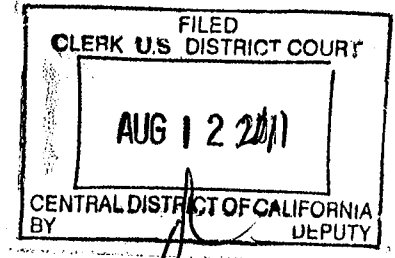


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11  
 12 **UNITED STATES DISTRICT COURT**  
 13 **CENTRAL DISTRICT OF CALIFORNIA**

14 **SECURITIES AND EXCHANGE**  
 15 **COMMISSION,**

16 Plaintiff,

17 vs.

18 **WESTMOORE MANAGEMENT, LLC;**  
 19 **WESTMOORE INVESTMENT, L.P.;**  
 20 **WESTMOORE CAPITAL**  
 21 **MANAGEMENT, INC.;** **WESTMOORE**  
**CAPITAL, LLC, and MATTHEW R.**  
**JENNINGS,**

22 Defendants.

Case No. SACV 10-00849 AG (MLGx)

**JUDGMENT OF PERMANENT**  
**INJUNCTION, APPOINTMENT OF**  
**PERMANENT RECEIVER, AND**  
**IMPOSING OTHER RELIEF AS TO**  
**DEFENDANTS WESTMOORE**  
**MANAGEMENT, LLC;**  
**WESTMOORE INVESTMENT, L.P.;**  
**WESTMOORE CAPITAL**  
**MANAGEMENT, INC.; AND**  
**WESTMOORE CAPITAL, LLC**

1 The Securities and Exchange Commission (“Commission”) having filed a  
2 Complaint and Defendants Westmoore Management, LLC, Westmoore  
3 Investment, L.P., Westmoore Capital Management, Inc., and Westmoore Capital,  
4 LLC (“collectively, the “Entity Defendants”) having entered a general appearance;  
5 consented to the Court’s jurisdiction over the Entity Defendants and the subject  
6 matter of this action; consented to entry of this Judgment without admitting or  
7 denying the allegations of the Complaint (except as to jurisdiction); waived  
8 findings of fact and conclusions of law; and waived any right to appeal from this  
9 Judgment:

10 I.

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Entity  
12 Defendants Westmoore Management, LLC, Westmoore Investment, L.P.,  
13 Westmoore Capital Management, Inc., and their agents, servants, employees,  
14 attorneys, and all persons in active concert or participation with them, who receive  
15 actual notice of this Judgment by personal service or otherwise are permanently  
16 restrained and enjoined from violating Section 5 of the Securities Act of 1933 (the  
17 “Securities Act”), 15 U.S.C. § 77e, by, directly or indirectly, in the absence of any  
18 applicable exemption:

- 19 (a) Unless a registration statement is in effect as to a security, making use  
20 of any means or instruments of transportation or communication in  
21 interstate commerce or of the mails to sell such security through the  
22 use or medium of any prospectus or otherwise; or  
23 (b) Making use of any means or instruments of transportation or  
24 communication in interstate commerce or of the mails to offer to sell  
25 or offer to buy through the use or medium of any prospectus or  
26 otherwise any security, unless a registration statement has been filed  
27 with the Commission as to such security, or while the registration  
28 statement is the subject of a refusal order or stop order or (prior to the

1 effective date of the registration statement) any public proceeding or  
2 examination under Section 8 of the Securities Act, 15 U.S.C. § 77h.

3 **II.**

4 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED**  
5 that the Entity Defendants and their agents, servants, employees, attorneys, and all  
6 persons in active concert or participation with them who receive actual notice of  
7 this Judgment by personal service or otherwise are permanently restrained and  
8 enjoined from violating Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), in  
9 the offer or sale of any security by the use of any means or instruments of  
10 transportation or communication in interstate commerce or by use of the mails,  
11 directly or indirectly:

- 12 (a) to employ any device, scheme, or artifice to defraud;
- 13 (b) to obtain money or property by means of any untrue statement of a  
14 material fact or any omission of a material fact necessary in order to  
15 make the statements made, in light of the circumstances under which  
16 they were made, not misleading; or
- 17 (c) to engage in any transaction, practice, or course of business which  
18 operates or would operate as a fraud or deceit upon the purchaser.

19 **III.**

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

1 security:

- 2 (a) to employ any device, scheme, or artifice to defraud;
- 3 (b) to make any untrue statement of a material fact or to omit to state a  
4 material fact necessary in order to make the statements made, in the  
5 light of the circumstances under which they were made, not  
6 misleading; or
- 7 (c) to engage in any act, practice, or course of business which operates or  
8 would operate as a fraud or deceit upon any person.

9 **IV.**

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED  
11 that the Entity Defendants shall pay disgorgement of ill-gotten gains and  
12 prejudgment interest thereon; that the amounts of the disgorgement and civil  
13 penalty shall be determined by the Court upon motion of the Commission; and that  
14 prejudgment interest shall be calculated from January 1, 2008, based on the rate of  
15 interest used by the Internal Revenue Service for the underpayment of federal  
16 income tax as set forth in 26 U.S.C. § 6621(a)(2). Upon motion of the  
17 Commission, the Court shall determine whether a civil penalty pursuant to Section  
18 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the  
19 Exchange Act, 15 U.S.C. § 78u(d)(3), is appropriate and, if so, the amount of the  
20 penalty. In connection with the Commission's motion for disgorgement and/or  
21 civil penalties, and at any hearing held on such a motion: (a) the Entity Defendants  
22 will be precluded from arguing that they did not violate the federal securities laws  
23 as alleged in the Complaint; (b) the Entity Defendants may not challenge the  
24 validity of this Consent or the Judgment; (c) solely for the purposes of such  
25 motion, the allegations of the Complaint shall be accepted as and deemed true by  
26 the Court; and (d) the Court may determine the issues raised in the motion on the  
27 basis of affidavits, declarations, excerpts of sworn deposition or investigative  
28 testimony, and documentary evidence, without regard to the standards for

1 summary judgment contained in Rule 56(c) of the Federal Rules of Civil  
2 Procedure. In connection with the Commission's motion for disgorgement and/or  
3 civil penalties, the Commission and the Entity Defendants may take discovery,  
4 including discovery from appropriate non-parties.

5 V.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that David  
7 A. Gill, is appointed as permanent receiver of the Entity Defendants and their  
8 subsidiaries and entities otherwise majority-owned, managed or controlled, directly  
9 or indirectly, by any of them, with full powers of an equity receiver, including, but  
10 not limited to, full power over all funds, assets, collateral, premises (whether  
11 owned, leased, occupied, or otherwise controlled), choses in action, books, records,  
12 papers and other property belonging to, being managed by or in the possession of  
13 or control of the Entity Defendants and their subsidiaries and entities otherwise  
14 majority-owned, managed or controlled, directly or indirectly, by any of them, and  
15 that such receiver is immediately authorized, empowered and directed:

- 16 (a) to have access to and to collect and take custody, control, possession,  
17 and charge of all funds, assets, collateral, premises (whether owned,  
18 leased, occupied, or otherwise controlled), choses in action, books,  
19 records, papers and other real or personal property, wherever located,  
20 of or managed by the Entity Defendants and their subsidiaries and  
21 entities otherwise majority-owned, managed or controlled, directly or  
22 indirectly, by any of them, with full power to sue, foreclose, marshal,  
23 collect, receive, and take into possession all such property;
- 24 (b) to have control of, and to be added as the sole authorized signatory  
25 for, all accounts of the entities in receivership, and all accounts over  
26 which any of their employees or agents have signatory authority, at  
27 any bank, title company, escrow agent, financial institution or  
28 brokerage firm which has possession, custody or control of any assets

1 or funds of the Entity Defendants and their subsidiaries and entities  
2 otherwise majority-owned, managed or controlled, directly or  
3 indirectly, by any of them, or which maintains any accounts over  
4 which the Entity Defendants and their subsidiaries and entities  
5 otherwise owned, managed or controlled, directly or indirectly, by any  
6 of them, and/or any of their officers, employees or agents have  
7 signatory authority;

8 (c) to conduct such investigation and discovery as may be necessary to  
9 locate, account for and recover all of the assets of or managed by (and  
10 to account for and pursue recovery of the losses of the Entity  
11 Defendants and their subsidiaries and entities otherwise majority-  
12 owned, managed or controlled, directly or indirectly, by any of them,  
13 and to engage and employ attorneys, accountants and other persons to  
14 assist in such investigation and discovery;

15 (d) to take such action as is necessary and appropriate to preserve and  
16 take control of and to prevent the dissipation, concealment, or  
17 disposition of any assets of or managed by the Entity Defendants and  
18 their subsidiaries and entities otherwise majority-owned, managed or  
19 controlled, directly or indirectly, by any of them;

20 (e) to make an accounting, as soon as practicable, to this Court and the  
21 Commission of the assets and financial condition of the Entity  
22 Defendants and the assets under their management, and to file the  
23 accounting with the Court and deliver copies thereof to all parties;

24 (f) to make such payments and disbursements from the funds and assets  
25 taken into custody, control and possession or thereafter received by  
26 him or her, and to incur, or authorize the making of, such agreements  
27 as may be necessary and advisable in discharging his or her duties as  
28 permanent receiver;

- 1 (g) to employ agents and clerical assistant and to pay them, subject to his  
2 duty to account to the court, and, pursuant to Local Rule to retain  
3 attorneys, including his own law firm, accountants and others to  
4 investigate and, where appropriate, to institute, pursue, and prosecute  
5 all claims and causes of action of whatever kind and nature which  
6 may now or hereafter exist as a result of the activities of present or  
7 past employees or agents of the Entity Defendants and their  
8 subsidiaries and entities otherwise majority-owned, managed or  
9 controlled, directly or indirectly, by any of them, provided that  
10 attorneys, professionals, and the permanent receiver shall be paid only  
11 upon application to this Court on notice, pursuant to Local Rule 66-7;
- 12 (h) to have access to, monitor, and redirect all mail (including email and  
13 facsimile) of the Entity Defendants and their subsidiaries and entities  
14 otherwise majority-owned, managed or controlled, directly or  
15 indirectly, by any of them, in order to review such mail which he or  
16 she deems relates to their business and the discharging of his or her  
17 duties as permanent receiver;
- 18 (i) to operate and control the content of information posted on any  
19 Internet web site maintained by the Entity Defendants and their  
20 subsidiaries and entities otherwise majority-owned, managed or  
21 controlled, directly or indirectly, by any of them;
- 22 (j) to exercise all of the lawful powers of the Entity Defendants and their  
23 subsidiaries and entities otherwise majority-owned, managed or  
24 controlled, directly or indirectly, by any of them, and their officers,  
25 directors, employees, representatives, or persons who exercise similar  
26 powers and perform similar duties; and
- 27 (k) to administer the receivership estate, including any amounts  
28 ultimately ordered paid as prejudgment interest pursuant to this

