

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

JAMES FREDERICK WALSH,

Defendant.

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1:20-CV-725-RP

FINAL JUDGMENT

Before the Court is the above entitled cause of action. On this day, the Court granted Commodity Futures Trading Commission's (the "CFTC") motion for a default judgment, (Dkt. 19), as to Defendant James Frederick Walsh ("Walsh"). Accordingly, the Court renders final judgment pursuant to Federal Rule of Civil Procedure 58.

Accordingly, **IT IS ORDERED** that:

Walsh, his officers, agents, servants, employees, successors, assigns, and/or attorneys, and all persons in active concert or participation with Walsh who receive actual notice of this Order by personal service or otherwise, is/are hereby permanently restrained, enjoined, and prohibited from engaging in conduct that violates Sections 4b(a)(2)(A) and (C), 4m(l), and 4o(1)(A) and (B) of the CEA, 7 U.S.C. §§ 6b(a)(2)(A), (C), 6m(l), 6o(1)(A), (B), and CFTC Regulations 5.2(b)(1) and (3), and 5.3(a)(3)(i), 17 C.F.R. §§ 5.2(b)(1), (3), 5.3(a)(3)(i).

Walsh, his officers, agents, servants, employees, successors, assigns, and/or attorneys, and all persons in active concert or participation with Walsh who receive actual notice of this Order by personal service or otherwise, is/are hereby permanently restrained, enjoined, and prohibited from, directly or indirectly:

- A. Entering into any transactions involving “commodity interests” (as that term is defined in Regulation 1.3(yy), 17 C.F.R. § 1.3(yy) (2018)), for accounts held in Walsh’s name or for accounts in which Walsh has a direct or indirect interest;
- B. Having commodity interests traded on Walsh’s behalf;
- C. Controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity interests;
- D. Soliciting or accepting funds from any person for any purpose related to trading forex or any other commodity interest;
- E. Applying for registration or claiming exemption from registration with the CFTC in any capacity, and engaging in any activity requiring such registration or exemption from registration with the CFTC except as provided for in CFTC Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9); and
- F. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a)), agent, or any other officer or employee of any person registered, exempted from registration, or required to be registered with the CFTC except as provided for in CFTC Regulation 4.14(a)(9).

IT IS FURTHER ORDERED that:

Pursuant to Section 6c(d)(1)(A) of the CEA, 7 U.S.C. § 13a-1(d)(1)(A), Walsh shall pay a civil monetary penalty in the amount of \$555,726 (i.e., \$185,242 for each of the three counts in the Complaint). Walsh shall pay the civil monetary penalty within ten days of the date of the entry of this Order. If the civil monetary penalty is not paid in full within ten days of the date of entry of this Order, then post-judgment interest shall accrue on that amount beginning on the date of entry of this Order and shall be determined by using the Treasury Bill rate prevailing on the date of entry of

this Order pursuant to 28 U.S.C. § 1961. Walsh shall pay the civil monetary penalty by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order. If payment is to be made other than by electronic funds transfer, then the payment shall be made payable to the Commodity Futures Trading Commission and sent to the address below:

MMAC/ESC/AMK326
Commodity Futures Trading Commission
Division of Enforcement
6500 S. MacArthur Blvd.
Oklahoma City, OK 73169
(405) 954-6569 office
(405) 954-1620 fax
9-AMC-AR-CFTC@faa.gov

If payment by electronic funds transfer is chosen, Walsh shall contact Marie Thorne or her successor at the address above to receive payment instructions and shall fully comply with those instructions. Walsh shall send payment of the civil monetary payment with a cover letter that includes his name, and docket number of this proceeding. Walsh shall simultaneously transmit copies of the cover letter and the form of payment to:

Chief Financial Officer
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, D.C. 20581

IT IS FURTHER ORDERED that:

Acceptance by the Commission of any partial payment of Walsh's civil monetary penalty shall not be deemed a waiver of Walsh's obligation to make further payments pursuant to this Order, or a waiver of the CFTC's right to seek to compel payment of any remaining balance.

The injunctive and equitable relief provisions of this Order shall be binding upon Walsh, upon any person under the authority or control of Walsh, and upon any person who receives actual notice of this Order, by personal service, email, facsimile, or otherwise insofar as he or she is acting in active concert or participation with Walsh.

All notices required to be given by any provision in this Order shall reference the name and docket number of this action and shall be sent certified mail, return receipt requested, to both the following individuals:

Tobias Fischer
Commodity Futures Trading Commission
1155 21st Street, N.W.
Washington, D.C. 20581

Timothy J. Mulreany
Commodity Futures Trading Commission
1155 21st Street, N.W.
Washington, D.C. 20581

IT IS FINALLY ORDERED that this Court shall retain jurisdiction of this action to ensure compliance with this Order and for all other purposes related to this action, including any motion by Walsh to modify, or for relief from, the terms of this Order.

This case is now **CLOSED**.

SIGNED on May 24, 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE