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FILED
Clerk of the Superior Court

NOV 15 2013

By: L. SAN NICOLAS, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the CALIFORNIA CORPORATIONS COMMISSIONER

Plaintiff,

vs.

RMC CAPITAL MANAGEMENT, INC., a California corporation; BURGESS NATHANIEL HALLUMS, an individual; INNOVATION FUND 2000, LLC, a California limited liability company; SEGUE CAPITAL, INC., a California corporation; PACIFIC PHOENIX COMMUNITIES, LLC, a California limited liability company; DAVID W. HOPTAR, an individual; and DOES 1-10, inclusive,

Defendants,

and

IMMCAPNMOTION, INC., a Delaware corporation; MISTNET MEDICAL DEVICES, INC., a Delaware corporation; MAGNETO INERTIAL SENSING TECHNOLOGY, INC., aka, MIST, a Nevada corporation; MIST NET, INC., an entity of unknown form; MIST, INC., an entity of unknown form; THORNTON CAPITAL ADVISORS, INC., a California corporation; DONALD J. COURTNEY, an individual; WALLACE BENWARD, an individual; and RELIEF DOES 1-10, inclusive,

Relief Defendants.

Case No.: 37-2011-00103198-CU-MC-CTL

**[proposed] FINAL JUDGMENT
PURSUANT TO SETTLEMENT
AGREEMENT AND STIPULATION TO
DISMISS WITHOUT PREJUDICE RELIEF
DEFENDANT DONALD J. COURTNEY**

IMAGED FILE

ASSIGNED FOR ALL PURPOSES TO:
HON. WILLIAM S. DATO

Dept: C-67

Date Action Filed: December 30, 2011

**[proposed] FINAL JUDGMENT PURSUANT TO SETTLEMENT AGREEMENT AND STIPULATION TO
DISMISS WITHOUT PREJUDICE RELIEF DEFENDANT DONALD J. COURTNEY**

1 Plaintiff, the People of the State of California, by and through the California Commissioner
2 of Business Oversight, formerly the Commissioner of Corporations (“Plaintiff”), on or about May
3 2, 2012, filed a Second Amended Complaint in the San Diego Superior Court against Defendants
4 RMC Capital Management, Inc., Burgess Hallums, Innovation Fund 2000, LLC, Segue Capital,
5 Inc., Pacific Phoenix Communities, LLC, David Hoptar and Does 1-10, in this case, for violating
6 the Corporate Securities Law of 1968 (Corp. Code, § 25000 et seq.) (“CSL”), and against Relief
7 Defendant Donald J. Courtney, among other relief defendants, for receiving ill-gotten gains from
8 defendants’ unlawful activities. Attached hereto as **Exhibit 1** and incorporated herein by reference
9 is a true and correct copy of the Second Amended Complaint.

10 Relief Defendant Donald J. Courtney, without admitting or denying the allegations
11 contained in the Second Amended Complaint, has sought to resolve the Plaintiff’s concerns by
12 entering into the Settlement Agreement and Stipulation to Dismiss without Prejudice Relief
13 Defendant Donald J. Courtney (“Agreement”), and in case of default of the Agreement, the
14 [proposed] Final Judgment Pursuant to Settlement Agreement (“Final Judgment”). Attached
15 hereto as **Exhibit 2** and incorporated herein by reference is a true and correct copy of the
16 Agreement.

17 **PURSUANT TO STIPULATION OF THE PARTIES AND GOOD CAUSE**
18 **APPEARING THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**
19 **THAT:**

20 1. In accordance with the provisions of Paragraphs I. and J. of the Agreement, Relief
21 Defendant Donald J. Courtney is now in default, such that the Final Judgment shall be entered in
22 favor of Plaintiff and against Relief Defendant Donald J. Courtney. Relief Defendant Donald J.
23 Courtney shall be liable to the Plaintiff for a judgment in the amount of twenty-one thousand, four
24 hundred fourteen dollars and ninety-three cents (\$21,414.93), less any amounts paid, of which
25 twenty-one thousand, four hundred fourteen dollars and ninety-three cents (\$21,414.93) is to be
26 paid in constructive trust.

27 2. Interest shall accrue on the Final Judgment at the legal rate per annum pursuant to
28 Code of Civil Procedure section 685.010, until said amount is paid in full.

1 3. This Court shall retain jurisdiction of this action in order to implement and carry
2 out the terms of all orders and decrees that may be entered herein or to entertain any suitable
3 application or motion by Plaintiff for additional relief within the jurisdiction of this Court.

4 **IT IS SO ORDERED:**

5
6 DATED: 11/15/13

WILLIAM S. DATO
JUDGE OF THE SUPERIOR COURT