

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

3
4 SECURITIES AND EXCHANGE
5 COMMISSION,
6 Plaintiff,

Case No. 2:22-CV-00693 JFW (SKx)
Hon. John F. Walter, Crtrm 7A

7 vs.
8 SAFEGUARD METALS LLC AND
9 JEFFREY IKAHN (f/k/a/ JEFFREY S.
SANTULAN),

**JUDGMENT AS TO DEFENDANT
JEFFREY IKAHN**

Complaint Filed: Feb. 1, 2022
Trial Date: Nov. 28, 2023

10 Defendants.

11
12 The Securities and Exchange Commission having filed a Complaint and Defendant Jeffrey
13 Ikahn (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over
14 Defendant and the subject matter of this action; consented to entry of this Judgment without
15 admitting or denying the allegations of the Complaint (except as to jurisdiction and except as
16 otherwise provided herein in paragraph V); waived findings of fact and conclusions of law; and
17 waived any right to appeal from this Judgment:

18 I.

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently
20 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
21 Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
22 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce,
23 or of the mails, or of any facility of any national securities exchange, in connection with the
24 purchase or sale of any security:

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

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

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

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

11 II.

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently
13 restrained and enjoined from violating, directly or indirectly, Section 206(1) and Section 206(2) of
14 the Advisers Act [15 U.S.C. §§ 80b-6(1) and 80b-6(2)] (“Advisers Act”), by making use of the
15 mails or any means or instrumentality of interstate commerce, in connection with the conduct of
16 business as an investment adviser, directly or indirectly:

17 (i) to employ any device, scheme or artifice to defraud any investment advisory clients or
18 prospective clients; or

19 (ii) to engage in any transaction, practice or course of business which operates as a fraud or
20 deceit upon any such investment advisory clients or prospective clients.

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

26 III.

27 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
28 shall pay disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty pursuant

1 to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)] and Section 209(e) of the Advisers
2 Act [15 U.S.C. § 80b-9(e)]. The Court shall determine the amounts of the disgorgement and civil
3 penalty upon motion of the Commission. Prejudgment interest shall be calculated from December
4 1, 2017, based on the rate of interest used by the Internal Revenue Service for the underpayment of
5 federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In connection with the Commission's
6 motion for disgorgement and/or civil penalties, and at any hearing held on such a motion:

7 (a) Defendant will be precluded from arguing that he did not violate the federal securities laws
8 as alleged in the Complaint; (b) Defendant may not challenge the validity of the Consent or
9 this Judgment; (c) solely for the purposes of such motion, the allegations of the Complaint
10 shall be accepted as and deemed true by the Court; and (d) the Court may determine the
11 issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn
12 deposition or investigative testimony, and documentary evidence, without regard to the
13 standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil
14 Procedure. In connection with the Commission's motion for disgorgement and/or civil
15 penalties, the parties may take discovery, including discovery from appropriate non-parties.

16 IV.

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

20 V.

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

JUDGMENT AS TO DEFENDANT
JEFFREY IKAHN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

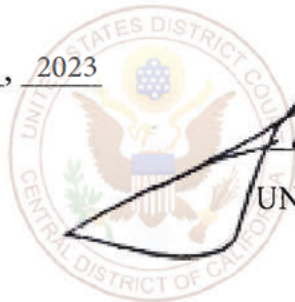
VI.

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

VII.

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

Dated: June 14, 2023



John F. White
UNITED STATES DISTRICT JUDGE