

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 18-cv-61991-BLOOM/Valle**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

v.

**1 GLOBAL CAPITAL LLC, and  
CARL RUDERMAN,**

**Defendants, and**

**1 WEST CAPITAL LLC, et al.,**

**Relief Defendants.**

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**PLAINTIFF'S UNOPPOSED MOTION FOR ENTRY OF FINAL JUDGMENT AGAINST  
DEFENDANT CARL RUDERMAN AND FOR COURT TO ESTABLISH FAIR FUND**

Plaintiff Securities and Exchange Commission moves for entry of a Final Judgment in the form attached to this motion as Exhibit A. In addition, the Commission moves the Court to establish a Fair Fund pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002 to allow any civil penalty Ruderman pays to be added to a fund for the benefit of defrauded investors in this case.

By the signed, sworn Consent attached as Exhibit B, Ruderman has consented, without admitting or denying the allegations of the Amended Complaint (except as noted within the Consent) to entry of the Final Judgment against him. The Final Judgment includes a permanent injunction against future violations of all the statutes and rules the Amended Complaint alleges that Ruderman violated. It also holds Ruderman liable for disgorgement of \$32,587,166, representing profits gained as a result of the conduct alleged in the Amended Complaint, prejudgment interest on disgorgement of \$1,517,273, and a civil penalty of \$15,000,000 pursuant

to Section 20(d) of the Securities Act of 1933 and Section 21(d)(3) of the Securities Exchange Act of 1934. The Final Judgment also specifies specific liquid assets that Ruderman is required to turn over to the Commission in partial satisfaction of the disgorgement order, totaling approximately \$750,000. Ruderman is also required to pay 50 percent of the equity in his condominium in additional partial satisfaction of the disgorgement order.

In addition to entering the Final Judgment against Ruderman, the Commission asks the Court to enter the order attached as Exhibit C establishing a Fair Fund for the benefit of defrauded investors. Section 308(a) of the Sarbanes Oxley Act, referred to as the “Fair Funds” provision, states that a Court shall, upon the Commission’s motion, include civil penalties in disgorgement distributions for the benefit of victims of securities law violations. Here, the Commission seeks the establishment of a Fair Fund to allow the distribution of any civil penalty amount Ruderman pays, along with the disgorgement and prejudgment interest Ruderman pays, to defrauded investors in 1 Global Capital LLC and 1 West Capital LLC.

**Certificate of Conferral**

Pursuant to Southern District of Florida Local Rule 7.1(a)(3), undersigned counsel for the Commission conferred with counsel for Ruderman, who did not object to the requested relief.

Respectfully submitted,

August 9, 2019

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Telephone: (305) 982-6300  
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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on August 9, 2019, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

Robert K. Levenson, Esq.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 18-cv-61991-BLOOM/Valle**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

v.

**1 GLOBAL CAPITAL LLC, and  
CARL RUDERMAN,**

**Defendants, and**

**1 WEST CAPITAL LLC,  
BRIGHT SMILE FINANCING, LLC,  
BRR BLOCK INC.,  
DIGI SOUTH, LLC,  
GANADOR ENTERPRISES, LLC,  
MEDIA PAY LLC,  
PAY NOW DIRECT LLC, and  
RUDERMAN FAMILY TRUST,**

**Relief Defendants.**

---

**FINAL JUDGMENT AGAINST DEFENDANT CARL RUDERMAN**

This cause comes before the Court upon Plaintiff Securities and Exchange Commission's Unopposed Motion for a Final Judgment Against Defendant Carl Ruderman ("Final Judgment"). By the Consent of Defendant Carl Ruderman to Final Judgment annexed hereto, without admitting or denying the allegations of the Amended Complaint (except that Ruderman admits the jurisdiction of this Court over him and over the subject matter of this action and as otherwise set forth in Section V below), Ruderman has entered a general appearance, 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. The Court finds that good cause exists for entry of the Final Judgment. Accordingly, the Commission's Motion is **GRANTED**. The Court further orders as follows:

**EXHIBIT**

**A**

I.

**PERMANENT INJUNCTIVE RELIEF**

**A. Section 5 of the Securities Act of 1933 (“Securities Act”)**

**IT IS ORDERED AND ADJUDGED** that Ruderman is permanently restrained and enjoined from violating Section 5 of the Securities Act (15 U.S.C. § 77e) by, directly or indirectly, in the absence of any applicable exemption:

(a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;

(b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or

(c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act (15 U.S.C. § 77h).

**IT IS FURTHER ORDERED AND ADJUDGED** that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive actual notice of this Judgment by personal service or otherwise: (a) Ruderman’s officers, agents, servants,

employees, and attorneys; and (b) other persons in active concert or participation with Ruderman or with anyone described in (a).

