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 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION  
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16 SECURITIES AND EXCHANGE COMMISSION,  
 17 Plaintiff,  
 18 vs.  
 19 SIVANNARAYANA BARAMA,  
 20 Defendant.

Case No. 19-CV-08207-RS

[PROPOSED] FINAL JUDGMENT AS TO  
 DEFENDANT SIVANNARAYANA BARAMA

**AS MODIFIED BY THE COURT**

Hon. Richard Seeborg, Chief Judge

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 22  
 23 Plaintiff Securities and Exchange Commission (“SEC”) moved for summary judgment on its  
 24 claims that Defendant Sivannarayana Barama (“Defendant” or “Barama”) violated Section 10(b) of  
 25 the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5  
 26 promulgated thereunder [17 C.F.R. § 240.10b-5], based on the preclusive effect of the judgment  
 27 against Defendant in the related, criminal case, entitled *United States v. Sivannarayana Barama*, No.  
 28 19-CR-00463-RS (N.D. Cal.). Defendant Barama was charged in the related criminal case with

1 violations of criminal securities fraud under 18 U.S.C. § 1348(2), based on Defendant's use of  
2 material nonpublic information provided to him by an insider, former Defendant Janardhan Nellore  
3 ("Nellore"), to trade illegally in the securities of Palo Alto Networks, Inc. ("PANW") ahead of four  
4 quarterly earnings announcements by the company on November 21, 2016, February 28, 2017, May  
5 31, 2017, and August 31, 2017. The SEC in this action alleges that Defendant Barama violated  
6 Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R.  
7 § 240.10b-5], by his trading in the securities of PANW on the basis of material nonpublic  
8 information provided to him by Nellore, ahead of the same four earnings announcements, and  
9 illegally profited in the amount of \$6,283,079. The SEC seeks a judgment against Barama with a  
10 permanent injunction, disgorgement, and prejudgment interest.

11 The Court finds that the record and evidence presented in the criminal case against Defendant  
12 Barama precludes relitigation of Defendant's liability here, and the SEC's motion for summary  
13 judgment is, therefore, GRANTED, with the relief ordered below:

14 I.

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

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

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as provided in Federal  
27 Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the following who receive  
28 actual notice of this Final Judgment by personal service or otherwise: (a) Defendant's officers,

1 agents, servants, employees, and attorneys; and (b) other persons in active concert or participation  
2 with Defendant or with anyone described in (a).

3 II.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for  
5 disgorgement of \$6,283,079, representing profits gained as a result of Defendant's illegal trading,  
6 together with prejudgment interest thereon in the amount of \$2,179,658. The Court finds that  
7 sending the disgorged funds to the United States Treasury, as ordered below, is consistent with  
8 equitable principles. Defendant shall satisfy these obligations by paying \$8,462,737 to the Securities  
9 and Exchange Commission within 30 days of any final disposition of the appeal in the related,  
10 criminal case, entitled *United States v. Sivannarayana Barama*, No. 19-CR-00463-RS (N.D. Cal.)  
11 that does not effect a reversal of the judgment in that action.

12 Defendant may transmit payment electronically to the Commission, which will provide  
13 detailed ACH transfer/Fedwire instructions upon request. Payment may also be made directly from  
14 a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>.  
15 Defendant may also pay by certified check, bank cashier's check, or United States postal money  
16 order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

17 Enterprise Services Center  
18 Accounts Receivable Branch  
19 6500 South MacArthur Boulevard  
Oklahoma City, OK 73169

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

23 Defendant shall simultaneously transmit photocopies of evidence of payment and case  
24 identifying information to the Commission's counsel in this action. By making this payment,  
25 Defendant relinquishes all legal and equitable right, title, and interest in such funds and no part of  
26 the funds shall be returned to Defendant. The Commission shall send the funds paid pursuant to this  
27 Final Judgment to the United States Treasury.  
28

1 The Commission may enforce the Court’s judgment for disgorgement and prejudgment  
2 interest by using all collection procedures authorized by law, including, but not limited to, moving  
3 for civil contempt at any time after 30 days following any final disposition of the appeal in the  
4 related, criminal case, entitled *United States v. Sivannarayana Barama*, No. 19-CR-00463-RS (N.D.  
5 Cal.) that does not effect a reversal of the judgment in that action.

6 Post judgment interest on this Final Judgment shall accrue from this date of entry pursuant to  
7 28 U.S.C. § 1961.

8 III.

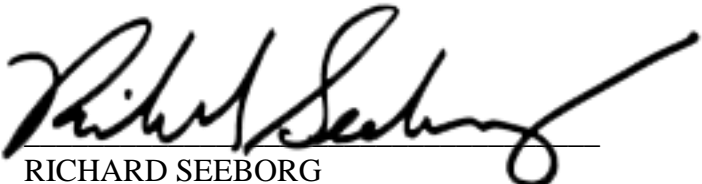
9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain  
10 jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

11 IV.

12 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil  
13 Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

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15 IT IS SO ORDERED.

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18 Dated: July 25, 2024

19   
20 RICHARD SEEBORG  
21 Chief United States District Judge  
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