



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

JASON B. MEYERS, INTERNATIONAL
CAPITAL FINANCIAL RESOURCES, LLC,
PHILIP T. POWERS, FRANK I.
REINSCHREIBER , GLOBAL FINANCIAL
MANAGEMENT, LLC, STEPHAN VON
HASE, and CTA WORLDWIDE SERVICES,
SA.

Defendants.

Case No. 09-CV-676
Magistrate Judge Cole

AMENDED FINAL JUDGMENT AS TO DEFENDANT PHILIP T. POWERS

Plaintiff United States Securities and Exchange Commission having filed a Third Amended Complaint (“Complaint”) and Defendant Philip T. Powers (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over him and the subject matter of this action; consented to entry of this Amended Final Judgment without admitting or denying the allegations of Count I of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Amended Final Judgment; and this Amended Final Judgment amending and restating the Final Judgment previously entered against Defendants in this matter (ECF No. 468) (the Amended Final Judgment being referred to herein as the “Final Judgment”):

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and his agents, servants, employees, attorneys, and all persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)], by, while engaging in business as a broker or dealer, making use of the mails or any instrumentality of interstate commerce to effect any transactions in, or to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless registered as a broker dealer in accordance with Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)] or associated with a broker or dealer that is registered with the Commission in accordance with Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)].

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$77,560.13, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$4,698.52, and a civil penalty in the amount of \$25,000.00 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].

III.

Charles Schwab & Co. is directed, with the consent of Defendant, to pay all sums

from Defendant's Account No. XXXX2730 to the U.S. Securities and Exchange

Commission by certified check, 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; identifying Defendant as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment. Charles Schwab & Co. is further directed to transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action.

Charles Schwab & Co. is further directed, with the consent of Defendant, to pay the sum of Forty One Thousand Six Hundred Eighteen Dollars and Ninety Nine Cents (\$41,618.99) from Defendant's Account No. XXXX3940 to the U.S. Securities and Exchange Commission by certified check, which shall be delivered or mailed to

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and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; identifying Defendant as a defendant in this action; and specifying that payment is made pursuant to this Final Judgment. Charles Schwab & Co. is further directed to transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action.

After Charles Schwab & Co. has processed the aforementioned payments that cumulatively amount to the monetary relief set forth above; and has further provided the

information to the SEC as set forth above, Defendant may file, in a form reasonably acceptable to the SEC, a motion and a proposed order seeking to dissolve the asset freezes in their entirety.

The Commission may propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. The Court shall retain jurisdiction over the administration of any distribution of the Fund. If the Commission staff determines that the Fund will not be distributed, the Commission shall without leave of Court be permitted to send the funds paid pursuant to this Final Judgment to the United States Treasury.

Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Defendant's payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Defendant's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil

penalty and shall not be deemed to change the amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Defendant by or on behalf of one or more investors based on substantially the same facts as alleged in the Complaint in this action.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that upon motion of the Commission ("Motion"), the Court shall determine whether Defendant shall be permanently barred from participating in an offering of penny stock, including engaging in activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. 240.3a51-1]. In connection with the Motion, and at any hearing held on such a Motion: (a) Defendant will be precluded from arguing that he did not violate the federal securities laws as alleged in Count I of the Complaint; (b) Defendant may not challenge the validity of this Consent or the Final Judgment; (c) solely for the purposes of such Motion, the allegations of Count I of the Complaint shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the Motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.


VI.

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

VII.

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

Dated: 4/9, 2014



HONORABLE JEFFREY COLE
UNITED STATES MAGISTRATE JUDGE