**B. Section 17(a) of the Securities Act**

**IT IS FURTHER ORDERED AND ADJUDGED** that Ruderman is permanently restrained and enjoined from violating Section 17(a) of the Securities Act (15 U.S.C. § 77q(a)) in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

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

with respect to:

- (A) any investment strategy or investment in securities,
- (B) the prospects for success of any product or company,
- (C) the use of investor funds,
- (D) compensation to any person, or
- (E) the misappropriation of investor funds or investment proceeds.

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

or with anyone described in (a).

**C. Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 (“Exchange Act”)**

**IT IS FURTHER ORDERED AND ADJUDGED** that Ruderman is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of 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 instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

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

with respect to:

- (A) any investment strategy or investment in securities,
- (B) the prospects for success of any product or company,
- (C) the use of investor funds,
- (D) compensation to any person, or
- (E) the misappropriation of investor funds or investment proceeds.

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

or with anyone described in (a).

**D. Section 15(a) of the Exchange Act**

**IT IS FURTHER ORDERED AND ADJUDGED** that Ruderman is permanently restrained and enjoined from violating, directly or indirectly, Section 15(a) of the Exchange Act, [15 U.S.C. § 78o(a)], by using the mails or other means or instrumentalities of interstate commerce, to effect transactions in, or to induce or attempt to induce the purchase or sale of securities, without being associated with a broker or dealer that was registered with the Commission in accordance with Section 15(b) of the Exchange Act (15 U.S.C. §78o(b)).

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

**II.**

**DISGORGEMENT, PREJUDGMENT INTEREST, AND CIVIL PENALTY**

**IT IS FURTHER ORDERED AND ADJUDGED** that Ruderman is liable to the Commission for disgorgement of \$32,587,166, representing profits gained as a result of the conduct alleged in the Amended Complaint, together with prejudgment interest on disgorgement of \$1,517,273, and a civil penalty of \$15,000,000 pursuant to Section 20(d) of the Securities Act and Section 21(d)(3) of the Exchange Act, for a total of \$49,104,439.

**IT IS FURTHER ORDERED AND ADJUDGED** that Ruderman shall partially satisfy the disgorgement and prejudgment interest payments due to the Commission within 30 days of entry of this Final Judgment by disgorging the following assets to the Commission or its designee:

- (i) \$4,951.63, representing the full amount now held in the Bank of America account in



Ruderman's name ending in 6994;

(ii) \$541,071 from the Annuity, Contract Number ending in 9843, held with the Lincoln Financial Group; and

(iii) \$67,800 each in accounts ending in 0565, 0566, and 0567 held at UBS Group AG (for a total of \$203,400 from the three accounts).

Upon receipt of this Final Judgment, Bank of America, the Lincoln Financial Group, and UBS Group AG shall each cooperate fully and take all necessary steps to expeditiously turn over the funds in the accounts set forth in (i), (ii), and (iii) above to the Commission or its designee directly, or, where necessary, to Ruderman, whereupon Ruderman shall promptly turn over the funds to the Commission.

Ruderman shall further partially satisfy the Final Judgment by agreeing to disgorge to the Commission or its designee 50 percent of any equity remaining in his condominium located at 20165 Northeast 39<sup>th</sup> Place, #TS-01, Aventura, Florida, 33180, Miami-Dade Office of the Property Appraiser Folio 28-1235-076-0450 ("Condominium"), upon sale of the Condominium as set forth below (after satisfaction of the mortgage and condominium association and any related fees).

To effectuate the sale of the Condominium, Ruderman shall select a real estate agent within 14 days of entry of this Final Judgment, subject to the approval of the Commission. Such agent shall have exclusive listing for the property for six months from the date of selection. The list price of the house shall be subject to the approval of Ruderman and the Commission. Such agent shall promptly transmit any and all offers for the property to Ruderman and the Commission. Ruderman shall cooperate fully in the showing and sale of the Condominium by properly maintaining the property, executing all necessary documents, and not unreasonably withholding his consent to showing or any reasonable offer to buy the Condominium. If the Commission and Ruderman disagree on whether to accept an offer for the condominium, the parties shall within

three business days of a dispute telephonically mediate the dispute with Harry Schafer, Esq., as the mediator. If the parties do not resolve the dispute with Mr. Schafer, they may request a ruling from the District Court on the following briefing schedule: the party seeking approval of the sale must file a motion within three business days. The opposing party has three business days to respond, and the moving party has two business days to reply. If the real estate agent has not obtained a contract for sale of the condominium within six months from the date of selection, the Commission shall have the right to name its own real estate agent to continue sales efforts. Ruderman shall vacate the Condominium premises no later than the closing date of any sale, and shall pay 50 percent of the equity directly to the Commission or its designee upon the closing of any sale.

Ruderman shall satisfy the remainder of his disgorgement, prejudgment interest, and civil penalty obligation by paying it to the Securities and Exchange Commission within 30 days after entry of this Final Judgment.

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

Enterprise Services Center  
Accounts Receivable Branch  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying: the case title, civil action number, and name of this Court; Carl Ruderman as a defendant in this action; and specifying that payment is made

pursuant to this Final Judgment.

Ruderman shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action, Robert K. Levenson, Senior Trial Counsel, Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, FL 33131. By making this payment, Ruderman relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to him.

The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after 30 days following entry of this Final Judgment. Ruderman shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall hold the funds, together with any interest and income earned thereon (collectively, the "Fund"), pending further order of the Court.

The Commission may propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this Final Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Ruderman shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on his payment of disgorgement in this action, argue that he

is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Ruderman's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Ruderman shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this Final Judgment. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Ruderman by or on behalf of one or more investors based on substantially the same facts as alleged in the Amended Complaint in this action.

### **III.**

#### **INCORPORATION OF CONSENT**

**IT IS FURTHER ORDERED AND ADJUDGED** that the Consent filed herewith is incorporated herein with the same force and effect as if fully set forth herein, and Ruderman shall comply with all of the undertakings and agreements set forth therein.

### **IV.**

#### **RETENTION OF JURISDICTION**

**IT IS FURTHER ORDERED AND ADJUDGED** that this Court shall retain jurisdiction of this matter and over Ruderman in order to implement and carry out the terms of this Judgment and all Orders and Decrees that may be entered, to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and to order any other relief that this Court deems appropriate under the circumstances

V.

**BANKRUPTCY NONDISCHARGEABILITY**

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

VI.

**ASSET FREEZE**

**IT IS FURTHER ORDERED AND ADJUDGED** that, upon receipt of the payments set forth in Section II (i), (ii), and (iii), the Commission shall within five business days notify the Court and submit an agreed order lifting and extinguishing in its entirety the Asset Freeze this Court previously entered against Ruderman (DE 13 and 74), **EXCEPT** as to the Condominium identified in Section II. The freeze shall remain in effect as to the Condominium until the time of sale, subject to the provisions in Section II whereby Ruderman is permitted to take certain steps in furtherance of the sale of the condominium.

**VII.**

**RULE 54(b) CERTIFICATION**

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

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_ 2019, at \_\_\_\_\_, Florida.

\_\_\_\_\_  
**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to all parties and counsel of record

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 18-cv-61991-BLOOM/Valle**

**SECURITIES AND EXCHANGE COMMISSION,**

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**Defendants, and**

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GANADOR ENTERPRISES, LLC,  
MEDIA PAY, LLC,  
PAY NOW DIRECT, LLC, and  
RUDERMAN FAMILY TRUST,**

**Relief Defendants.**

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**CONSENT OF DEFENDANT CARL RUDERMAN TO FINAL JUDGMENT**

1. Defendant Carl Ruderman acknowledges having been served with the Summons and the Amended Complaint in this action, enters a general appearance, and admits the Court's jurisdiction over him and over the subject matter of this action.

2. Without admitting or denying the allegations of the Amended Complaint (except as provided herein in Paragraph 14 and except as to personal and subject matter jurisdiction, which he admits), Ruderman hereby consents to the entry of the Final Judgment Against Defendant Carl Ruderman ("Final Judgment") in the form attached hereto and incorporated by reference herein. The Final Judgment, among other things: (a) permanently restrains and enjoins Ruderman from violating Sections 5(a), 5(c), and 17(a) of the Securities Act of 1933 ("Securities Act"), and

**EXHIBIT**

**B**

Sections 10(b), 15(a)(1), and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) and Exchange Act Rule 10b-5; (b) orders Ruderman to pay disgorgement of \$32,587,166, prejudgment interest on disgorgement of \$1,517,273, and a civil penalty of \$15,000,000 (for a total of \$49,104,439); and (c) orders Ruderman to partially satisfy the Final Judgment by turning over certain assets to the Commission or its designee as set forth in the Final Judgment.

3. Ruderman acknowledges that the civil penalty paid pursuant to the Final Judgment may be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. Regardless of whether any such Fair Fund distribution is made, the civil penalty shall be treated as a penalty paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Ruderman agrees that he shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Ruderman’s payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Ruderman’s payment of a civil penalty in this action (“Penalty Offset”). If the court in any Related Investor Action grants such a Penalty Offset, Ruderman agrees that he shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission’s counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this action. For purposes of this paragraph, a “Related Investor Action” means a private damages action brought against Ruderman by or on behalf of one or more investors based on substantially the same facts as alleged in the Amended Complaint in this action.

4. Ruderman agrees that he shall not seek or accept, directly or indirectly,



reimbursement or indemnification from any source, including but not limited to payment made pursuant to any insurance policy, with regard to any civil penalty amounts he may be required to pay pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors. Ruderman further agrees that he shall not claim, assert, or apply for a tax deduction or tax credit with regard to any federal, state, or local tax for any penalty amounts that Ruderman pays pursuant to the Final Judgment, regardless of whether such penalty amounts or any part thereof are added to a distribution fund or otherwise used for the benefit of investors.

5. Ruderman waives the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure.

6. Ruderman waives the right, if any, to a jury trial and to appeal from the entry of the Final Judgment.

7. Ruderman enters into this Consent voluntarily and represents that no threats, offers, promises, or inducements of any kind have been made by the Commission or any member, officer, employee, agent, or representative of the Commission to him or to anyone acting on his behalf, to induce him to enter into this Consent.

8. Ruderman agrees this Consent shall be incorporated into the Final Judgment with the same force and effect as if fully set forth therein.

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

10. Ruderman waives service of the Final Judgment and agrees that entry of the Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to him of its

terms and conditions.

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

12. Ruderman understands and agrees to comply with the terms of 17 C.F.R. § 202.5(e), which provides in part that it is the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings," and "a refusal to admit the allegations is equivalent to a denial, unless the defendant or respondent states that he neither admits nor denies the allegations." As part of Ruderman's agreement to comply with the terms of Section 202.5(e), he:

(a) will not take any action or make or permit to be made any public statement denying, directly or indirectly, any allegation in the Amended Complaint or creating the impression that the Amended Complaint is without factual basis; (b) will not make or permit to be made any public statement to the effect that he does not admit the allegations of the Amended Complaint, or that this Consent contains no admission of the allegations, without also stating they do not deny the allegations; and (c) upon filing of this Consent, Ruderman hereby withdraws any papers filed in this action to the extent they deny any allegation in the Amended Complaint. If Ruderman breaches this agreement, the Commission may petition the Court to vacate the Judgment and restore this action to its active docket. Nothing in this paragraph affects Ruderman's: (i) testimonial obligations; or (ii) the right to take legal or factual positions in litigation or other legal proceedings in which the Commission is not a party.

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

14. Ruderman agrees that, solely for purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11 U.S.C. § 523, the allegations in the Amended Complaint are true, and further, any debt for disgorgement, prejudgment interest, or civil penalty or other amounts due by Ruderman under this Final Judgment or any other judgment, order, consent order, decree, or settlement agreement entered in connection with this proceeding, is a debt for the

violation by Ruderman of the federal securities laws or any regulation or order issued under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

15. Ruderman agrees that the Commission may present the Final Judgment to the Court for signature and entry without further notice.


16. Ruderman agrees that this Court shall retain jurisdiction over him and over this matter for the purpose of enforcing the terms of the Final Judgment.

June 14, 2019

By:   
Carl Ruderman

STATE OF FLORIDA )  
 )  
COUNTY OF Miami-Dade )

On this 14 day of June 2019, before me personally appeared Carl Ruderman, who X is personally known to me or \_\_\_\_\_ produced a driver's license bearing his name and photograph as identification, and who executed this Consent, and he acknowledged to me that he executed the same.

  
Notary Public

Approved as to Form:

By: 

Michael A. Pineiro, Esq.  
Marcus Neiman & Rashbaum LLP  
Counsel to Carl Ruderman



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 18-cv-61991-BLOOM/Valle**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

v.

**1 GLOBAL CAPITAL LLC, and  
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**Defendants, and**

**1 WEST CAPITAL LLC, et al.,**

**Relief Defendants.**

---

**ORDER ON PLAINTIFF'S MOTION FOR COURT TO ESTABLISH FAIR FUND**

**THIS MATTER** comes before the Court on the Plaintiff's Unopposed Motion for Entry of Final Judgment against Defendant Carl Ruderman and for Court to Establish Fair Fund (D.E. \_\_\_\_). Having reviewed the motion and the record in this case and finding good cause exists:

**IT IS ORDERED AND ADJUDGED** that the Commission's Motion for Court to Establish Fair Fund is **GRANTED**. The Court will establish a Fair Fund pursuant to Section 308(a) of the Sarbanes-Oxley Act of 2002 to allow the distribution of any civil penalties paid by Ruderman, along with the disgorgement and prejudgment interest he pays, to defrauded investors in 1 Global Capital LLC and 1 West Capital LLC.

**DONE AND ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2019, at Miami, Florida.

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**BETH BLOOM  
UNITED STATES DISTRICT JUDGE**

Copies to: Counsel and Parties of Record

**EXHIBIT**

**C**