Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Page 1of 22 PagelD: 143

* Case 3:15-cv-07118-AET-LHG Document 7 Filed 09/28/15 Page 1of 14 PagelD: 104

UNrrBD STATES DISTRICT COT DISTRICT OF NEW JERSEY

*)*

C.A.·No.\_.\_

SBCURITIES AND EXCHANGE COMMISSION,

* Plainti

v.

.... .

*DONAW* R. TBSCHBR. et al.,

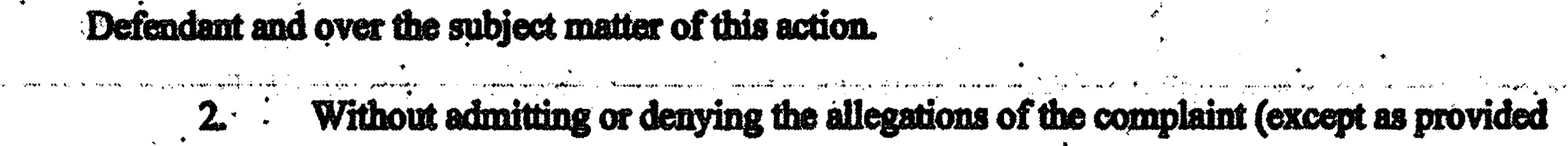
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·CONS O:FDD'ENDANT DONALD.R. TE

* + 1. Defendant Donald.R. Tescber ("Defendant") waives service of a summons aild

the compJaint in . action. enteri a general appearance, a1icl adinita the s urisdiction over



herein inparaaraph ·12and..except as to PerDu.l and subjectmatter ction, which

. Defendant adm.. its), Defendant here.by eonsents *to* the entry of the fin*.r*al Judgmcat inthe fomi

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attached he!eto (tho "Fmal Jmit") and incoJporated reference herein, which, among other

tbjnp:



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IO(b) and 14(e) ofthe Securities change Act of t934 ("Rxchange *Act?* ··

[lSU.S.C.§§ 78j(b) and 78n{e)) and Rules lOb-S ind 14&-3 thereunder [17 C.F.R.·\*§240.lOb-S and.240. 14e-3);

(b) · orders DefeDdapt tO disgorgement inthe amount of $9,'!J7,plus · prejudgment interest thereon intheamount of $690;and

1.

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* Case 3:15-cv-07118-AET-LHG Document 7 Filed 09/28/15 Page 2 of 14 PagelD: 105

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1. orders Deto pay a civil penalty in1heamount of $9,937 under ·

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Section 21A of tbe Exchange Act [ISU.S.C.§ 78u-1].

. "

1. Defendant agrees that he shall not se.ek or accept, dii'ectly or indirectly,

reimbqrsemmt or jndernnJfic.atioo from. any source, includilig but not limitedto payment made pursuant to any insurance policy,withregardto any civil penalty amounts that Defemlant pays pursuant *to* the Final Judgment. regardless ofwhether suchpenalty amounts or any part tbereo

are added to a distributi0a fund or otherwise used for the benefit of investon. ·DefeDdant fbrther

agrees that be shall not claim, assert, or apply for atax deduction or tax ciedit with regard to .,.y

·federal, stale, or local tax for any penalty .amothat Defendant pays pursuant.to the Final

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·.Judplent. ess of wbetlm·sUchpenalty amOUDts any part thereof are addedto a

diStribldi fund or otherwise used for.the benefit of investors..

1. Defendant tectP that the Court is not imposinga ciyil penalty in excess

·of$9,937 based on DefeQdant'scooperation ina Commi•on inwsdptio.n and/ormated

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action.

eonsents that ifat an1time followin& the eJl1rJ otthe rrma1

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Judgment Commiaion obtains infomuttion incticatins that Defendant lmowinalY pm,videcl

materially false or mislead infonnation or materials to the Commission or inarelated

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iJroceedin& the Commission may, at its sole OD am without prior notice to the Defendant;.

petitionthe ·for an order requiring Defendant·topay an additional civilpenalty. In

. ·connection with the Commission' smotion for civilpenal1ies, and at any hcmin1held on such a motion: (a) Defendant Will be preCtuded from arguing that hedid not viol8te the federal securities laws as alleged in the Complamt; (b) Defendant may not challenge the validity ofthe Judgment, this Consent, or any related Undertakings; (c) the of the cOmp solely for purposes of' motion, shall beaccepted as and deemed 1rueby the Court; and (d) the

. 2

Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Page 3 of 22 PagelD: 145

* Case 3:15-cv-07118-AET-Lf:iG Document 7 Filed 09/28/15 Page 3 of 14 PagefD: 106

CoUl'.lmay deterlnine the issuos raised inthe motionon the basis of affidavits, declarations, excapCB of sworn deposi or investigative testimony, anddocumentary evidence without reprdto the standards for SUIDID8I)' judsment CODtaiDecl inRule S6(c) ofthe Federal Rules of

Civil Procedme. Under these cireumstances, theparties may tab discovery,including disc.overy

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* + S. Defendant waives die Ol1tlJ of ftnclinp of fact and conclusiom of lawpursuant *to*

Rule *52* ofthe Federal Rules of Civil Procedme.

*6.* Defendant waives the right, ifany, to ajury 11'.:ial and to appeat iom the 011t1J of.

the FinalJudgment.

,7. Defendant enters into thia CODSeDt volmdarily and 1epieaerd8 that DO tbieats,

o1l\n, promises, or inducementa of any kind haw been made by. the Conmrission or any .,. " member.ofticer,employee, apnt, or representative of the Cc>mmissiou to incluce Dcfendaul to enter into this C.onsent.

1. Defendant lllW that tbia Consent shall be incorpomtecl into the Final Judpent

withthe same foJCe and effect as if 1blly set forththerein.

1. · Defendant willnot oppose the enforcement of the Final Judgment on the ground,

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if any exists, that itfails to comply with Rule 6S(d) ofthe Fedeml Rules of Civil Proceclme. and

hereby waives any objection basedthereon. "

1. Defendant waives aonrice of the Fm' al Judgment andaglees that entry of the Pinal Judgment by the Court and filina with the Cleit of the Court wiD constitute notice to Defendant . of its terms and conditions. Defendant fbrtber aarees to provide counsel for the Commission, within thirty days after the Final Judgment is filed widl the Clerk of die Court, with an aftidavit

or declaration stating dud Defendant bu received and read acopy of the Fm'

al Judgment.