1 Judgment, in accordance with Local Rule 66-8.

2 VI.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, except  
4 as otherwise ordered by this Court, the Entity Defendants and their officers, agents,  
5 servants, employees, attorneys, ~~subsidiaries and entities otherwise majority-owned~~  
6 ~~managed or controlled, directly or indirectly, by any of them,~~ and those persons in  
7 active concert or participation with any of them, who receive actual notice of this  
8 Order, by personal service or otherwise, and each of them, be and hereby are  
9 temporarily restrained and enjoined from, directly or indirectly transferring,  
10 assigning, selling, hypothecating, changing, wasting, dissipating, converting,  
11 concealing, encumbering, or otherwise disposing of, in any manner, any funds,  
12 assets, securities, claims, or other real or personal property, including any notes or  
13 deeds of trust or other interests in real property, wherever located, of the Entity  
14 Defendants, or their subsidiaries or entities otherwise majority-owned, managed or  
15 controlled, directly or indirectly, by any of them, whether such assets are owned  
16 by, controlled by, managed by or in the possession or custody of any of them and  
17 from transferring, encumbering, dissipating, incurring charges, or cash advances on  
18 any credit card or the credit arrangements of the Entity Defendants.

19 VII.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, except  
21 as otherwise ordered by this Court, and with the exception that a financial  
22 institution may transfer funds or make payments as directed by the permanent  
23 receiver, a freeze shall continue in place on all monies and assets in all accounts at  
24 any bank, financial institution or brokerage firm (including any futures commission  
25 merchant), or internet or "e-currency" payment processor, all certificates of  
26 deposit, and other funds or assets, held in the name of, for the benefit of, or over  
27 which account authority is held by any of the Entity Defendants, or their  
28 subsidiaries or entities otherwise majority-owned, managed or controlled, directly



1 or indirectly, by any of them, including, but not limited to, the accounts set forth  
 2 below:

4 INSTITUTION	ACCOUNT HOLDER	ACCOUNT NO. (LAST 4 DIGITS)
6 Bank of America	Capital Asset Lending, Inc.	0458
7 Bank of America	Harry's Pacific Grill (operating 8 account)	2195
9 Bank of America	Harry's Pacific Grill (Payroll)	4060
10 Bank of America	Harry's Pacific Grill, LLC Operating 11 A/C	8985
12 Bank of America	Harry's Pacific Grill, LLC Payroll I	8986
13 Bank of America	Harry's Pacific Grill, LLC Payroll II	8988
14 Bank of America	Honolulu Harry's, Inc. (Corp. Main)	1894
15 Bank of America	Rancho Cucamonga Harry's Pacific 16 Grill (General A/C)	7380
17 Bank of America	Rancho Cucamonga Harry's Pacific 18 Grill (General)	6612
19 Bank of America	Rancho Cucamonga Harry's Pacific 20 Grill (Payroll)	6614
21 Bank of America	Rancho Cucamonga Harry's Pacific 22 Grill (Payroll)	7381
23 Bank of America	Westmoore Business Development., 24 LLC	1463
25 Bank of America	Westmoore Capital Finance, LTD	1427
26 Bank of America	Westmoore Capital Group, LLC	0412
27 Bank of America	Westmoore Capital Group, LLC 28 (China Series)	8648

1	<b>INSTITUTION</b>	<b>ACCOUNT HOLDER</b>	<b>ACCOUNT NO.</b>
2			<b>(LAST 4 DIGITS)</b>
3	Bank of America	Westmoore Capital Group, LLC	0673
4		(Series A)	
5	Bank of America	Westmoore Capital Group, LLC	0762
6		(Series II)	
7	Bank of America	Westmoore Capital Management,	0452
8		Inc.	
9	Bank of America	Westmoore Capital, Inc.	0331
10	Bank of America	Westmoore Capital, Inc.	2790
11		(Westmoore Tahoe)	
12	Bank of America	Westmoore Food & Entertainment.,	0303
13		LLC	
14	Bank of America	Westmoore Holdings, Inc	6289
15	Bank of America	Westmoore Income Properties, LLC	1452
16	Bank of America	Westmoore Income Properties, LLC	0838
17		(11 <sup>th</sup> Street)	
18	Bank of America	Westmoore Income Properties, LLC	0682
19		(Brentwood)	
20	Bank of America	Westmoore Income Properties, LLC	0685
21		(Fresno St.)	
22	Bank of America	Westmoore Income Properties, LLC	0837
23		(Havasu)	
24	Bank of America	Westmoore Income Properties, LLC	1097
25		(Show Low)	
26	Bank of America	Westmoore Income Properties, LLC	0684
27		(The Palms)	
28	Bank of America	Westmoore International	7460

