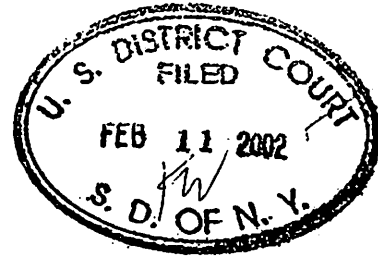


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Doc # 20



SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

AVY AMOUYAL, et al.,

Defendants.

00 CIV. 2029 (GEL)

#02,0258

**FINAL JUDGMENT
OF PERMANENT INJUNCTION AND OTHER RELIEF
AS TO DEFENDANT ARNAUD MIMRAN**

Plaintiff Securities and Exchange Commission (the "Commission") having filed its Amended Complaint and defendant Arnaud Mimran in his Consent ("Consent") filed simultaneously with this Final Judgment of Permanent Injunction and Other Relief as to Defendant Arnaud Mimran ("Final Judgment") and incorporated herein by reference, having waived service on him of the Amended Complaint, having admitted that on March 9, 2000 and on March 12, 2000 prior to the public announcement that Dexia Group Lt. Had agreed to acquire Financial Security Assurance Holdings, Ltd, ("FSA") he purchased a total of 35,000 shares of common stock of FSA at an average price of \$56.85 per share in an account he controlled in the name of Lester Portfolio Management, Inc. at Banque Privee Edmond de Rothschild and that he is a defendant in this matter, and having admitted the Court's jurisdiction over him and over 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, and without admitting or denying that he committed any of the violations alleged in the Amended Complaint and having consented to the entry of this Final Judgment, and it further appearing that this Court has jurisdiction over Defendant Arnaud Mimran and the subject matter herein, and the Court being fully advised in the premises:

I.

IT IS HEREBY ORDERED that Arnaud Mimran, his agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with them who receive actual notice of the Final Judgment by personal service or otherwise are hereby permanently enjoined and restrained from violating Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78j(b) and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5 by directly or indirectly, by use of the means or instrumentality of interstate commerce, the mails, or any facility of any national securities exchange:

- (1) employing any device, scheme, or artifice to defraud,
- (2) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statement made, in the light of the circumstances under which they were made, not misleading; or
- (3) engaging in any act, practice, or course of business which operate or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Arnaud Mimran disgorge \$425,000 plus prejudgment interest thereon.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no civil monetary penalty be imposed on Defendant Arnaud Mimran.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Arnaud Mimran pay the disgorgement and prejudgment interest within thirty (30) days of the entry of this Final Judgment by depositing said amounts into the Registry of the Court.

V.

ACCORDINGLY, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Preliminary Injunction entered in this matter on March 30, 2000 is hereby amended to permit any person or entity holding funds or assets attributable to Arnaud Mimran's above described purchase of shares of common stock of FSA through Bank Privee Edmond de Rothschild on or about March 9, 2000 and/or March 14, 2000, to transfer to the Clerk of the Court, 500 Pearl Street, New York, NY 10007, by certified check or wire transfer (to ABA 021030004, Agent Location # 4654), the amount of \$425,000 plus prejudgment interest thereon in an amount equal to the lesser of (i) the amount of interest actually earned on said \$425,000 or (ii) the amount calculated at the statutory rate, from the date such funds were frozen to the present.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that once the payment required herein has been made, any remaining assets derived from the purchase through Bank Privee Edmond de Rothschild of shares of FSA common stock on March 9 and or March 14th, 2000, for the account of Lester Portfolio Management, shall no longer be subject to the asset freeze provisions of the Preliminary Injunction.

VII.

IT IS FURTHER ORDERED that any person or entity transferring funds to the Clerk of the Court pursuant to paragraph V above shall cause said certified check or wire transfer to be accompanied by a written communication to the Clerk of the Court referencing this Final Judgment, the docket number of this action, and the SEC's internal file number for this matter, HO-8949-B.

VIII.

IT IS FURTHER ORDERED that the Clerk of the Court shall cause said funds to be deposited into the Registry of the Court pending further order.

IX.

IT IS FURTHER ORDERED that any person or entity transferring funds to the Court pursuant to paragraph V above shall forward a copy of said check or wire transfer instruction to the Plaintiff Securities and Exchange Commission at the following address:

Securities & Exchange Commission
Attn: L. Hilton Foster
450 5th Street, NW
Washington, DC 20549-0707
(202) 942-9639 (Fax)

X.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Arnaud Mimran comply with his undertakings to: (1) cooperate with the Commission and its staff and truthfully disclose all information with respect to his activities and the activities of others which the Commission or its staff may inquire in this or any related matter; (2) provide testimony in all investigations and proceedings related to or concerning this matter in which the Commission or its staff makes reasonable requests for his testimony; (3) produce any documents within his possession, custody or control which concern or relate to this or any related matter and which are requested by the Commission or its staff.

XI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Arnaud Mimran's accompanying Consent be, and it hereby is, incorporated herein with the same force and effect as if fully set forth herein.

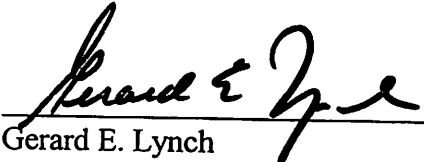
XII.

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

XIII.

There being no cause for delay, the Clerk of the Court hereby is directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

Dated: *Feb 1*, 2002


Gerard E. Lynch
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 2/13/02