3

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* Case 3:15-cv-07118-AET-LHG Document 7· Filed 09/28/15 Page 4 of 14 PagelD: 107 ·

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11.· Consistent with 17 C.P.R. §202.S(f), tbis.ConsCnt reso.lves only the Claims

issertedaPmst Defendnt inthis.civil Ing ldatotbalt nopromise or

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. · 1ep1esmtation has beenmade by the Cnmnrission or any. 'otlicer,Cmployee, agent, 0r

w f the·C!ommissic>n with regmd *to* any al li8bility that may have arisen or

may arise JiOm the faclB underlyina this aidon or immuDitJ tiom any criniinal liabilitJ.

. Defendant waives any.claim of DoubleJeopardy uponthe eat.of tbia .... including the imposition of miy relnedy or civil penalty berebi. Defmctant fiD1h'4' ·

that the Court'sentry of apermanent on may have collateral UDder federal

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or state law and the rutes and ieguJatiOns of self-regulatory orpnimions, 1icensina boards, and

other regulatoJy organiZa.tions. Suchcollateral consequences but are·n limitedto, a

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·are seParate ·&om any sandion imposed inin administrBtive ins ..In addition, inany.

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·disciplinary procttdin1bcfme thoCommission based 0n the.eatry of the inJuDction inthis

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action. Defendant understands that he shall not be pcumitmd to contest factual allegations. of the cOmplaint inthis actiOn. ,.

12 · Defendant understands and agrees to comply with the of 17 CJl.R.

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§202.S(e), which provides inpaaUbat it is fhe·Cmmnission'spolicy "not to permit a cle&mcJarit

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o.r respondent to consent to ajudgm. ent or order that imposes a sanction wbUe denying th.e

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·allegati inthe complaint or Older for poceerlinp,"and "'aietbsal to admit the allegations is equivalent to a denial, unless the defendant or JeSpODdent stama that heneither admits nor denies the alleptiona." A:s part of Pefendaut'a agreeineDt to comj>ly wid;i the terms of Section 202.S(e),

. Defendant: (i) will 'not ..any on ormah or permit to bemade any public stalemmt

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Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Pa\_ae 5 of 22 Page1Il: 147 .

* Case 3:15-cv-07118-AET-LHG Document 7. Filed 09/28/15 Page s-of 14 Page1.D. 1oa

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coiswithoqt.factual basis;(b)willnot nlake plrmit *to* be made anypublic"statemeat

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to the eJfect that Derem1aat does not 8dmit the allegations of the orM ·Consent.

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* contains no admission of the a119aons, without Defendant does not deny the

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(th)upon.·tbe filing of thii Consent, DefCDdant bmeby withdraw.s IDJpapen. filed' bi

tbi8 actioa tc> the.

that they clCnJ 811)' allegation inthe Coniplaint; 8nd (iv) stipulates solely

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for purpo•i,of ex.ceptiona to discbarp set forth inSection S23 of,tbe Bankruptcy Code, 11 .·

. us. .§523,that the anepdons in the complaint aretrue, and .that .ii,debt tor .

·disgorgement, prejudsment iutmeaa, civil penahy or other amoUnt8 by Defendant under the. \ *:*

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Final Jndlment or otherj utgment, order,consent order, decree or:settleme.n,t agaeema¢ . . ·

* in connoctkm th :pioeeedm,. isadebt fbrtbe violatlmbJ of the .

securities Jaws or any ieauJation.or Order issUed suCh lawl, as set forth in Section ·

S23(a)(19Jof tho Banlauptcy Code, 11U.S.C. §S23(aj{19). If DcfendaaUnachesthis

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agreemA the Commission *fDliJ* }letition the Court *to* vacate die Pinal Jlutgmeot and restore this ·

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·obligations; or (d) right to take legal or filctua1positions litigation or other legal·proceedings· ·

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13. Defendant 1-ebywaives any rights under the Accesa to Justice Act, dJe Small B•'Sinns Regulatory Enforcement Fairness.Act of 1996, or any other pmvisionof law to seek fi:Om the United States, 0r any agency, any ot1i ofthe United States acting hia or ·

* her official capacity, directly or indirectly of attomey'i fees or other tees.

1. eXpmses, or costs eX.,ended by to defend apinst this action. For thes8 pmposes, .

*s*

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* + . Case 3:15-cv-07118-AET-LHG Doc;ument 7 Filed 09/28115 Page s·of 14 PagelD: 109

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. Defendant agree.a tbat Defendant isnot the prevailing'party inthis action smce tho panicshave

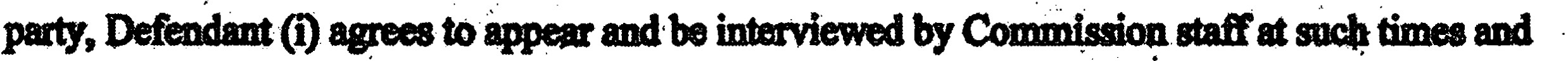
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tnmsmiuion .of D01icea or subpoenas issued by the Commission.for 1ta *ot* testimony .at

depositions, hearings, r or connection th Oyre on by Commission

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. statl;.(W. appoints Defendant's undenipecl attomey •agent to receive selvice of suchnotices

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and subpoenia; (IV) with respect *to* such'. notices subpoenas, waives thO territorial limits OD

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personal jurisdiction ovs· ant inany U States DiitridCourt for purposes of

enfOJdn& any such subpoena. .

