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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

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13 SECURITIES AND EXCHANGE COMMISSION,  
14 Plaintiff,  
15 vs.  
16 ELIZABETH ANNE HOLMES and THERANOS,  
INC.  
17 Defendants.

Case No. 18-1602 EJD

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19 **FINAL JUDGMENT AS TO DEFENDANT THERANOS, INC.**

20 The Securities and Exchange Commission having filed a Complaint and Defendant  
21 Theranos, Inc. having entered a general appearance; consented to the Court's jurisdiction over  
22 Defendant and the subject matter of this action; consented to entry of this Final Judgment  
23 without admitting or denying the allegations of the Complaint (except as to jurisdiction);  
24 waived findings of fact and conclusions of law; and waived any right to appeal from this Final  
25 Judgment:

26 I.

27 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
28 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the

1 Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5  
2 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of  
3 interstate commerce, or of the mails, or of any facility of any national securities exchange, in  
4 connection with the purchase or sale of any security:

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

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

16 II.

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

- 22 (a) to employ any device, scheme, or artifice to defraud;
- 23 (b) to obtain money or property by means of any untrue statement of a material  
24 fact or any omission of a material fact necessary in order to make the  
25 statements made, in light of the circumstances under which they were made,  
26 not misleading; or

1 (c) to engage in any transaction, practice, or course of business which operates or  
2 would operate as a fraud or deceit upon the purchaser.

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

8 III.

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

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14 Dated: March 27, 2018



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16 UNITED STATES DISTRICT JUDGE  
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