

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Securities and Exchange Commission

v.

Case No. 21-cv-260-PB

LBRY, Inc.

FINAL JUDGMENT

On November 7, 2022, the Court granted Plaintiff Securities and Exchange Commission’s Motion for Summary Judgment (Doc. 55) and found Defendant LBRY, Inc. (“LBRY”) liable for violating Section 5 of the Securities Act of 1933. See Doc. 86. The Commission has moved this Court for entry of Final Judgment. Accordingly, the Court enters judgment as follows:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that LBRY is permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;

- b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [[15 U.S.C. § 77h](#)].

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 receive actual notice of this Final Judgment by personal service or otherwise: (a) LBRY's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with LBRY or with anyone described in (a).

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Section 21(d)(5) of the Exchange Act [[15 U.S.C. § 78u\(d\)\(5\)](#)] LBRY is permanently restrained and enjoined from participating, directly or indirectly, in any unregistered crypto asset securities offering.

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 receive actual notice of this Final Judgment by personal service or otherwise: (a) LBRY's officers, agents, servants, employees, and attorneys; and (b) other persons in active concert or participation with LBRY or with anyone described in (a).

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that LBRY shall pay a civil penalty in the amount of \$111,614 to the Securities and Exchange Commission pursuant to Section 20(d)(1) of the Securities Act [[15 U.S.C. § 77t\(d\)\(1\)](#)]. LBRY shall make this payment within 30 days after entry of this Final Judgment.

LBRY may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. LBRY may also

pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center
Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; LBRY as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment.

LBRY shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, LBRY relinquishes all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to LBRY. The Commission shall send the funds paid pursuant to this Final Judgment to the United States Treasury.

The Commission may enforce the Court's judgment for penalties by the use of all collection procedures authorized by law, including the Federal Debt Collection Procedures Act, [28 U.S.C. § 3001 et seq.](#), and moving for civil contempt for the violation of any Court orders issued in this action. LBRY shall pay post-judgment interest on any amounts due after 30 days of the entry of this Final Judgment pursuant to [28 USC § 1961](#).

IV.

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.

SO ORDERED.

/s/ Paul J. Barbadoro
Paul J. Barbadoro
United States District Judge

July 11, 2023

cc: Counsel of Record