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ALAN S. WEINGER
Deputy Commissioner
JOYCE TSAI (SBN 241908)
Corporations Counsel
CALIFORNIA DEPARTMENT OF CORPORATIONS
1350 Front Street, Room 2034
San Diego, California 92101
Telephone: (619) 525-4043

Attorneys for the People of the State of California

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 18 2012

ALAN CARLSON, Clerk of the Court

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the CALIFORNIA CORPORATIONS COMMISSIONER,

Plaintiff,

vs.

FIRST FIDELITY ASSET GROUP, LLC, a Nevada limited liability company;
FIRST FIDELITY GROUP, LTD., an entity of unknown form;
JOSEPH LEKAR, an individual;
SIMON SHAW, an individual; and
STEFAN MISIRACA, an individual,

Defendants.

Case No.: 30-2012-00551672-CU-MC-CJC

[PROPOSED] JUDGMENT BY COURT AFTER DEFAULT

1. On March 6, 2012, Plaintiff, the California Corporations Commissioner (“Commissioner”), filed her Complaint for Permanent Injunction and Ancillary Relief for violation of an Order issued by the Commissioner.

2. The Complaint was brought pursuant to Corporations Code section 25530. It was based on Defendants First Fidelity Asset Group, LLC; First Fidelity Group, Ltd.; Joseph Lekar;

1 Simon Shaw; and Stefan Misiraca’s (collectively, “Defendants”) violation of the Order Imposing
2 Penalties and Ancillary Relief (“Order”) issued by the Commissioner on December 8, 2011.

3 3. The Order was based on the Statement in Support of Order Levying Administrative
4 Penalties Pursuant to Corporations Code section 25252; Claim for Ancillary Relief Pursuant to
5 Corporations Code section 25254; and Desist and Refrain Order (“Statement in Support”) that was
6 issued on April 5, 2011. The Statement in Support sought administrative penalties and ancillary
7 relief, and ordered Defendants to desist and refrain from violating Corporations Code section
8 25401. Defendants did not submit a Notice of Defense or otherwise request a hearing on the
9 Desist and Refrain Order, administrative penalties, or ancillary relief.

10 4. Having found that Defendants had not requested a hearing, the Commissioner
11 issued the Order. It ordered Defendants, jointly and severally, to pay the Commissioner the sum
12 of \$4,500.00 in administrative penalties for willfully violating Corporations Code sections 25110
13 and 25401. It also ordered Defendants, jointly and severally, to pay the Commissioner full
14 restitution consisting of investors’ investment principal, plus the legal rate of interest, in the total
15 amount of \$251,579.45. Finally, it ordered Defendants, jointly and severally, to pay
16 Commissioner attorney’s fees, investigative expenses, and costs in the amount of \$3,000.00.

17 5. Defendants did not seek reconsideration of the Order, file a writ of mandate, or
18 otherwise appeal the Order. Therefore, the Order is final.

19 6. Defendants did not make any of the payments ordered by the Commissioner.
20 Defendants did not contact the Department to request more time to comply with the Order.
21 Defendants are in violation of the Order. Therefore, the Commissioner filed the Complaint.

22 7. The Complaint was served on Defendants on March 8, 2012.

23 8. The Complaint sought to enjoin Defendants from violating an Order issued by the
24 Commissioner and compel Defendants to comply with the Order. The Complaint further sought
25 ancillary relief pursuant to Corporations Code section 25530, requiring Defendants to pay
26 administrative penalties in the amount of \$4,500.00, restitution and interest in the amount of
27 \$251,579.45, and fees and costs in the amount of \$3,000.00, in order to effectuate the terms of the
28 Order.

1 9. Defendants have not answered the Complaint. Default was entered against all
2 Defendants on June 8, 2012.

3 GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ADJUDGED, ORDERED
4 AND DECREED THAT JUDGMENT BE ENTERED AS FOLLOWS:

5 **I. INJUNCTIVE RELIEF**

6 DEFENDANTS and their agents, employees, attorneys in fact in their capacities as such,
7 and all persons acting in concert or participating with them, shall be and are hereby permanently
8 enjoined from violating the Order Imposing Penalties and Ancillary Relief; and

9 DEFENDANTS and their agents, employees, attorneys in fact in their capacities as such,
10 and all persons acting in concert or participating with them, shall be and are hereby ordered to
11 comply with the terms of the Order Imposing Penalties and Ancillary Relief.

12 **II. ANCILLARY RELIEF**

13 DEFENDANTS are hereby ordered, jointly and severally, to:

- 14 1. Pay the Commissioner \$4,500.00 in administrative penalties for Defendants’
- 15 violations of Corporations Code 25110 and 25401;
- 16 2. Pay restitution totaling \$200,00.00 to investors, plus the legal rate of interest
- 17 accumulated on the investment principal, in the amount of \$51,579.45, for a total of
- 18 amount of \$251,579.45; and
- 19 3. Reimburse Plaintiff \$3,000.00 for investigative expenses, attorney’s fees, and costs.

20 **III. THIS COURT TO RETAIN JURISDICTION**

21 This Court shall retain jurisdiction of this action in order to implement and carry out the
22 terms of all orders and decrees that may be entered herein or to entertain any suitable application
23 or motion by Plaintiff for additional relief within the jurisdiction of this Court.

24 IT IS SO ORDERED.

25 Dated: 7/18/12 _____
26 JUDGE OF THE SUPERIOR COURT