

ORIGINAL

FILED  
STATESVILLE, N.C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

2002 MAR -1 PM 2:21

U.S. DISTRICT COURT  
W. DIST. OF N.C.

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

DANIEL MARCUS BOYD, III,

Defendant.

CIVIL ACTION NO.  
5:00CV144-V

**FINAL JUDGMENT OF PERMANENT INJUNCTION**

Plaintiff Securities and Exchange Commission ("Commission"), having filed its Complaint herein; defendant Daniel Marcus Boyd, III ("Boyd"), in his Stipulation and Consent, solely for the purposes of this proceeding and any other proceeding brought by or on behalf of the Commission or to which the Commission is a party, having admitted the in personam jurisdiction of this Court over him and the jurisdiction of this Court over the subject matter of the action; plaintiff Commission and defendant Boyd having waived entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, and there having not been any hearing, presentation of evidence, or findings of fact, and without Boyd admitting or denying any of the allegations of the Complaint, except as to jurisdiction which he admits, and having consented to the entry of this Final Judgment of Permanent Injunction ("Final Judgment"); it appearing that this Court has jurisdiction over the parties and the subject matter hereof; and the Court being fully advised in the premises;

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I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant Boyd, his agents, servants, and those persons in active concert or participation with them who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, in connection with the purchase or sale of any security by the use of any means or instrumentality of interstate commerce or of the mails or any facility of any national securities exchange, be and hereby are permanently enjoined from, directly or indirectly:

- (a) employing any device, scheme, or artifice to defraud;
- (b) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; and
- (c) engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

in violation of Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. Section 78j(b)] and Rule 10b-5 [17 C.F.R. Section 240.10b-5] thereunder.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in addition to the relief ordered in Paragraph I of this Final Judgment, defendant Boyd shall also pay a civil penalty under the Insider Trading Sanctions Act of 1984 [15 U.S.C. Section 78u] in the amount of \$147,725.02 to the United States Treasury. Such payment shall be: (A) made by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the Securities and Exchange Commission; (C) mailed by certified mail to the

Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Stop 0-3, Alexandria, Virginia 22312; and (D) submitted under a cover letter which identifies Boyd as a defendant in this action, with a copy of said cover letter and money order or check sent to James A. Rue, Senior Trial Counsel, Securities and Exchange Commission, 3475 Lenox Road, N. E., Suite 1000, Atlanta, Georgia 30326-1232.

III.

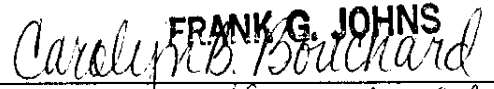
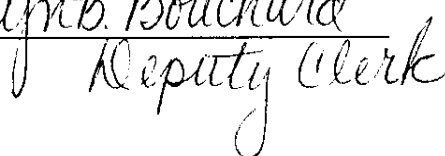
IT IS FURTHER ORDERED that this Court will retain jurisdiction over this matter and defendant Boyd for the purpose of enforcing this Final Judgment.

There being no just reason for delay, the Clerk of the Court is hereby directed to enter this Final Judgment pursuant to Rules 54(b), 58 and 77(d) of the Federal Rules of Civil Procedure.

Dated this 28<sup>th</sup> day of FEB., 2002.

  
UNITED STATES DISTRICT JUDGE

JUDGMENT ENTERED:

**FRANK G. JOHNS**  
  
Clerk  Deputy Clerk

United States District Court  
for the  
Western District of North Carolina  
March 1, 2002

\* \* MAILING CERTIFICATE OF CLERK \* \*

Re: 5:00-cv-00144

True and correct copies of the attached were mailed by the clerk to the following:

Alex Rue, Esq.  
Securities and Exchange Commission  
3475 Lenox Road, N.E., Suite 1000  
Atlanta, GA 30326-1232

Michael E. Mashburn, Esq.  
Securities and Exchange Commission  
3475 Lenox Road, N.E., Suite 1000  
Atlanta, GA 30326-1232

Robert B. Long Jr., Esq.  
Long, Parker & Warren, P.A.  
P. O. Box 7216  
Asheville, NC 28802

cc:  
Judge ( )  
Magistrate Judge ( )  
U.S. Marshal ( )  
Probation ( )  
U.S. Attorney ( )  
Atty. for Deft. ( )  
Defendant ( )  
Warden ( )  
Bureau of Prisons ( )  
Court Reporter ( )  
Courtroom Deputy ( )  
Orig-Security ( )  
Bankruptcy Clerk's Ofc. ( )  
Other \_\_\_\_\_ ( )

Date: 3-1-02

Frank G. Johns, Clerk

By: Carolyn B. Bouchard  
Deputy Clerk