* + - · IS. Defendant ap.that the Commission inay present the Final Judimem to the

. Coult for sipah.ue and en1ry without 1brther notice.·

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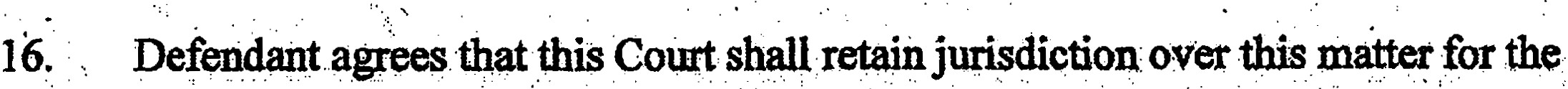
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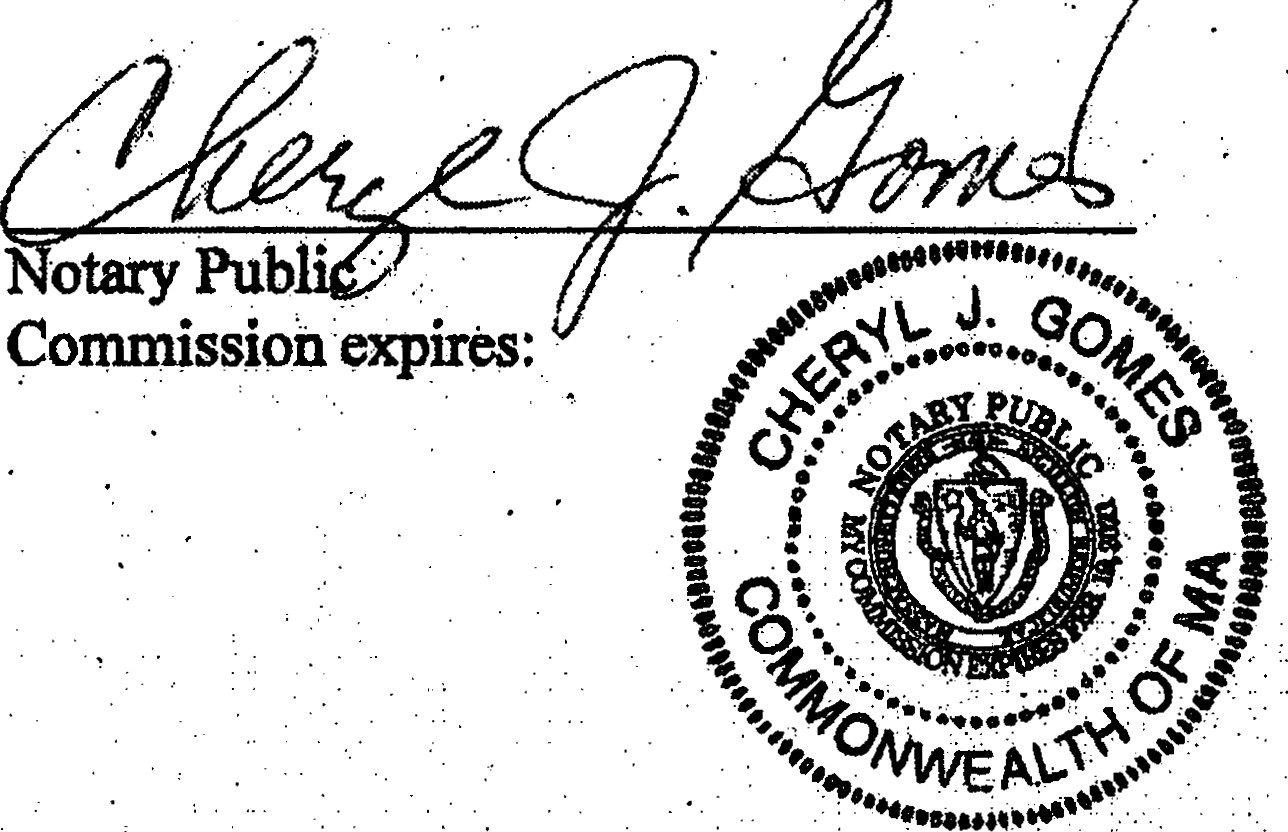
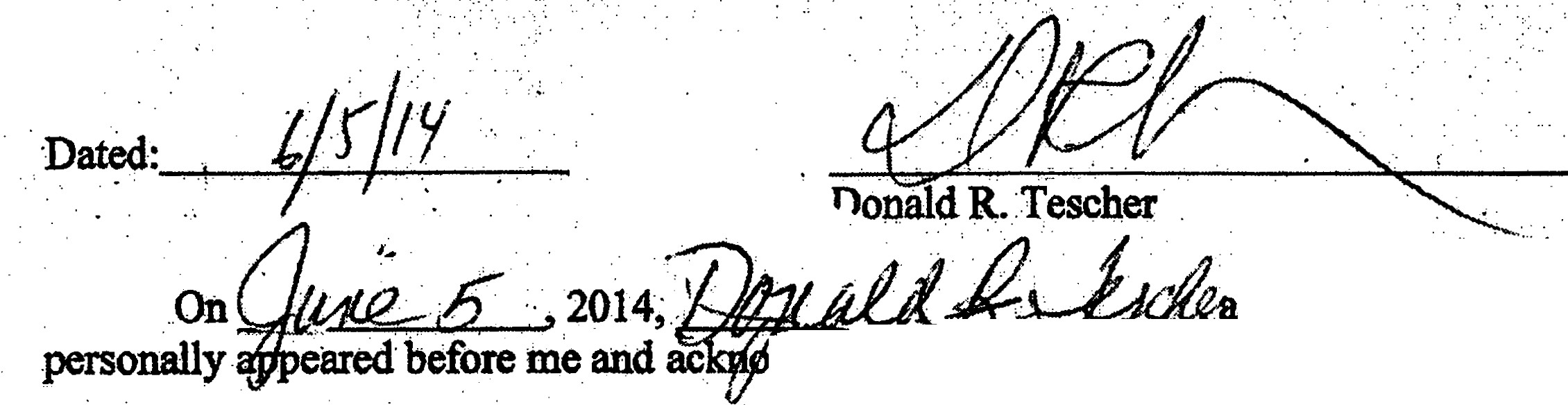
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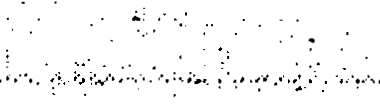
Moscowitz & MoseowitZ,P.A

* + Sabadell Financial Center. ·

lll lBrickell Ave.,. Suite 2050

Miami, FL 33131

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UNJtBo: STA'fES DIS'fRICT COURT

. DISTIUCT OF W•l'ERSEY . .

