

1 ZACHARY T. CARLYLE
CarlyleZ@sec.gov
2 SECURITIES AND EXCHANGE COMMISSION
Byron G. Rogers Federal Building
3 1961 Stout Street, Suite 1700
Denver, Colorado 80294-1961
4 Telephone: (303) 844-1000
Facsimile: (303) 297-3529

5 LOCAL COUNSEL:
6 David J. VanHavermaat, Cal. Bar No. 175761
VanHavermaatD@sec.gov
7 SECURITIES AND EXCHANGE COMMISSION
444 S. Flower Street, Suite 900
8 Los Angeles, California 90071
Telephone: (323) 965-3213
9 Facsimile: (213) 443-1904

10 Attorneys for Plaintiff
Securities and Exchange Commission
11

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

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16 SECURITIES AND EXCHANGE
COMMISSION,

17 Plaintiff,

18 vs.

19 ROBERT YANG,
20 CLAUDIA KANO,
21 SUNCOR FONTANA, LLC,
22 SUNCOR HESPERIA, LLC, AND
SUNCOR CARE LYNWOOD, LLC

23 Defendants,

24 AND

25 YANROB'S MEDICAL, INC.,
26 HEALTHPRO CAPITAL PARTNERS, LLC,
AND SUNCOR CARE, INC.

27 Relief Defendants.
28

Case No. 5:15-cv-02387-SVW-KK

**CONSENT OF DEFENDANT
ROBERT YANG**

CONSENT OF DEFENDANT ROBERT YANG

1
2 1. Defendant Robert Yang (“Defendant”) acknowledges having been
3 served with the Amended Complaint in this action, enters a general appearance, and
4 admits the Court’s jurisdiction over Defendant and over the subject matter of this
5 action.

6 2. Without admitting or denying the allegations of the Amended Complaint
7 (except as provided herein in paragraph 11 and except as to personal and subject
8 matter jurisdiction, which Defendant admits), Defendant hereby consents to the entry
9 of the Judgment in the form attached hereto (the “Judgment”) and incorporated by
10 reference herein, which, among other things, permanently restrains and enjoins
11 Defendant from violations of Section 10(b) of the Securities Exchange Act of 1934
12 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder
13 [17 C.F.R. § 240.10b-5] and Section 17(a) of the Securities Act of 1933 (the
14 “Securities Act”) [15 U.S.C. § 77q(a)].

15 3. Defendant agrees that the Court shall order disgorgement of ill-gotten
16 gains, prejudgment interest thereon, and a civil penalty pursuant to Section 20(d) of
17 the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d) of the Exchange Act [15
18 U.S.C. § 78u(d)]. Defendant further agrees that the amounts of the disgorgement and
19 civil penalty shall be determined by the Court upon motion of the Commission, and
20 that prejudgment interest shall be calculated from September 15, 2012, based on the
21 rate of interest used by the Internal Revenue Service for the underpayment of federal
22 income tax as set forth in 26 U.S.C. § 6621(a)(2). Defendant further agrees that in
23 connection with the Commission’s motion for disgorgement and/or civil penalties,
24 and at any hearing held on such a motion: (a) Defendant will be precluded from
25 arguing that he did not violate the federal securities laws as alleged in the Amended
26 Complaint; (b) Defendant may not challenge the validity of this Consent or the
27 Judgment; (c) solely for the purposes of such motion, the allegations of the Amended
28 Complaint shall be accepted as and deemed true by the Court; and (d) the Court may

1 determine the issues raised in the motion on the basis of affidavits, declarations,
2 excerpts of sworn deposition or investigative testimony, and documentary evidence,
3 without regard to the standards for summary judgment contained in Rule 56(c) of the
4 Federal Rules of Civil Procedure. In connection with the Commission's motion for
5 disgorgement and/or civil penalties, the parties may take discovery, including
6 discovery from appropriate non-parties.

7 4. Defendant waives the entry of findings of fact and conclusions of law
8 pursuant to Rule 52 of the Federal Rules of Civil Procedure.

9 5. Defendant waives the right, if any, to a jury trial and to appeal from the
10 entry of the Judgment.

11 6. Defendant enters into this Consent voluntarily and represents that no
12 threats, offers, promises, or inducements of any kind have been made by the
13 Commission or any member, officer, employee, agent, or representative of the
14 Commission to induce Defendant to enter into this Consent.

15 7. Defendant agrees that this Consent shall be incorporated into the
16 Judgment with the same force and effect as if fully set forth therein.