1	<b>INSTITUTION</b>	<b>ACCOUNT HOLDER</b>	<b>ACCOUNT NO.</b>
2			<b>(LAST 4 DIGITS)</b>
3	Bank of America	Westmoore Investment, L.P.	6037
4	Bank of America	Westmoore Investment, L.P.	0104
5	Bank of America	Westmoore Lending Opportunity	1814
6		Fund, LLC	
7	Bank of America	Westmoore Lending, LLC	6718
8	Bank of America	Westmoore Management, LLC	7298
9	Bank of America	Westmoore Management, LLC	0157
10		(Belmont Place)	
11	Bank of America	Westmoore Partners, Inc.	2335
12	Bank of America	Westmoore Properties, L.P.	1185
13	Bank of America	Westmoore Realty Inc.	8033
14	Bank of America	Westmoore Securities, Inc.	1599
15	C.K. Cooper	Westmoore Capital Group	5335
16	C.K. Cooper	Westmoore Investment	6860
17	Southwest Securities	Westmoore Capital Group, Series B	7101
18	Southwest Securities	Westmoore Capital Group, Series II	0331
19	Southwest Securities	Westmoore Holdings, Inc.	5372
20	Southwest Securities	Westmoore Investment, L.P.	4912
21	Southwest Securities	Westmoore Investment, L.P.	6549
22	Southwest Securities	Westmoore Management	3381
23	Southwest Securities	Westmoore Partners	6143
24	Southwest Securities	Westmoore Securities, Inc.	2160
25	Southwest Securities	Westmoore Trading Company	7630
26	Union Bank	Westmoore Capital Group	5895
27	///		
28	///		

Pursuant to prior orders of the Court, entered upon stipulation of the parties, the following accounts are not subject to the asset freeze ordered herein:

INSTITUTION	ACCOUNT HOLDER	ACCOUNT NO. (LAST 4 DIGITS)
Chase	Harry's Pacific Grill (Rancho Cucamonga general operating account)	6065
Chase	Harry's Pacific Grill (Rancho Cucamonga payroll account)	6073
Chase	Harry's Pacific Grill (Rancho Cucamonga tax account)	9139
Chase	Harry's Pacific Grill (Temecula general operating account)	6049
Chase	Harry's Pacific Grill (Temecula payroll account)	6057
Chase	Harry's Pacific Grill (Temecula tax account)	9147
C.K. Cooper	Westmoore Holdings, Inc. (brokerage account)	1648

**VIII.**

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the Entity Defendants and their agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise, and any other persons who are in custody, possession or control of any assets, collateral, books, records, papers or other property of or managed by any of the entities in receivership in this action, shall forthwith give access to and control of such property to the permanent receiver.

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**IX.**

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that neither any Entity Defendant nor any agent, servant, employee, or attorney of any Entity Defendant shall take any action or purport to take any action, in the name of or on behalf of the Entity Defendants without the written consent of the permanent receiver or order of this Court.

**X.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, except by leave of this Court, during the pendency of this receivership, all clients, investors, trust beneficiaries, note holders, creditors, claimants, lessors, and all other persons or entities seeking relief of any kind, in law or in equity, from the Entity Defendants or their subsidiaries or entities otherwise majority-owned, managed or controlled, directly or indirectly, by any of them, and all persons acting on behalf of any such investor, trust beneficiary, note holder, creditor, claimant, lessor, consultant group, or other person, including sheriffs, marshals, servants, agents, employees, and attorneys, are hereby restrained and enjoined from, directly or indirectly, with respect to these persons and entities:

- (a) commencing, prosecuting, continuing or enforcing any suit or proceeding (other than the present action by the Commission) against any of them;
- (b) using self-help or executing or issuing or causing the execution or issuance of any court attachment, subpoena, replevin, execution or other process for the purpose of impounding or taking possession of or interfering with or creating or enforcing a lien upon any property or property interests owned by or in the possession of the Entity Defendants; and
- (c) doing any act or thing whatsoever to interfere with taking control, possession or management by the permanent receiver appointed

1 hereunder of the property and assets owned, controlled or managed by  
2 or in the possession of the Entity Defendants, or in any way to  
3 interfere with or harass the permanent receiver or his or her attorneys,  
4 accountants, employees, or agents or to interfere in any manner with  
5 the discharge of the permanent receiver's duties and responsibilities  
6 hereunder.

7 **XI.**

8 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED**  
9 that the Entity Defendants and their agents, servants, employees, attorneys, and all  
10 persons in active concert or participation with them who receive actual notice of  
11 this Judgment by personal service or otherwise, shall cooperate with and assist the  
12 permanent receiver and shall take no action, directly or indirectly, to hinder,  
13 obstruct, or otherwise interfere with the permanent receiver or his or her attorneys,  
14 accountants, employees, or agents, in the conduct of the permanent receiver's  
15 duties or to interfere in any manner, directly or indirectly, with the custody,  
16 possession, management, or control by the permanent receiver of the funds, assets,  
17 collateral, premises, and choses in action described above.

18 **XII.**

19 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the  
20 Entity Defendants and their subsidiaries and entities otherwise majority-owned,  
21 managed or controlled, directly or indirectly, by any of them, shall pay the costs,  
22 fees and expenses of the permanent receiver incurred in connection with the  
23 performance of his or her duties described in this Order, including the costs and  
24 expenses of those persons who may be engaged or employed by the permanent  
25 receiver to assist him or her in carrying out his or her duties and obligations. All  
26 applications for costs, fees, and expenses for services rendered in connection with  
27 the receivership other than routine and necessary business expenses in conducting  
28 the receivership, such as salaries, rent, and any and all other reasonable operating

1 expenses, shall be made by application setting forth in reasonable detail the nature  
2 of the services and shall be heard by the Court.

3 **XIII.**

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no bond  
5 shall be required in connection with the appointment of the permanent receiver.  
6 Except for an act of gross negligence, the permanent receiver shall not be liable for  
7 any loss or damage incurred by any of the Entity Defendants, their officers, agents,  
8 servants, employees and attorneys or any other person, by reason of any act  
9 performed or omitted to be performed by the permanent receiver in connection  
10 with the discharge of his or her duties and responsibilities.

11 **XIV.**

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that  
13 representatives of the Commission and any other government agency, are  
14 authorized to have continuing access to inspect or copy any or all of the corporate  
15 books and records and other documents of the Entity Defendants and the other  
16 entities in receivership, and continuing access to inspect their funds, property,  
17 assets and collateral, wherever located.

18 **XV.**

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, except  
20 as otherwise ordered by this Court, the Entity Defendants, and their officers,  
21 agents, servants, employees, attorneys, subsidiaries and entities otherwise  
22 majority-owned, managed or controlled, directly or indirectly, by any of them,  
23 including the other entities in receivership, and those persons in active concert or  
24 participation with any of them, who receive actual notice of this Judgment, by  
25 personal service or otherwise, and each of them, be and hereby are restrained and  
26 enjoined from, directly or indirectly: destroying, mutilating, concealing,  
27 transferring, altering, or otherwise disposing of, in any manner, any documents,  
28 which includes all books, records, computer programs, computer files, computer

1 printouts, contracts, correspondence, memoranda, brochures, or any other  
2 documents of any kind in their possession, custody or control, however created,  
3 produced, or stored (manually, mechanically, electronically, or otherwise),  
4 pertaining in any manner to the Entity Defendants, and their subsidiaries and  
5 entities otherwise majority-owned, managed or controlled, directly or indirectly, by  
6 any of them. Nothing in this paragraph shall prevent the permanent receiver from  
7 disposing of documents in compliance with applicable law upon the termination of  
8 the receivership by the Court at the conclusion of this case.

