January 14, 2015 25.Stipulations re: Authenticity/Admissibility of Proposed Exhibits by January 21, 2015 26.File objections to the Exhibits by January 28, 2015

		<p>28a.File Deposition Excerpt Designations by January 21, 2015 28b.File Deposition Counter Designations and Objections by January 28, 2015 29.File Trial Brief by January 28, 2015 30.File Findings of Fact & Conclusions of Law by January 28, 2015 Other Matters: . Motions due by 10/21/2014. Bench Trial set for 2/11/2015 09:00 AM before JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference set for 12/31/2014 09:00 AM before JUDGE KEVIN S.C. CHANG. Settlement Conference set for 10/24/2014 10:00 AM before JUDGE KEVIN S.C. CHANG. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 09/25/2014)</p>
09/25/2014	161	NOTICE of Change of Address by Karen Matteson on behalf of Securities and Exchange Commission. (Matteson, Karen) (Entered: 09/25/2014)
09/26/2014	162	NOTICE of Change of Address by Amy J. Longo on behalf of Securities and Exchange Commission. (Longo, Amy) (Entered: 09/26/2014)
09/26/2014	163	NOTICE of Change of Address by Lucee Kirka on behalf of Securities and Exchange Commission. (Kirka, Lucee) (Entered: 09/26/2014)
09/26/2014	164	<p>RULE 16 SCHEDULING ORDER - Signed by JUDGE KEVIN S.C. CHANG on 9/26/2014. (emt,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. Troy Lyndon and Donny E. Brand, Esq. served by first class mail at the address of record on September 29, 2014. (Entered: 09/26/2014)</p>
09/30/2014	165	<p>TRANSCRIPT of Proceedings Motion to Dismiss Complaint held on 6/2/14 before Judge Susan Oki Mollway. Court Reporter Debra Chun, Telephone number (808) 541-2061. Transcript may be viewed at the court public terminal or ordered through the Court Reporter before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a), FRCrP 49.1(a) and FRBP 9037(a). Redaction Request due 10/20/2014. Redacted Transcript Deadline set for 10/28/2014. Release of Transcript Restriction set for 12/26/2014. (dc@hid.uscourts.gov) pp. 12. (Entered: 09/30/2014)</p>
10/21/2014	166	<p>MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i> Karen Matteson appearing for Plaintiff Securities and Exchange Commission (Attachments: # 1 Memorandum of Points and Authorities, # 2 Concise Statement of Material Facts , # 3 Declaration of Carol Shau, # 4 Exhibit 1 to Shau Declaration, # 5 Exhibit 2 to Shau Declaration, # 6 Exhibit 3 to Shau Declaration, # 7 Exhibit 4 to Shau Declaration, # 8 Exhibit 5 to Shau Declaration, # 9 Exhibit 6 to Shau Declaration, # 10 Exhibit 7 to Shau Declaration, # 11 Exhibit 8 to Shau Declaration, # 12 Exhibit 9 to Shau Declaration, # 13 Exhibit 10 to Shau Declaration, # 14 Exhibit 11 to Shau Declaration, # 15 Exhibit 12 to Shau Declaration, # 16 Exhibit 13 to Shau Declaration, # 17 Exhibit 14 to Shau Declaration, # 18 Exhibit 15 to Shau Declaration, # 19 Exhibit 16 to Shau Declaration, # 20 Exhibit</p>

		17 to Shau Declaration, # 21 Exhibit 18 to Shau Declaration, # 22 Exhibit 19 to Shau Declaration, # 23 Exhibit 20 to Shau Declaration, # 24 Exhibit 21 to Shau Declaration, # 25 Exhibit 22 to Shau Declaration, # 26 Exhibit 23 to Shau Declaration, # 27 Exhibit 24 to Shau Declaration, # 28 Exhibit 25 to Shau Declaration, # 29 Exhibit 26 to Shau Declaration, # 30 Exhibit 27 to Shau Declaration, # 31 Exhibit 28 to Shau Declaration, # 32 Exhibit 29 to Shau Declaration, # 33 Exhibit 30 to Shau Declaration, # 34 Exhibit 31 to Shau Declaration, # 35 Exhibit 32 to Shau Declaration, # 36 Exhibit 33 to Shau Declaration, # 37 Exhibit 34 to Shau Declaration, # 38 Memorandum 35 to Shau Declaration, # 39 Exhibit 36 to Shau Declaration, # 40 Exhibit 37 to Shau Declaration, # 41 Exhibit 38 to Shau Declaration, # 42 Exhibit 39 to Shau Declaration, # 43 Exhibit 40 to Shau Declaration, # 44 Exhibit 41 to Shau Declaration)(Matteson, Karen) Modified on 10/22/2014 (emt,). (Entered: 10/21/2014)
10/22/2014	167	NOTICE of Hearing on Motion 166 MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i> . Motion Hearing set for 12/15/2014 09:45 AM before JUDGE SUSAN OKI MOLLWAY. (tbf,) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 10/22/2014)
10/22/2014		CORRECTIVE ENTRY. The entry docket number 166 MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i> filed by Securities and Exchange Commission was filed incorrectly in this case. Please be advised that the caption does not describe the numerous supporting documents included with the motion. The filing party may refer to LR10.2(c) Caption, Case Numbers and Title, which states "Following the identification of the person filing the document there shall be appear: (1) the title of the court; (2) the title of the action or proceeding; (3) the file number of the action or proceeding, whether it is civil or criminal, followed by the initials of the judge(s) to whom it currently assigned; (4) a title describing the paper ; and (5) any other matter required by these rules." The filing party is further advised that the Concise Statement, which was included as an attachment to the motion, is typically submitted as a separate docket entry. The filing party may refer to LR56.1 Motions for Summary Judgment, (a) Motion Requirements, which state "A motion for summary judgment shall be accompanied by a supporting memorandum and a <u>separate</u> concise statement detailing each material fact..." The filing party may resubmit corrected filings. The docketing event for "Concise Statement" is located in the "Responses and Replies" category. (emt,) (Entered: 10/22/2014)
10/22/2014	168	CONCISE STATEMENT in Support re 166 MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i> filed by Securities and Exchange Commission. (Matteson, Karen) (Entered: 10/22/2014)
10/24/2014	169	EP: Settlement Conference held on 10/24/2014. No appearance made by defense counsel. Settlement Conference not held. (C8 - no record, 10:00-10:15am.) (JUDGE KEVIN S.C. CHANG)(sna,)No COS issued for this docket entry (Entered: 10/24/2014)

10/24/2014	170	TRANSCRIPT of Proceedings - before Judge Chang held 1/24/2014 (PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT RONALD ZAUCHA). Court Reporter/Transcriber Jessica Cahill, Telephone number (808)244-0776 (maukele@hawaii.rr.com). Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 11/12/2014. Redacted Transcript Deadline set for 11/21/2014. Release of Transcript Restriction set for 1/19/2015. (Cahill, Jessica) Modified on 10/27/2014 (emt,). (Entered: 10/24/2014)
10/24/2014	171	TRANSCRIPT of Proceedings held on April 7, 2014 (PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST DEFENDANT RONALD ZAUCHA; DEFENDANT ZAUCHA'S MOTION TO SET ASIDE ENTRY OF DEFAULT; RULE 16 SCHEDULING CONFERENCE) - before Judge Chang. Court Reporter/Transcriber Jessica Cahill, Telephone number (808)244-0776 (maukele@hawaii.rr.com). Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 11/12/2014. Redacted Transcript Deadline set for 11/21/2014. Release of Transcript Restriction set for 1/19/2015. (Cahill, Jessica) Modified on 10/27/2014 (emt,). (Entered: 10/24/2014)
10/24/2014	172	TRANSCRIPT of Proceedings held on May 5, 2014 (DEFENDANT'S MOTION TO COMPEL PLAINTIFF SECURITIES AND EXCHANGE COMMISSION TO PROVIDE PRODUCTION) before Judge Chang. Court Reporter/Transcriber Jessica Cahill, Telephone number (808)244-0776 (maukele@hawaii.rr.com). Transcript may be viewed at the court public terminal or ordered through the Court Reporter/Transcriber before the deadline for Release of Transcript. Remote availability of electronic transcripts is regulated by FRCP 5.2(a),FRCrP 49.1(a) and FRBP 9037(a) Redaction Request due 11/12/2014. Redacted Transcript Deadline set for 11/21/2014. Release of Transcript Restriction set for 1/19/2015. (Cahill, Jessica) Modified on 10/27/2014 (emt,). (Entered: 10/24/2014)
10/28/2014	173	Certificate of Record re 152 Notice of Appeal,, USCA Number: 14-16733. (lmg,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 10/28/2014)
11/25/2014	174	MOTION to Stay <u>and</u> Vacate Based Upon New Evidence - by Defendant Troy Lyndon (Attachments: # 1 Exhibit "BA", # 2 Exhibit "BB", # 3 Exhibit "BC")(emt,) (Entered: 11/25/2014)
11/25/2014	175	EO: On November 25, 2014, Defendant Troy Lyndon filed a Motion To Stay and Vacate Based Upon New Evidence in this court. The Clerk of Court is directed to terminate the motion without prejudice. This court is without jurisdiction over the portion of this case concerning the SEC's claims against Mr. Lyndon. At this time, it is the Ninth Circuit that has jurisdiction over that portion of this case, as Mr. Lyndon's appeal from this court's judgment is pending in the Ninth Circuit. terminating 174 Motion to Stay; terminating 174 Motion to Vacate. (JUDGE SUSAN OKI

		<p>MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 11/25/2014)</p>
11/25/2014	176	<p>CERTIFICATE OF SERVICE Re: Exhibit "BA" for 174 Motion to Stay & Vacate - by Troy Lyndon. (emt,) (Entered: 11/25/2014)</p>
12/01/2014	177	<p>MOTION for Court to Provide Missing Evidence - by Defendant Troy Lyndon (emt,) (Entered: 12/01/2014)</p>
12/01/2014	178	<p>EO: Final Pretrial Conference set 12/31/14 shall be moved to 12/29/2014 09:00 AM before JUDGE KEVIN S.C. CHANG. Final Pretrial Conference statements due: 12/22/14. (JUDGE KEVIN S.C. CHANG)(sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/01/2014)</p>
12/02/2014	179	<p>EO: re 177 On 12/1/14, Defendant Troy Lyndon filed a Motion for the Court to Provide Evidence, claiming that this Court's comments made in court are missing from the 1/24/14, 4/7/14, and 5/5/14 transcripts. Defendant Lyndon requests that the Court 1) disclose the internal procedure of recordings and approval of such recordings or transcriptions by the Court; and 2) provide complete audio evidence record of the hearings, that such audio be provided to the court transcriber, and that the proper authorities be ordered to acquire audio from security tapes or other recordings from the moment he was called forward. The Court has reviewed the audio from the hearings at issue and they are consistent with the transcripts. It is unclear what purportedly occurred or was said that Defendant Lyndon believes is not included in the transcripts. Defendant Lyndon requests comments made at the beginning of the hearings from the moment he was called forward. However, he was not even present (personally or by phone) at the 1/24/14 hearing. Any commentary made prior to the start of the hearing is not part of the record. The audio record begins when the case is called by the courtroom manager. Therefore, there is no additional record to produce to Defendant Lyndon. For these reasons, the Motion is DENIED. (JUDGE KEVIN S.C. CHANG)(sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/02/2014)</p>
12/04/2014	180	<p>MOTION to Withdraw as Attorney Lars Peterson appearing for Defendant Ronald Zaucha (Attachments: # 1 Declaration of Donny E. Brand and Lars Peterson in Support of Motion to Withdraw as Counsel, # 2 Certificate of Service)(Peterson, Lars) (Entered: 12/04/2014)</p>
12/04/2014	181	<p>NOTICE of Hearing on Motion 180 : Motion to Withdraw as Counsel set for 12/18/2014 09:30 AM before JUDGE KEVIN S.C. CHANG. Opposition due by noon on 12/10/14. Reply due by 4:00 p.m. on 12/12/14. (sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p>

		Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry. (Entered: 12/04/2014)
12/04/2014	182	REQUEST With Clarification for Reconsideration of Motion for Court to Provide Missing Evidence - by Defendant Troy Lyndon (emt,) (Entered: 12/05/2014)
12/05/2014	183	<p>EO: re 182 On 12/4/14, Defendant Troy Lyndon filed a Request With Clarification for Reconsideration of Motion for Court to Provide Missing Evidence. The Court denied Defendant Lyndon's Motion for the Court to Provide Evidence on 12/2/14. Defendant Lyndon disagrees with this Court and asks that it order and review any available audio (including security footage) and provide such information to him, transcribed. Defendant Lyndon also requests that the Court agree with his recollection that it expressed concerns about the consent judgment and that it was a "problem". The Court DENIES the requests. As the Court already stated, there is <u>no additional audio</u> in existence. Moreover, the Court does not agree with the statements that Defendant Lyndon seeks to attribute to it. It appears that Defendant Lyndon wishes to obtain a record of the Rule 16 Scheduling Conference that occurred after the hearing on 4/7/14. Scheduling Conferences are not recorded. Therefore, as the Court already ruled on 12/2/14, there is no record to be produced. The Court will not entertain any further requests for records. Defendant Lyndon may obtain transcripts through proper channels, but he is not entitled to obtain audio or other records that do not exist. (JUDGE KEVIN S.C. CHANG)(sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/05/2014)</p>
12/08/2014	184	<p>EO: On December 4, 2014, Lars Peterson and Donny E. Brand, attorneys for Defendant Ronald Zaucha, filed a motion to withdraw as counsel for Zaucha in this case. Although that motion was originally set for hearing before Magistrate Judge Kevin S.C. Chang, that motion is rescheduled to December 15, 2014, at 9:45, before the Honorable Susan Oki Mollway, the same time as the motion for summary judgment is scheduled to be heard. Defendant Ronald Zaucha is required to appear in person at the hearing. The briefing schedule for the motion to withdraw as counsel remains unchanged. No inclination will be issued for either motion. 180 MOTION to Withdraw as Attorney . Motion Hearing set for 12/15/2014 09:45 AM before JUDGE SUSAN OKI MOLLWAY. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/08/2014)</p>
12/10/2014	185	NOTICE by Securities and Exchange Commission re 166 MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i> , 180 MOTION to Withdraw as Attorney ; <i>Notice of: (1) Zaucha's Failure to file Opposition to SEC's Summary Judgment Motion and (2) Nonopposition by SEC to Withdrawal by Zaucha's Counsel</i> Securities and Exchange Commission. (Matteson, Karen) (Entered: 12/10/2014)

12/10/2014	186	<p>ORDER of USCA as to 152 Notice of Appeal filed by Troy Lyndon, 9CCA NO. 14-16733.</p> <p>"Appellant's "Rule 60(b)(2) motion to introduce new evidence, stay and vacate judgment" is construed as a motion for a limited remand. So construed, the motion for a limited remand is denied without prejudice to filing a renewed motion accompanied by an indication that the district court is willing to entertain the proposed Federal Rule of Civil Procedure 60(a) or 60(b) motion." (emt,)No COS issued for this docket entry (Entered: 12/10/2014)</p>
12/10/2014	187	<p>MOTION for District Court to Respond Per Appellate Court Order to Hear Lyndon's Rule 60(b)(2) Motion to Introduce New Evidence, Stay and Vacate Judgments - by Defendant Troy Lyndon</p> <p>(Attachments: # 1 Exhibit "A" (Appellate Court Order of December 10, 2014), # 2 (Proposed) Rule 60(b)(2) Motion to Introduce New Evidence, Stay and Vacate Judgments, # 3 Certificate of Service)(emt,) (Entered: 12/10/2014)</p>
12/11/2014	188	<p>EO: The court deems Mr. Lyndon's Motion For District Court To Respond Per Appellate Court Order to be a motion asking the court to indicate its inclination to entertain Mr. Lyndon's post-judgment motion if jurisdiction is returned to this court. The SEC is invited to respond to that motion, and Mr. Lyndon may thereafter file a reply memorandum, in accordance with this court's nonhearing motion schedule, as set forth in Local Rule 7.4. re 187 MOTION for District Court to Respond Per Appellate Court Order to Hear Lyndon's Rule 60(b)(2) Motion to Introduce New Evidence, Stay and Vacate Judgments. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/11/2014)</p>
12/15/2014	189	<p>EP: Motion by Plaintiff Securities and Exchange Commission for Summary Judgment Against Ronald Zaucha or in the Alternative, Entry of Default Judgment Pursuant to Fed.R.Civ.P. 37(d) 166 and Motion to Withdraw as Counsel 180 -Defendant Ronald Zaucha present by phone.Mr. Zaucha did not file an opposition to the motion for summary judgment, but did file a motion to withdraw as counsel.Discussion held re: how to proceed.Mr. Zaucha would like his attorneys to withdraw, and he will try to represent himself.Motion to Withdraw as Counsel 180 - Granted.No written order will be prepared.Mr. Zaucha to file his opposition, and it must be postmarked no later than 12/29/14.Court informed Mr. Zaucha that his statement must be under penalty of perjury.If Mr. Zaucha does not meet the 12/29/14 deadline, it is highly likely that the motion for summary judgment will be granted.Mr. Zaucha provided his contact information off the record.Plaintiff to file a reply by 1/12/15.Motion by Plaintiff Securities and Exchange Commission for Summary Judgment Against Ronald Zaucha or in the Alternative, Entry of Default Judgment Pursuant to Fed.R.Civ.P. 37(d) 166 continued to 2/10/15 @ 11:15 a.m.Non Jury Trial set for 2/11/15 @ 9:00 a.m. is continued to 5/12/15 @ 9:00 a.m.New pretrial deadlines to be given.</p> <p>166 MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i>, 180 MOTION to Withdraw as Attorney , Motion Hearing held on 12/15/2014 re 166 MOTION for Summary Judgment <i>against Ronald Zaucha or, in the Alternative, Entry of Default Judgment Pursuant to Fed. R. Civ. P. 37(d)</i> filed by Securities and Exchange</p>

		Commission, 180 MOTION to Withdraw as Attorney filed by Ronald Zaucha. Motion Hearing set for 2/10/2015 11:15 AM before JUDGE SUSAN OKI MOLLWAY. Bench Trial set for 5/12/2015 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (Court Reporter Debra Chun.) (JUDGE SUSAN OKI MOLLWAY)(tbf,)No COS issued for this docket entry (Entered: 12/15/2014)
12/15/2014	190	EO: New dates given:1.Non-jury trial on May 12, 2015 at 9:00 a.m. before SOM2.Final Pretrial Conference on March 31, 2015 at 9:00 a.m. before KSC3.Final Pretrial Conference before District Judge N/A4.Final Pretrial Statement by March 24, 20155.File motions to Join/Add Parties/Amend Pleadings by N/A6.File other Non-Dispositive Motions by N/A7.File Dispositive Motions by N/A8a.File Motions in Limine by April 21, 20158b.File opposition memo to a Motion in Limine by April 28, 201511a.Plaintiffs Expert Witness Disclosures by N/A11b.Defendants Expert Witness Disclosures by N/A12.Discovery deadline N/A13.Settlement Conference set for 1/27/15 at 10:00 a.m. before KSC14.Settlement Conference statements by 1/20/1520.Submit Voir Dire Questions, Special Verdict Form, Concise Statement of Case and Jury Instructions by N/A21.File Final witness list by April 21, 201524.Exchange Exhibit and Demonstrative aids by April 14, 201525.Stipulations re: Authenticity/Admissibility of Proposed Exhibits by April 21, 201526.File objections to the Exhibits by April 28, 201528a.File Deposition Excerpt Designations by April 21, 201528b.File Deposition Counter Designations and Objections by April 28, 201529.File Trial Brief by April 28, 201530.File Findings of Fact & Conclusions of Law by April 28, 2015Other Matters:. Bench Trial set for 5/12/2015 09:00 AM before JUDGE SUSAN OKI MOLLWAY. Final Pretrial Conference set for 3/31/2015 09:00 AM before JUDGE KEVIN S.C. CHANG. Settlement Conference set for 1/27/2015 10:00 AM before JUDGE KEVIN S.C. CHANG. (JUDGE SUSAN OKI MOLLWAY)(tbf,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/15/2014)
12/16/2014	191	RULE 16 SCHEDULING ORDER - Signed by JUDGE KEVIN S.C. CHANG on 12/16/2014. (emt,) <hr/> CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Ronald Zaucha and Troy Lyndon served by first class mail at the addresses of record on December 16, 2014. (Entered: 12/16/2014)
12/17/2014	192	MEMORANDUM in Opposition re 187 MOTION for District Court to Respond Per Appellate Court Order to Hear Lyndon's Rule 60(b)(2) Motion to Introduce New Evidence, Stay and Vacate Judgments filed by Securities and Exchange Commission. (Attachments: # 1 Declaration by Karen Matteson, # 2 Declaration by Andrew Kovacs)(Matteson, Karen) (Entered: 12/17/2014)
12/18/2014	193	REPLY to Opposition by Plaintiff SEC to 187 Troy Lyndon's MOTION for District Court to Hear Lyndon's Rule 60(b)(2) Motion to Introduce New Evidence, Stay and Vacate Judgments; (Certificate of Service) - filed by Troy Lyndon. (emt,) (Entered: 12/18/2014)

12/22/2014	194	<p>EO: On page 7 of the SEC's filing of December 17, 2014, in opposition to Defendant Troy Lyndon's request that this court indicate that it would grant post-judgment relief if jurisdiction were returned to this court, the SEC says that, by at least April 1, 2014, Mr. Lyndon had had the electronic audit file and the computer from the corporation's auditor sent to a law firm in Houston that was acting at Mr. Lyndon's direction. Mr. Lyndon's reply filed on December 18, 2014, does not deny this assertion by the SEC. No later than January 5, 2015, Mr. Lyndon shall file a statement of no more than 100 words expressly addressing the SEC's assertion on this point. re 192 Memorandum in Opposition to Motion,. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 12/22/2014)</p>
12/23/2014	195	<p>REPLY to Judge Mollway's Request for Information Re: Audit File re 194 - filed by Troy Lyndon. (emt,) (Entered: 12/23/2014)</p>
01/07/2015	196	<p>EO: On October 21, 2014, Plaintiff Securities and Exchange Commission filed a motion for summary judgment with respect to Defendant Ronald Zaucha. Zaucha did not timely file an opposition to the motion. On December 15, 2014, the court held a hearing on the motion. At that hearing, the court continued the motion for summary judgment to allow Zaucha to file an opposition, giving him until December 29, 2014, to postmark the opposition and telling him that, if he failed to timely oppose the motion, it would be highly likely that the motion would be granted. Zaucha has not timely filed any opposition. Accordingly, for the reasons set forth in the motion, the motion is granted as unopposed. No later than January 20, 2015, Plaintiff Securities and Exchange Commission shall prepare and submit to the court, with a copy to Zaucha, a form of judgment consistent with its motion.. (JUDGE SUSAN OKI MOLLWAY)(tbf,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/07/2015)</p>
01/13/2015	197	<p>ORDER DECLINING TO INDICATE A WILLINGNESS TO ENTERTAIN TROY LYNDON'S MOTION FOR RELIEF FROM FINAL JUDGMENT BASED ON NEW EVIDENCE re 187 - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 1/13/2015.</p> <p>" The court declines to express a willingness to entertain Lyndon's Rule 60(b)(2) motion based on "newly discovered evidence." The record does not suggest that such a motion would do anything other than cause delay." (emt,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Troy Lyndon and Ronald Zaucha served by first class mail at the addresses of record on January 13, 2015. The Ninth Circuit Court of Appeals served electronically. (Entered: 01/13/2015)</p>
01/14/2015	198	<p>EO: Settlement Conference set 1/27/15 before Judge Chang is hereby vacated. (JUDGE KEVIN S.C. CHANG)(sna,)</p> <hr/> <p style="text-align: center;">CERTIFICATE OF SERVICE</p> <p>Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of</p>

		Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 01/14/2015)
01/22/2015	199	FINAL JUDGMENT AGAINST DEFENDANT RONALD ZAUCHA - Signed by CHIEF JUDGE SUSAN OKI MOLLWAY on 1/22/2015. (emt,) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Ronald Zaucha and Troy Lyndon served by first class mail at the addresses of record on January 23, 2015. Modified on 1/23/2015 (emt,). (Entered: 01/22/2015)
02/12/2015	200	MOTION for District Court to Hear Lyndon's Rule 60(b)(2) "Conforming" Motion to Introduce New Evidence and Stay Judgments - by Defendant Troy Lyndon (Attachments: # 1 Exhibit A (Part 1 of 15), # 2 Exhibit A (Part 2 of 15), # 3 Exhibit A (Part 3 of 15), # 4 Exhibit A (Part 4 of 15), # 5 Exhibit A (Part 5 of 15), # 6 Exhibit A (Part 6 of 15), # 7 Exhibit A (Part 7 of 15), # 8 Exhibit A (Part 8 of 15), # 9 Exhibit A (Part 9 of 15), # 10 Exhibit A (Part 10 of 15), # 11 Exhibit A (Part 11 of 15), # 12 Exhibit A (Part 12 of 15), # 13 Exhibit A (Part 13 of 15), # 14 Exhibit A (Part 14 of 15), # 15 Exhibit A (Part 15 of 15), # 16 Exhibit B)(emt,) (Entered: 02/13/2015)
02/12/2015	201	CERTIFICATE OF SERVICE re 200 MOTION for District Court to Hear Lyndon's Rule 60(b)(2) "Conforming" Motion to Introduce New Evidence and Stay Judgments - by Troy Lyndon (emt,) (Entered: 02/13/2015)
02/18/2015	202	EO: The court has received a new motion from Troy Lyndon. It is not clear to the court whether this new motion is intended to be a motion for reconsideration of this court's January 13 order or a brand new motion. If the former, the motion is denied because it fails to show a basis for reconsideration. If the latter, the motion is denied because the court lacks jurisdiction to consider it (and is not inclined to grant it if jurisdiction is returned to it).denying 200 Motion. (JUDGE SUSAN OKI MOLLWAY)(tbf,) CERTIFICATE OF SERVICE Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry (Entered: 02/18/2015)

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