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SBCURITIEs AND EXCHANGE coMMiss19N, .

. Plain .

.,. . . v.

* DONALD R. TESCHBR et al.,

.Defendants.

C.A.No.\_-\_

·' . FINAL JUDGMENT AS DEFENDANT DONALD R.

TO TESCllER .

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* + - · Donald R. TeSc:her ("Defendant") havfug-entered a general appearance;,consented to the Court's

juriSdiction over Defendant.and tl1e subject matter of this &®on; consented to entry ·of this Fh)at

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Jucigulent With(, ·:ftdtt.itdns. or.dC11Yful ibe'.ailiegations of tlie\_ Complaint (except \_a8..t0'.



jmisdiction and except as otherwise provided herein in paragraph VI);waived findings of fact

and·conclusiot,JS of law; and waived any right to appCal from this Final JU:<fgment:

I.

IT IS-HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant an4.

Defendant's agents, ··employees, attomeys, and all persons \_ in active concert or

* + - * participation with them who receive actual notice oftbis Final Judgment by personal service·or otherwise are pennanently restrained andenjoined fl:om violating, directly or y, Section

10) ofthe Securities Exchange Act of 134 (the "Excb&nge Actj [15 {!.S.C. §78j(b)] and

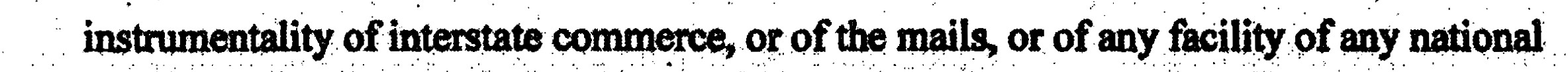
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. Rule lOb-5 promul thereunder [17 cF.R. § 240 l0b-S],by using any means or *:'*

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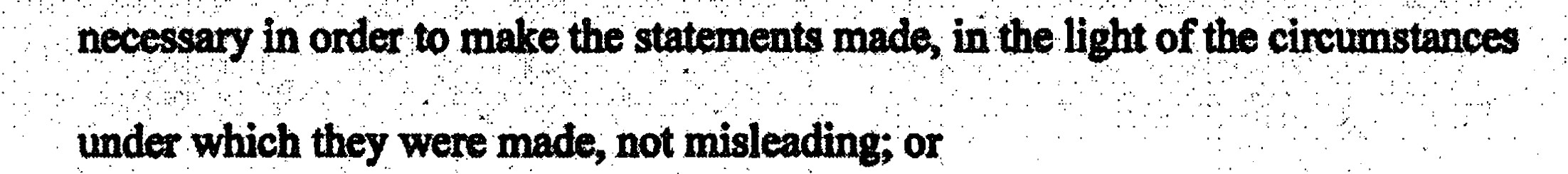
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* and Deteiidant'sagents, 'etnplbyees, attOrneys, and allpersons inactive eoneert t>r · · ·

·participatio with them who n=ive adualnotl"of.this Final Judgment by petsODal service *ot*

,, :o ;n y lfuDi vtot- 14(e> ot• ··

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.Act [lSU.S. § 78n(e)) and Rule 13 [11C.F.R. §240.13] ,in

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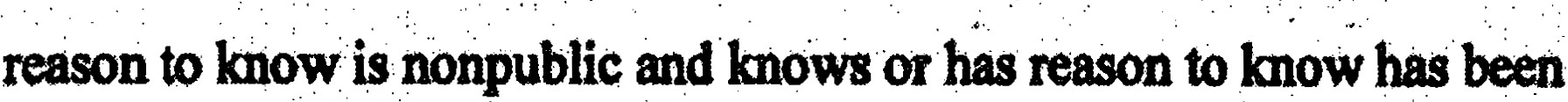
OOnnection th any offer *ot* request *o* invitation. for tenders, from enpging in any fraudulent, deceptive, or. pulative act ,or practice,by:

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sought or to be sought insuch tendet offer, securities convertible into or­

. exchangeable ·for any such'securitie$ or 1my option or right to.obtain or dispose of any of the foregoiq securitieswbile inpossessfon of material infonnation lating to such tender offer that Defendant knows or has. . , .



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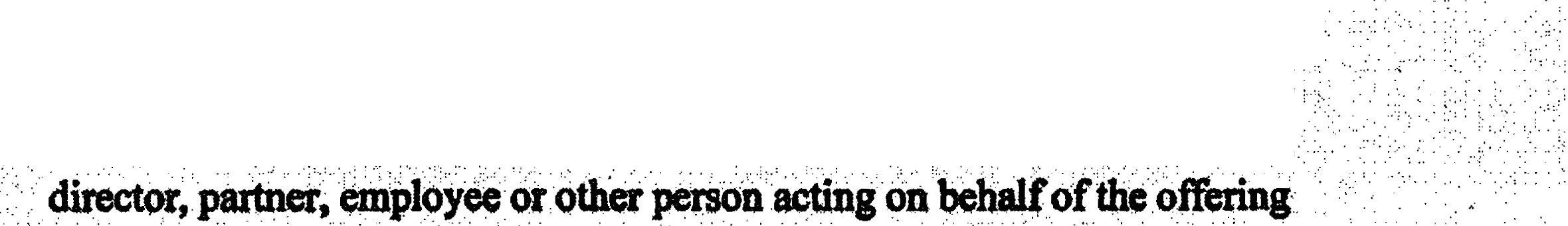
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* 1. communicating material, nonpublic information relating to a tender offer,

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.·· ' which Defendant knows or has reason to know is nonpublic and kliows or '

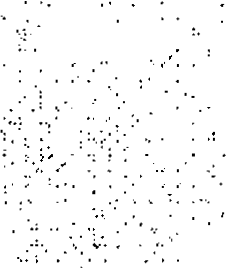
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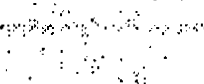


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person acting on behalf of the offering person of such issuer, to any person

1.U1der eircumDnces inwf:Uch it is reasonably foreseeable that such. .