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

20 9. Defendant waives service of the Judgment and agrees that entry of the
21 Judgment by the Court and filing with the Clerk of the Court will constitute notice to
22 Defendant of its terms and conditions. Defendant further agrees to provide counsel
23 for the Commission, within thirty days after the Judgment is filed with the Clerk of
24 the Court, with an affidavit or declaration stating that Defendant has received and
25 read a copy of the Judgment.

26 10. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims
27 asserted against Defendant in this civil proceeding. Defendant acknowledges that no
28 promise or representation has been made by the Commission or any member, officer,

1 employee, agent, or representative of the Commission with regard to any criminal
2 liability that may have arisen or may arise from the facts underlying this action or
3 immunity from any such criminal liability. Defendant waives any claim of Double
4 Jeopardy based upon the settlement of this proceeding, including the imposition of
5 any remedy or civil penalty herein. Defendant further acknowledges that the Court's
6 entry of a permanent injunction may have collateral consequences under federal or
7 state law and the rules and regulations of self-regulatory organizations, licensing
8 boards, and other regulatory organizations. Such collateral consequences include, but
9 are not limited to, a statutory disqualification with respect to membership or
10 participation in, or association with a member of, a self-regulatory organization. This
11 statutory disqualification has consequences that are separate from any sanction
12 imposed in an administrative proceeding. In addition, in any disciplinary proceeding
13 before the Commission based on the entry of the injunction in this action, Defendant
14 understands that he shall not be permitted to contest the factual allegations of the
15 Amended Complaint in this action.

16 11. Defendant understands and agrees to comply with the terms of 17 C.F.R.
17 § 202.5(e), which provides in part that it is the Commission's policy "not to permit a
18 defendant or respondent to consent to a judgment or order that imposes a sanction
19 while denying the allegations in the Amended Complaint or order for proceedings,"
20 and "a refusal to admit the allegations is equivalent to a denial, unless the defendant
21 or respondent states that he neither admits nor denies the allegations." As part of
22 Defendant's agreement to comply with the terms of Section 202.5(e), Defendant: (i)
23 will not take any action or make or permit to be made any public statement denying,
24 directly or indirectly, any allegation in the Amended Complaint or creating the
25 impression that the Amended Complaint is without factual basis; (ii) will not make or
26 permit to be made any public statement to the effect that Defendant does not admit
27 the allegations of the Amended Complaint, or that this Consent contains no admission
28 of the allegations, without also stating that Defendant does not deny the allegations;

1 (iii) upon the filing of this Consent, Defendant hereby withdraws any papers filed in
2 this action to the extent that they deny any allegation in the Amended Complaint; and
3 (iv) stipulates solely for purposes of exceptions to discharge set forth in Section 523
4 of the Bankruptcy Code, 11 U.S.C. §523, that the allegations in the Amended
5 Complaint are true, and further, that any debt for disgorgement, prejudgment interest,
6 civil penalty or other amounts due by Defendant under the Judgment or any other
7 judgment, order, consent order, decree or settlement agreement entered in connection
8 with this proceeding, is a debt for the violation by Defendant of the federal securities
9 laws or any regulation or order issued under such laws, as set forth in Section
10 523(a)(19) of the Bankruptcy Code, 11 U.S.C. § 523(a)(19). If Defendant breaches
11 this agreement, the Commission may petition the Court to vacate the Judgment and
12 restore this action to its active docket. Nothing in this paragraph affects Defendant's:
13 (i) testimonial obligations; or (ii) right to take legal or factual positions in litigation or
14 other legal proceedings in which the Commission is not a party.

15 12. Defendant hereby waives any rights under the Equal Access to Justice
16 Act, the Small Business Regulatory Enforcement Fairness Act of 1996, or any other
17 provision of law to seek from the United States, or any agency, or any official of the
18 United States acting in his or her official capacity, directly or indirectly,
19 reimbursement of attorney's fees or other fees, expenses, or costs expended by
20 Defendant to defend against this action. For these purposes, Defendant agrees that
21 Defendant is not the prevailing party in this action since the parties have reached a
22 good faith settlement.

23 13. In connection with this action and any related judicial or administrative
24 proceeding or investigation commenced by the Commission or to which the
25 Commission is a party, Defendant (i) agrees to appear and be interviewed by
26 Commission staff at such times and places as the staff requests upon reasonable
27 notice; (ii) will accept service by mail or facsimile transmission of notices or
28 subpoenas issued by the Commission for documents or testimony at depositions,

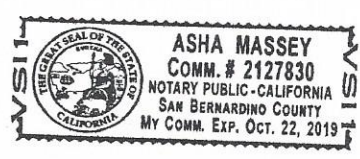
1 hearings, or trials, or in connection with any related investigation by Commission
2 staff; (iii) appoints Defendant's undersigned attorney as agent to receive service of
3 such notices and subpoenas; (iv) with respect to such notices and subpoenas, waives
4 the territorial limits on service contained in Rule 45 of the Federal Rules of Civil
5 Procedure and any applicable local rules, provided that the party requesting the
6 testimony reimburses Defendant's travel, lodging, and subsistence expenses at the then-
7 prevailing U.S. Government per diem rates; and (v) consents to personal jurisdiction
8 over Defendant in any United States District Court for purposes of enforcing any
9 such subpoena.