9 **XVI.**

10 IT IS FURTHER ORDERED that the Entity Defendants, to the extent not  
11 already completed, shall, within 24 hours of the issuance of this Order, cause to be  
12 prepared and delivered to the permanent receiver, a detailed and complete schedule  
13 of all desktop computers, laptop computers, phones, smartphones, and/or PDA's  
14 owned, controlled or used by him for any purpose. The schedule required by this  
15 section shall include at a minimum the make, model and description of each  
16 device, along with its location, the name of the person primarily assigned to use the  
17 device, all passwords necessary to access the device, and all passwords necessary  
18 to access and use the software contained on the device. The permanent receiver  
19 shall be authorized to make an electronic, digital or hard copy of all of the data  
20 contained on the device.

21 **XVII.**

22 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED  
23 that the Entity Defendants, to the extent not already completed, shall, within 24  
24 hours of the entry of this Judgment, cause to be prepared and delivered to the  
25 permanent receiver a detailed and complete schedule of all passwords, usernames,  
26 identification numbers and similar information for all web sites, email accounts,  
27 and all accounts at any bank, financial institution or brokerage firm operated by or  
28 to which the Entity Defendants have access.



1 XVIII.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
3 Consent of Defendants Westmoore Management, LLC, Westmoore Investment,  
4 L.P., Westmoore Capital Management, Inc., and Westmoore Capital, LLC is  
5 incorporated herein with the same force and effect as if fully set forth herein, and  
6 that the Entity Defendants shall comply with all of the undertakings and  
7 agreements set forth therein.

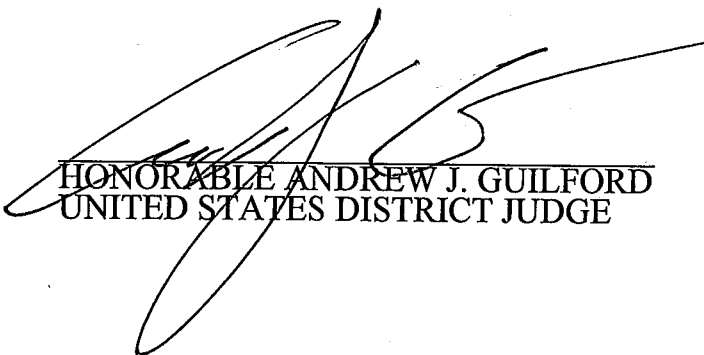
8 XIX.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this  
10 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms  
11 of this Judgment.

12 XX.

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

16  
17 DATED: Aug 12, 2011

18  
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21 HONORABLE ANDREW J. GUILFORD  
22 UNITED STATES DISTRICT JUDGE  
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**PROOF OF SERVICE**

I am over the age of 18 years and not a party to this action. My business address is:

- U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648  
Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On July 21, 2011, I caused to be served the document entitled

**JUDGMENT OF PERMANENT INJUNCTION, APPOINTMENT OF PERMANENT RECIEVER, AND IMPOSING OTHER RELIEF AS TO DEFENDANTS WESTMOORE MANAGEMENT LLC, WESTMOORE INVESTMENT L.P., WESTMOORE CAPITAL MANAGEMENT, INC. AND WESTMOORE CAPITAL LLC;**

on all the parties to this action addressed as stated on the attached service list:

- OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.
- PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.
- EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.
- HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.
- UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.
- ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.
- E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.
- FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: July 21, 2011

/s/ Spencer E. Bendell  
Spencer E. Bendell

**SEC v. WESTMOORE MANAGEMENT, LLC, et al.**  
**United States District Court – Central District of California**  
**Case No. SACV 10-00849 AG (MLGx)**  
**(LA-3616)**

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