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. . er described insubparagr8ph (a) above;, excCpt that this f'aragraph

shall not apply to a communication made in good faith . ·

1. to the officers, directors. or employees of the offering perso to its advisors or to other persons, involved inthe planning, financing, preparation or execution of such

tender offer;

1. to the issuer whose securities are sought or to be sought by

such tender offer, to its officers, directors, partners,

.. employees or.adviSC>rs or to,other persons·involved in the

Case 3:15-cv-07l18-AET-LHG . Document 9 Filed 10/01/15 . Page 1 of 22 Pa gelD: 153 · · Case 3:15-cv-07118-AET-LHG Document 7 File 09/28/15 Page 11of 14 PagelD: 114 · . ,

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(iii) · to aby, n purs,uant tb. a 1ili'ente. f tstafute or

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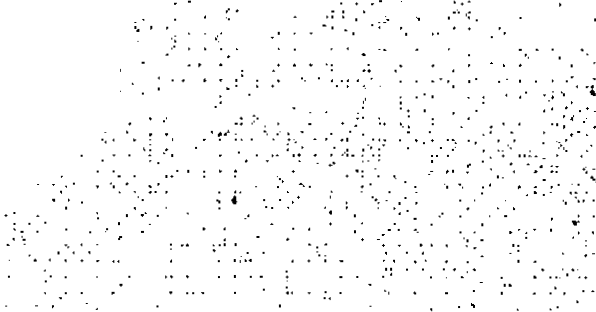
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IT IS FtJR1HER ORDERED.ADJUI>GEJ;>, AND\_DECREBD tblt r>efendands liable'

. for disgorgemen( f $9,937 reinsennn& poftts gedas a result of the ndUct alleged inthe ·

··Complaint, k>Mtier·withprejudgment blst thereon in amowrt of $690,·and a ciVil penaltj ·.

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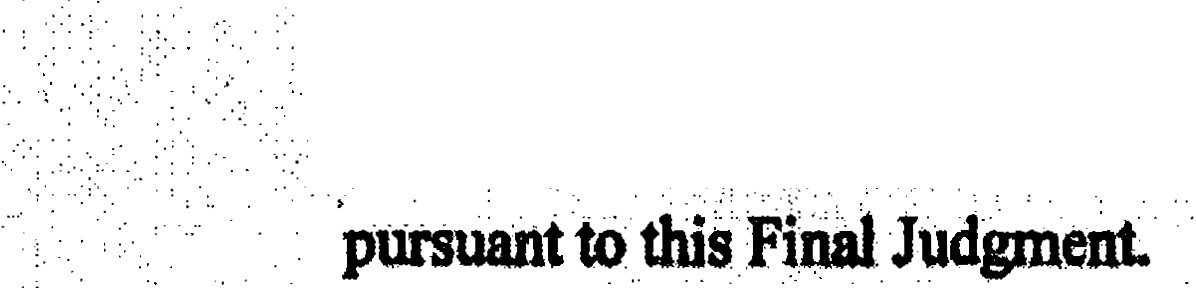
Enterprise Services Center Accounti Receivable Branch .· · *6500* South MacArthur Boulevard

OklahomaCity,OK.73169.· . ..·..

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* + - * Case 3:15-cv-07118-AET-LHG Document·7 Filed 09/28/15 Page 12 of 14 PagelD:115

Defendant shall simultaneously transmit photocopies of eviden o(payment and case

identifyin,g infon to the Coullnimon'scounselin tbiS action. By.making -payment,

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Defendant relinquishes ·all legal and equitable right, title,and·interest in such (Unds and·no part

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the funds shallbe Defendant. s ds puiSu.ant .

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to this FiiJal J t to.the Uiiited SU!tea TieasUfi."

Th OJion may enforce the ci'sjudgllient for disgorgemeDt and udgment

interest by moving for civil contempt (and/or .through ocollection procedures Wihorized by -

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law) at any tinie after 14 following ent;ry of this Final Judgment. Defendant shall pay post

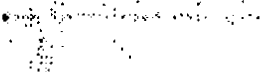
judgment .interest on. any delinquent amounts pursuant to 28U.S.C. § 1961.:

IV• .

. . .

IT IS HEREBYFUR 1HER ORDERED,ADJUDGED,AND DBcR.EED that based on

,, Defendant'scooperation ina Commission investigation and/or related enforcement action, the

 · '.co\lrt. snofoideriiii'Deti0'pay·,1c1-Yii J>eDlliY ili-exss-·01s§ 37:;rr aDY ;tlme' · following the- entiy of tho:Fini.t\_ Judgment meCommiUion obtains ormation indicating that . Defendant knowingly .provided materially false ·or misleading information or materials to the

Commission or m·a related proceeding, the <;ommission may, at its sole discretion without

. prior notke to the Defendant, petition the Court for an order requiJinl Defendant to pay an

additional civil penalt.y: In connection with any such petition and at any hearin. g held on sUch a

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·motion: (a) Defendant will be precluded ftom arguing that he did not violate the federal

securitiei laws alleged iii the \_Complaint;\_ (b) fendant may not challenge the validity of the JUdgment, ibis Consent, or any. lated Undertaking&; (c) the allegations of eComplaint, solely

for the purposes of such motion, shall be accepted as and deemed true by the urt; and (d) the

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Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Page 13 of 22 PaaeJo· 155

Case 3:15-cv-07118-AET-LHG Document 7 . Filed 09128/15 Page 13 of 14 Paget o.: 6l

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. Curt may determine the issues nUsed inthe motion on tho basis of affidaVits, declarations,

* excerpts of sWom. sition or inv.estiptive testimo!ly,an documen .evidence without

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* regard to the standards foi' summary jud8ment containCd in Rulo 6(c) of the Federal Rules of' Civil Pr. Under th circumstar1ces, t1te parties Y take diseovery,hicluding discovery . from ippro}>riate non-parties. · . .

v. .

IT IS FUR'IHER ORDERED,ADJUDGED,AND DECREED that the Consent is

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incorporated herein with the sameforce and effect as iffully set forth h and that Defendant

shall comply;with all of the undertakinp and agreements set fot;tli therein.

VI.