10 14. Defendant agrees that the Commission may present the Judgment to the
11 Court for signature and entry without further notice.

12 15. Defendant agrees that this Court shall retain jurisdiction over this matter
13 for the purpose of enforcing the terms of the Judgment.

14
15 Dated: 6/8/16
16 [Signature]
17 Robert Yang

18 On June 8, 2016, Robert Yang, ~~a person known to me~~, personally
19 appeared before me and acknowledged executing the foregoing Consent.



20 [Signature]
21 Notary Public
22 Commission expires: OCT. 22, 2019

23 Approved as to form:
24
25 _____
26 Mark Hiraide, Esq.
27 Mitchell Silberberg & Knupp LLP
28 11377 W. Olympic Blvd.
Los Angeles, CA 90064
Attorney for Defendant

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**SECURITIES AND EXCHANGE
COMMISSION,**
Plaintiff,

vs.

**ROBERT YANG,
CLAUDIA KANO,
SUNCOR FONTANA, LLC,
SUNCOR HESPERIA, LLC, AND
SUNCOR CARE LYNWOOD, LLC**
Defendants,

AND

**YANROB'S MEDICAL, INC.,
HEALTHPRO CAPITAL PARTNERS, LLC,
AND SUNCOR CARE, INC.**
Relief Defendants.

Case No. 5:15-cv-02387-SVW (KKx)

**JUDGMENT AS TO DEFENDANT
ROBERT YANG**

JUDGMENT AS TO DEFENDANT ROBERT YANG

The Securities and Exchange Commission having filed an Amended Complaint and Defendant Robert Yang having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the Amended

1 Complaint (except as to jurisdiction and except as otherwise provided herein in
2 paragraph V); waived findings of fact and conclusions of law; and waived any right
3 to appeal from this Judgment:

4 **I.**

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is
6 permanently restrained and enjoined from violating, directly or indirectly, Section
7 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. §
8 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using
9 any means or instrumentality of interstate commerce, or of the mails, or of any
10 facility of any national securities exchange, in connection with the purchase or sale of
11 any security:

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

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

24 **II.**

25 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
26 Defendant is permanently restrained and enjoined from violating Section 17(a) of the
27 Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale
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1 of any security by the use of any means or instruments of transportation or
2 communication in interstate commerce or by use of the mails, directly or indirectly:

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

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

16 **III.**

17 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
18 Defendant shall pay disgorgement of ill-gotten gains, prejudgment interest thereon,
19 and a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C.
20 § 77t(d)] and Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)]. The Court
21 shall determine the amounts of the disgorgement and civil penalty upon motion of the
22 Commission. Prejudgment interest shall be calculated from September 15, 2012,
23 based on the rate of interest used by the Internal Revenue Service for the
24 underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2). In
25 connection with the Commission's motion for disgorgement and/or civil penalties,
26 and at any hearing held on such a motion: (a) Defendant will be precluded from
27 arguing that he did not violate the federal securities laws as alleged in the Amended
28

1 Complaint; (b) Defendant may not challenge the validity of the Consent or this
2 Judgment; (c) solely for the purposes of such motion, the allegations of the Amended
3 Complaint shall be accepted as and deemed true by the Court; and (d) the Court may
4 determine the issues raised in the motion on the basis of affidavits, declarations,
5 excerpts of sworn deposition or investigative testimony, and documentary evidence,
6 without regard to the standards for summary judgment contained in Rule 56(c) of the
7 Federal Rules of Civil Procedure. In connection with the Commission's motion for
8 disgorgement and/or civil penalties, the parties may take discovery, including
9 discovery from appropriate non-parties.

10 IV.

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

15 V.

16
17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for
18 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,
19 11 U.S.C. § 523, the allegations in the Amended Complaint are true and admitted by
20 Defendant, and further, any debt for disgorgement, prejudgment interest, civil penalty
21 or other amounts due by Defendant under this Judgment or any other judgment,
22 order, consent order, decree or settlement agreement entered in connection with this
23 proceeding, is a debt for the violation by Defendant of the federal securities laws or
24 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of
25 the Bankruptcy Code, 11 U.S.C. § 523(a)(19).

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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.

Dated: _____, 2016.

STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE