

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

No. 09-cv-1021 SMV/LAM

CHARLES R. KOKESH,

Defendant.

AMENDED FINAL JUDGMENT

A jury, having returned a verdict in favor of Plaintiff and against Defendant on all counts, and the Court, having granted Plaintiff's Motion for Final Judgment [Doc. 205] in a Memorandum Opinion and Order entered concurrently herewith,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the portion of the Court's March 30, 2015 judgment [Doc. 185] ordering Defendant to disgorge \$34,927,329, plus pre-judgment interest thereon, is **VACATED**. **IT IS FURTHER ORDERED** that Defendant must disgorge \$5,004,773, plus \$2,646,466.25 of pre-judgment interest thereon, **within 30 days** of entry of this Order.

IT IS FURTHER ORDERED that Defendant must pay a civil penalty in the amount of \$2,354,593 pursuant to Section 21(d) of the Securities Exchange Act of 1934 ("Exchange Act"), Section 209(e) of the Investment Advisers Act of 1940 ("Advisers Act"), and Section 42(e) of the Investment Company Act of 1940 ("Investment Company Act"), 15 U.S.C. §§ 78u(d), 80b-9(e), and 80a-41(e), **within 30 days** of entry of this Order.

IT IS FURTHER ORDERED that Defendant is permanently enjoined from directly or indirectly violating Sections 206(1) and (2) of the Advisers Act; Section 13(a) of the Exchange Act and Exchange Act Rules 12b-20, 13a-1, and 13a-13; Section 14(a) of the Exchange Act and Exchange Act Rule 14a-9; Section 37 of the Investment Company Act; and Section 205(a) of the Advisers Act.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent