

ORIGINAL

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUL 16 2001

CLERK, U.S. DISTRICT COURT

By _____
Deputy

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

**STADTT MEDIA, L.L.C.,
ANTHONY B. BENAVIDES,
ROBERT M. MARTINEZ,
JEFFERSON SANTOS,**

Defendants,

and

LANA M. ST. MARTIN,

Defendant Solely for the
Purposes of Equitable Relief.

Civil Action No.

3-00CV1489-P

ENTERED ON DOCKET

JUL 16 2001

U.S. DISTRICT CLERK'S OFFICE

**FINAL JUDGMENT AND ORDER OF PERMANENT INJUNCTION
AND OTHER EQUITABLE RELIEF AS TO ROBERT M. MARTINEZ**

Plaintiff, Securities and Exchange Commission ("Commission") having filed its Complaint and there having been no trial of this matter; Defendant Robert M. Martinez ("Martinez" or "Defendant") having been served personally with a Summons and the Complaint in this matter; having admitted in his Stipulation and Consent, filed herewith and incorporated herein, the *in personam* and subject matter jurisdiction of this Court over him and the subject matter of this action; having waived the entry of Findings of Fact and Conclusions of Law under Rule 52 of the Federal Rules of Civil Procedure with respect to the entry of this Final Judgment and Order of Permanent Injunction and Other Equitable Relief ("Final Judgment"); having

38

agreed, for purposes of this action only, without admitting or denying any of the allegations of the Commission's Complaint, except as to *in personam* and subject matter jurisdiction, to the entry of this Final Judgment which: (a) permanently enjoins Martinez from violating Section 17(a) of the Securities Act of 1933, as amended ("Securities Act") [15 U.S.C. § 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934, as amended ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]; (b) orders Defendant to disgorge his illegal profits and prejudgment thereon, but waives the payment of disgorgement and prejudgment interest thereon based upon Martinez's Sworn Statement of Financial Condition, dated October 23, 2000, and submitted to the Commission; and (c) does not impose a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u] against Martinez based on his demonstrated financial inability to pay. It further appearing that this Court has jurisdiction over the Defendant and the subject matter of this action; it appearing that no further notice of hearing for the entry of this Final Judgment need be given; the Court being fully advised in the premises, and no just reason for delay appearing:

I.

IT IS ORDERED, ADJUDGED AND DECREED that Defendant Martinez and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from, directly or indirectly, violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], directly or indirectly, by the use of any means or instrumentalities of interstate commerce, or of the

mails or of any facility of a national securities exchange, in connection with the purchase or sale of any security:

(A) to employ any device, scheme or artifice to defraud,

(B) to make any untrue statement of a material fact or omit 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, or

(C) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Martinez and his agents, servants, employees, attorneys, and all persons in active concert or participation with them, who receive actual notice of this order by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] by the use of any means or instruments of transportation or communication in interstate commerce, or by the use of the mails, directly or indirectly, in the offer or sale of any security:

(A) to employ any device, scheme or artifice to defraud, or

(B) to obtain money or property by means of any untrue statement of a material fact or any omission 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, or

(C) to engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Martinez shall pay disgorgement in the amount of \$23,850, representing his illegal profits from the conduct alleged in the Complaint, plus \$539 prejudgment interest thereon. Based upon Defendant Martinez's sworn representations in his Sworn Statement of Financial Condition dated October 23, 2000, and submitted to the Commission, payment of disgorgement and prejudgment interest thereon is waived, contingent upon the accuracy and completeness of the Defendant's Sworn Statement of Financial Condition.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon the representations in Martinez's Sworn Statement of Financial Condition dated October 23, 2000, and submitted to the Commission, the Court is not ordering Defendant to pay a civil penalty pursuant to Section 20(d) of the Securities Act and Section 21(d)(3) of the Exchange Act. The determination not to impose a civil penalty and to waive payment of disgorgement and prejudgment interest thereon is contingent upon the accuracy and completeness of the Defendant's Sworn Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that the representations to the Commission concerning the assets, income, liabilities, or net worth of Martinez were fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order imposing a civil penalty. In connection with any such petition, the only issues shall be whether the financial information provided by Martinez was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations

were made, and the amount of civil penalty to be imposed. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering the Defendant to pay funds or assets, directing the forfeiture of any assets, and/or sanctions for contempt of the Final Judgment, and the Commission may also request additional discovery. The Defendant may not, by way of defense to such petition, challenge the validity of his Stipulation and Consent or the Final Judgment, contest the allegations in the Complaint filed by the Commission, or assert that payment of a civil penalty should not be ordered.

V.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that this Court shall retain jurisdiction of this action for all purposes, including for purposes of entertaining any suitable application or motion by the Commission for additional relief within the jurisdiction of this Court, including, but not limited to, the relief requested by the Commission in its Complaint in this action.

VI.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment and Order of Permanent Injunction pursuant to Rule 54 of the Federal Rules of Civil Procedure.

Signed this 16th day of July 2001.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE