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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JORDAN QSAR, et al.,

Defendants.

Case No.: 24-cv-00570-AJB-SBC

**FINAL JUDGMENT AS TO
AUSTIN BERNARD**

The Securities and Exchange Commission having filed a Complaint and Defendant Austin Bernard (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by using any means or

1 instrumentality of interstate commerce, or of the mails, or of any facility of any national
2 securities exchange, in connection with the purchase or sale of any security:

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

4 (b) to make any untrue statement of a material fact or to omit to state a
5 material fact necessary in order to make the statements made, in the
6 light of the circumstances under which they were made, not misleading;
7 or

8 (c) to engage in any act, practice, or course of business which operates or
9 would operate as a fraud or deceit upon any person.

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

16 II.

17 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant is
18 liable for disgorgement of \$64,693, representing net profits gained as a result of the conduct
19 alleged in the Complaint, together with prejudgment interest thereon in the amount of
20 \$11,440.82. The Court finds that sending the disgorged funds to the United States Treasury,
21 as ordered below, is consistent with equitable principles. The Court further imposes a civil
22 penalty in the amount of \$86,877 pursuant to Section 21A of the Exchange Act, 15 U.S.C.
23 § 78u-1. Defendant must satisfy these obligations by paying \$163,010.82 to the Securities
24 and Exchange Commission within 30 days after entry of this Final Judgment.

25 Defendant may transmit payment electronically to the Commission, which will
26 provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be
27 made directly from a bank account via Pay.gov through the SEC website at
28 <http://www.sec.gov/about/offices/ofm.htm>. Defendant may also pay by certified check,

1 bank cashier's check, or United States postal money order payable to the Securities and
2 Exchange Commission, which must be delivered or mailed to

3 Enterprise Services Center
4 Accounts Receivable Branch
5 6500 South MacArthur Boulevard
6 Oklahoma City, OK 73169

7 and must be accompanied by a letter identifying the case title, civil action number, and
8 name of this Court; Austin Bernard as a defendant in this action; and specifying that
9 payment is made pursuant to this Final Judgment.

10 Defendant must simultaneously transmit photocopies of evidence of payment and
11 case identifying information to the Commission's counsel in this action. By making this
12 payment, Defendant relinquishes all legal and equitable right, title, and interest in such
13 funds and no part of the funds will be returned to Defendant. The Commission must send
14 the funds paid pursuant to this Final Judgment to the United States Treasury.

15 The Commission may enforce the Court's judgment for disgorgement and
16 prejudgment interest by using all collection procedures authorized by law, including, but
17 not limited to, moving for civil contempt at any time after 30 days following entry of this
18 Final Judgment. The Commission may enforce the Court's judgment for penalties by the
19 use of all collection procedures authorized by law, including the Federal Debt Collection
20 Procedures Act, 28 U.S.C. § 3001 *et seq.*, and moving for civil contempt for the violation
21 of any Court orders issued in this action.

22 Defendant must pay post judgment interest on any amounts due after 30 days of the
23 entry of this Final Judgment pursuant to 28 U.S.C. § 1961.

24 III.

25 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Consent
26 is incorporated herein with the same force and effect as if fully set forth herein, and that
27 Defendant must comply with all of the undertakings and agreements set forth therein.

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1 IV.

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

10 V.


11 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Court
12 will retain jurisdiction of this matter for the purposes of enforcing the terms of this Final
13 Judgment.

14 VI.

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

18 **IT IS SO ORDERED.**

19 Dated: November 18, 2024

20 
21 Hon. Anthony J. Battaglia
22 United States District Judge
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