



Securities and Exchange Commission v. Pyatt et al

2020 | Cited 0 times | W.D. North Carolina | November 20, 2020

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff, v. MARK NICHOLAS PYATT, and WINSTON REED INVESTMENTS L.L.C.,

Defendants, and DANIEL GREGORY RANDOLPH,

Relief Defendant.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA

ASHEVILLE DIVISION DOCKET NO: 1:20-CV-00038-MOC-WCM

FINAL JUDGMENT AS TO DEFENDANT WINSTON REED INVESTMENTS LLC

The Securities and Exchange Commission having filed a Complaint and Defendant 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, as amended, 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. IT IS FURTHER ORDERED, ADJUDGED, AND



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DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or

participation with Defendant or with anyone described in (a).

II. IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 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 a material fact

or any omission of a material fact necessary in order to make the statements

made, in 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. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or

participation with Defendant or with anyone described in (a).

III. IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$255,850.00, jointly and severally with defendant Mark Nicholas Pyatt, representing profits gained as a result of the conduct alleged in the Complaint. restitution of \$255,850.00 entered against Mr. Pyatt in United States v. Mark Nicholas Pyatt

a/k/a Daniel G. Randolph, Crim. No. 1:20-cr-0016-MOC-WCM (W.D. N.C.).

IV. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant gives up all right, title, and interest in all assets held in brokerage or bank accounts, including those assets [Doc. No. # 18]; that such assets shall be remitted to the Clerk of the U.S. District Court for the District of Colorado; and that such assets shall be available to be used to satisfy the order of restitution entered in United States v. Mark Nicholas Pyatt a/k/a Daniel G. Randolph, Crim. No. 1:20-cr-0016-MOC-WCM (W.D. N.C.). Those assets include, without limitation a bank account opened in the name of Winston Reed Investments LLC with First International Bank and Trust ending with the



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number xxxxx4657.

Any person or institution holding any assets of Winston Reed Investments LLC shall remit all proceeds from those assets to the Clerk of the U. S. District Court for the Western District of North Carolina. Checks shall be made payable to the Clerk of the U. S. District Court and mailed to:

Clerk of the Court Western District of North Carolina 100 Otis Street, Room 309 Asheville, NC 28801

Name of Defendant: Winston Reed Investments LLC Court Number: 1:20-cr-0016-MOC-WCM

V. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that within 5 days after being served with a copy of this Final Judgment, First Interstate Bank & Trsut shall transfer the entire balance of the following bank account, held in the name of Winston Reed Investments LLC with account number ending in 4657, which were frozen pursuant to an Order of this Court, to the Clerk of the U. S. District Court for the Western District of North Carolina so such assets shall be available to be used to satisfy the order of restitution entered in United States v. Mark Nicholas Pyatt a/k/a Daniel G. Randolph, Crim. No. 1:20-CR-0016-MOC-WCM (W.D. N.C.).

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

VII. 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 Final Judgment.

VIII. 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.

SO ORDERED. Dated this 6 th

day of November, 2020.