ITIS 'IHER ORDERED,ADJUOOBp, AND DECREED that, solely for purpoSes of

.. . ..;... •. ..exns to.diScharge set forth *Section s* of.the.Bantauptcy ."code,..11u.s.c.:..f 523 the.. ..

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allegations inthe Complaint are true admitted by Defendant, and er,any debt for

·diSgorgement, prejgmen interest, ciVn penalty or other amowits due by endant under this Final Judgment or any otherjudgment, order, consent order,decree or settlement agreement

entered inconnection with, this proceeding, is a.debt for the violation by Defam,nt of the federal

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securities Jaws or any regulation or order issued under such laws, a;S set forth in Section 523(a)(l9) of the BanlQuptey Code, 11 U.S.C.§ 523(aXl9)..

VIL

IT IS FURTHER. ORDERED, ADJUDGED,AND DECREED that this Court shall·retain

* jurisdiction of this m8tter for the purpo&es of enforcing the tenns of this Final Judgment.

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Case 3:15-cv-07118-AET-LHG Doument 9 Filed 10/01/15 Page 14 of 22 PagelD: 156

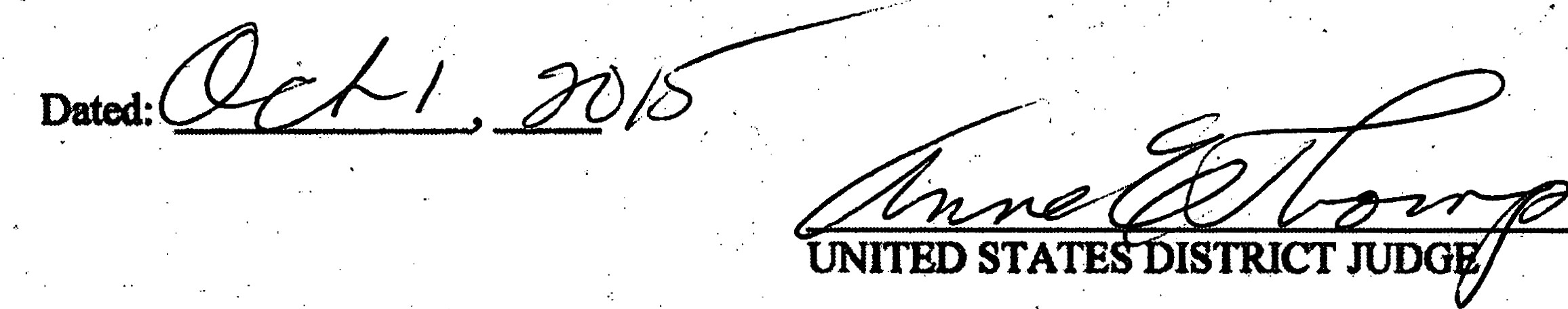
Case 3:15-cv07118-AET-LHG Document 7 Filed 09/28/15 · Page 14 of 14 PagelD: 117

Vlll.

There being nojust reason for delay, pursuant to Rule 54(b) of the Federal .Rules of Cvil

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cedure, the .Clerk isordered to.enter this Final Judgment forthwith and without further n0tice.··



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Case 3:15-cv-07118-AET·LHG · Document 9 · Filed 10/01/15 ·Page 15 of 22 P@elD: 157

Case 3:15;.cv-07118-AET-LHG Document 7-1 .Filed 09/28/15 Page 1 of 7 PagelD: 118 \_.

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UNJ'fBD:STATES DISTRICT COURT

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SBCURITlES AND EXCHANOE COMMISSON, . ·

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DONALD R. TESCHER et al.,

Plajn .

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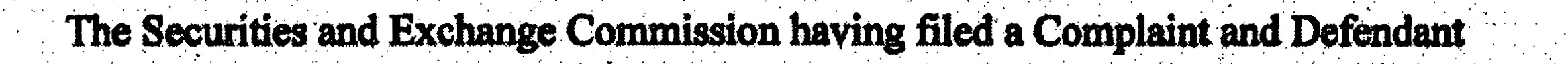
.Defendants.;

.· FINAL roooMENTAS To.DEFENDANT DONALD0 R. TESCBE1t·

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jurisdicti n over .Defendant and die subjectinatter of tms adion; consented to entJy of this Final .

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jurisdicti and exas otherwise provided herein ·inparagraph VI);waived findings of fact

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llnd·conclusions of law; and waived any right to appCal from this Final 11l;dgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant an

Defendant' s agents, servants,.elDJ>loyees, attorneys, and allpersons.in active concert or

* participation with them who receive tual notice of'this Final Judgment by personal Service or

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otherwise are pennanently restrained and.enjoined m violating, ·directly or indhectly,.Section

l) of the Securities Exchange A of 1934 (the."Excb8nge Act") [IS v.s.c.§78j(b)] and

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Rule lOJ>..S promul thereunder (17cF.R. §240.101>-5],by using any means or ,.·

Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Page. 16 of 22 PagelD: 158

Case 3:15-cv-07118-AET-LHG Document 7-1 Filed 09/28/15 Pag 2 of 7 PagelD: 119 ...



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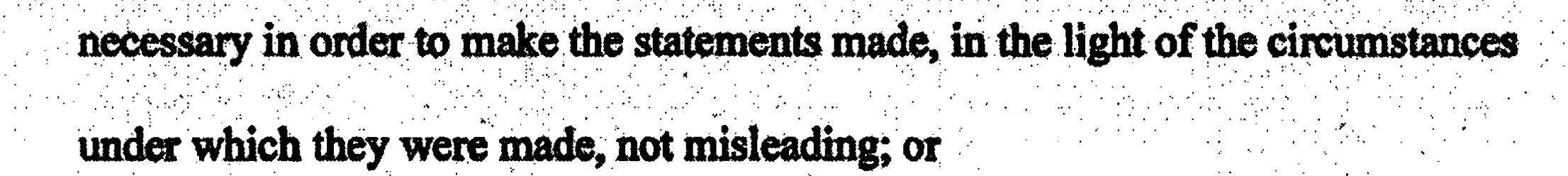


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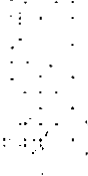
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operate as a fraud ·or deceit upon ally person.

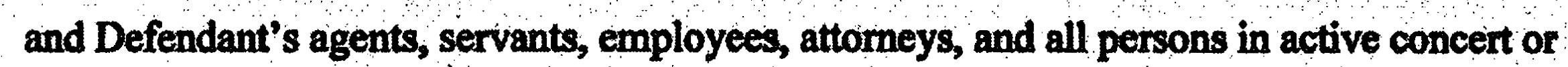
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Act (IS U.S.C.§ 78ii(e)] and .Rule 14e 3.[17C.F. §240.14e-3]promulgated thereunder,in

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nnection with any tender offer or request o invitation. for tenders, .from engaging in.any fraudulent, deceptive or. pulative act\_or practice, by:

1. purchasing or selliDg or causing to be purchased or sold the securities

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sought or 19be sought in such tendet offer, securities convertibe into .or. exchange11ble for·any'such ,securitie$ or any opuon or right to .obtain or dispose of any.of the foregoing securities while ·inpossessian ofmaterial

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information latingto such.tender offer that Pefendant .knows orhas . · ·. ' .

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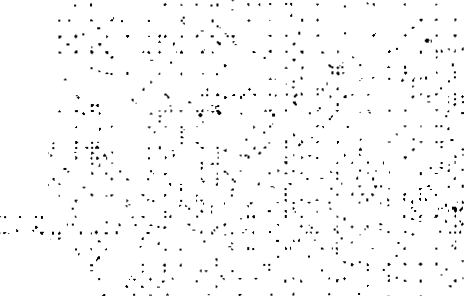
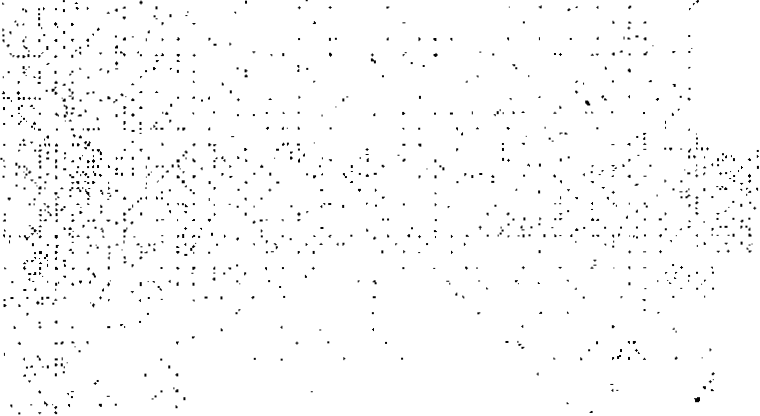
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Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Page 17 of 22 Pq\_qelD: 159

Case 3:15-cv-07118-AET-LHG Document 7-1 Filed 09/28/15 Page 3 of 7 Pagel 120 ·

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release ·or otherwiSe; or

1. communicating material, nonpublic information relating to a tender offer,

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which Defendant knows or has reason to know is nonpublic a,iJ.d or ·

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person acting on behalf of the offering person of such issuer,· any person

* + - under circumstances inwb,ich it is reasonably foreseeable that such

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shall not apply to a communication made in gQOd faith ,

(i) to the officers, directors, or employees of the

offering person, to its advisors or to other persons, involved

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inthe planning, . financing, preparation or execution of such tender offer;

1. to the.issuer whose securities are sought or to be sought by

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such tender offer,to its ofticen,directors, partners,

employees or.advisors or to.other persons•involved in the

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Case 3:15-cv-071)8'."AET-LHG Document 9 . Filed 10/01/15 Page 18 .of 22 PagelD: 160

Case 3:15-cv-07.118-AET-LHG Document 7-1· Filed 09/28/15 Page 4 of 7 PagelD: 121

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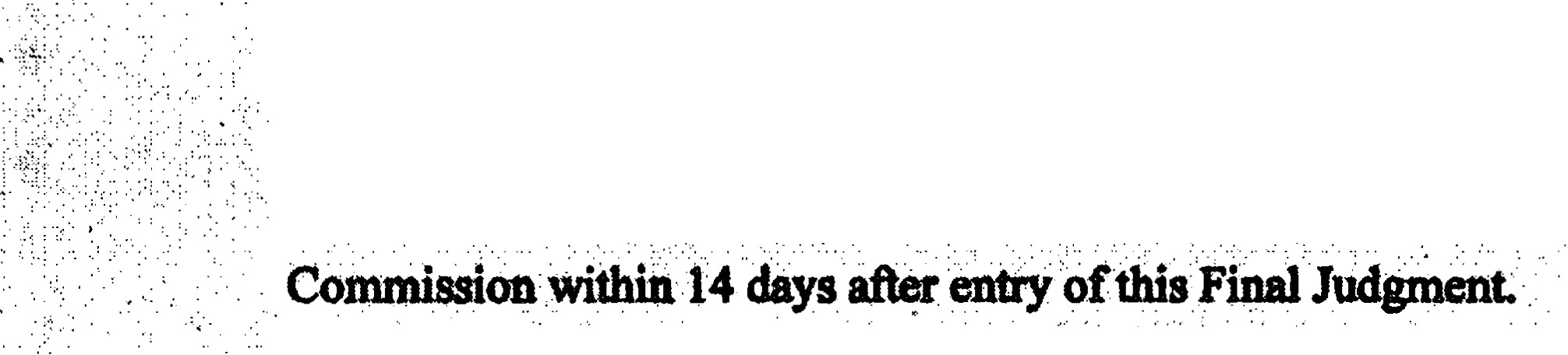
IT IS FURiHER ORDERED,ADJU00ED,AND DECREED dult Defendantis liable,

. for disgorgemein,'6r$9,937 representing pi-Ofits gam as a result of the condUct alleged in the

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the amount ()f $9,937 pursuant to n 21Aof•·Exchatlge *[,s* U.S.C. 181] . ·

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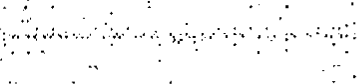


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Commi.on, which shall be delivered or mailed

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Enterprise Services Center AccOwtts Receivable Branch

6500 South MacArthur Boulevai'd

Okllhoma City, OK 73169 ·. *:*.· . .

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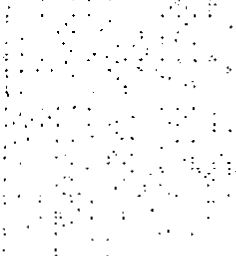
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·pursuant to this Final Judgment. · ·· ·



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Case 3:15-cv-07118-AET-LHG Document 9 Filed 10/01/15 Page 19 of 22 PagelD: 161·

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Defendant shall simultaneously transmit photocopies of evidence opayment and case identifying infol'1D8tion to the Commission•s counselin this action.· By mang · payment, Defen- retitlquishes 'ml legal aDd equitable right. title and intetat in such (imds. andno part .·

. of tlie funds sh.llbe J:Ctllmedto Defe. The oon sluill sCnd the fund$ paid pufsuam

t0 this Final Juct8me.fit tothe United StatesTmdUrY.. :

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interest by moving far clvil·contempt (arul/or through ocollection procedmes aUihorl7.ed by

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law) at any time after 14days following entfy of this Final JUdgment. Defendant shall pay post .

judgment cinterest on any delinquent am01D1ts·pursuant to 28·u.sc.§ 1961..:·

* + IV.·

IT IS HEREBY FURTHER ORDERED,ADJUDGED,AND DECREED that based on

, · Defendant'scooperation ina on investigation and/or related enforcement action.the

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following the·entry of the .Fm81 Judgment thC Commission obtains nnation indican. that Defendant knowingly proVidedmaterially false or misleading infonnation or material$ to the Commission or in are proceeding..the <;OlllDliuion may,at its sole discretion without

. prior notice to the Defendant. petition the Court for an order requirinl Defendant to pay an

additional . civil ·penal In connection with any such petition and at any hearig held o such a .

·motion: (a) Defendant will be precluded ftom arguing that he did not violate the federal secwitiei laws alleged hi the Complaint;.(b) fendant may not challenge the validity of the · JUdgment, this Consent, or any. lated Undertakings; (c) the allegations of tl,te .Complaint, solely for the purposes of such motion, shall be·accepted as Ind deemed true by ·the Court;•and (d) the

*s*

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Court may dthe issuCs..msed inthe motion on tb"basis of llffidav.its, dlarations,

excerpts of swom deposition or ingative testimoy, arul documentary .evidence ·witho . \.

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.' . .. . .

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·regard to the .standards for summaryjudgment contaiD.ed in Rule c)·of the Federal Rules of\_ · ·

. . .

Civil Proeedure.. Under these·circwnstances, .the parties Y take disCovery,iticluding discovery

. ttolll ·appro non-parties. ·

v. .

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is

incorporated herein with the same force an4 effect as iffully set forth here and that Defendant .

shall comply·with all of the undertakings and qreements set foi:th therein.

VI.

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IT IS THER. ORDER.SD, ADJUDGEµ, AND DECREED that, solely for purpoSe& of

..ex•to .diSchatge set forthinSectionS3 of !MJJankruptcy,.Code.1lU.S.C.§.:523,..the.. . allegations inthe:Complaint are e aind admitted by Defendant, and fWther,.&DY debt for

disgorgem.,prejugmen int.erest, ciVn penalty or other amounts due by Defendant under this Final Judgment or an other judgment, order, consent order, decree or settlement agreement

·entered in connection wi this proceeding, is adebt for the violation by Defenda.nt of the federal secwities laws or any regulation or order issued under such laws, set forth in Section 523(a)(19) of the Bmdquptcy Code, l 1U.S.C7 § 523(a)(19).

VII.

* IT IS FUR'lllER. ORDERED, ADJUDGED,AND DECREED that this Court shall retain

jurisdiction of this matter for the purpoies of enforcing the terms of this Final Judgment

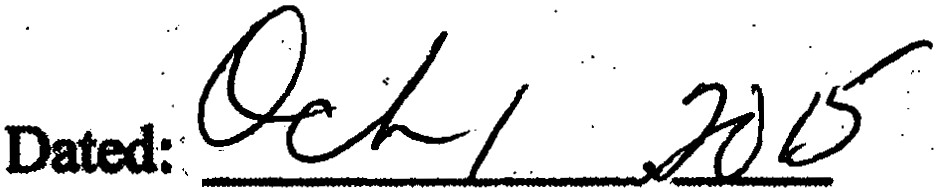
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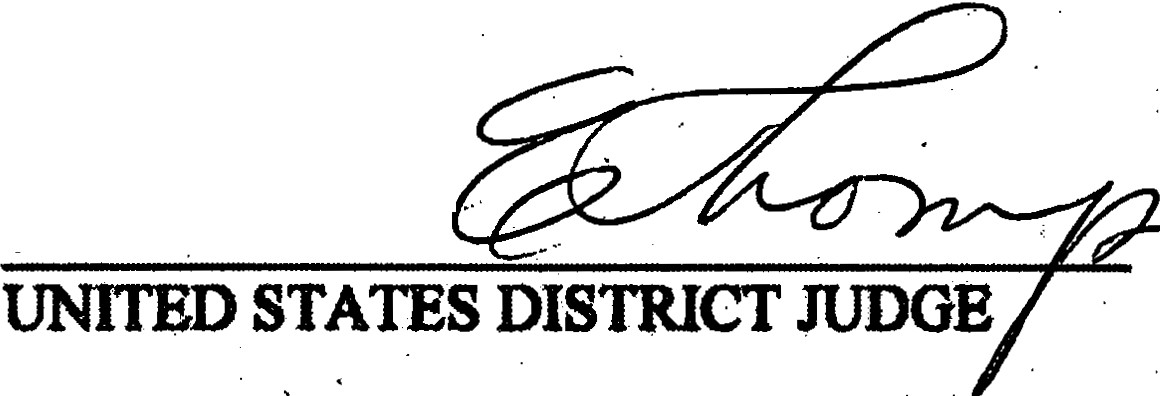
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. -., ·, vm.

There being nojust reason for delay, pursuant to Rule S4(b) of the Federal \_Rules of Civil

* + 'the Clerk is ordered to entei- this Final Judgment forthWith and without further n0tice.



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