

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

03-80348

CASE NO.

SECURITIES AND EXCHANGE COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 ETHAN H. WEITZ and ROBERT R. ALTMAN,)
)
 Defendants.)

MAGISTRATE JUDGE
VITUNAC

FILED by ETW D.C.
 MAY 07 2003
 CLARENCE MADDOX
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 S.D. OF FLA. - W.P.B.

**FINAL JUDGMENT OF PERMANENT INJUNCTION
AND OTHER RELIEF AS TO ALL DEFENDANTS**

Plaintiff Securities and Exchange Commission (“SEC”) commenced this action by filing its Complaint against Ethan H. Weitz and Robert R. Altman (collectively, “Defendants”). In its Complaint, the SEC sought declaratory relief and a permanent injunction to prohibit violations by Defendants of Section 10(a) of the Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. §§78j(a), and Rule 105 of Regulation M and Rule 10a-1, 17 C.F.R. §§242.105 and 240.10a-1, thereunder. The Complaint also sought, among other things, disgorgement, plus prejudgment interest thereon, and civil money penalties against Defendants.

Defendants, by their consents attached hereto (the “Consents”), without admitting or denying any of the allegations in the SEC’s Complaint or any other papers filed herein, except as to the jurisdiction of this Court, have agreed to the entry of this Final Judgment of Permanent Injunction and Other Relief (“Final Judgment”). Defendants, by their Consents, have also consented to this Court’s jurisdiction over them and the subject matter of this action. Further, Defendants have waived the entry of findings of fact and

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conclusions of law in this action, and have waived the right to appeal this Final Judgment.

Therefore, having accepted Defendants' Consents and having jurisdiction over Defendants and the subject matter hereof, and being fully advised of the premises,

I.

**VIOLATIONS OF RULE 105,
REGULATION M UNDER THE EXCHANGE ACT**

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Weitz and Altman, their officers, agents, servants, employees, attorneys and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Rule 105 of Regulation M under the Exchange Act, 17 C.F.R. §242.105, by, directly or indirectly, singly or in concert, as aiders and abettors or otherwise, in connection with an offering of securities for cash pursuant to a registration statement or a notification on Form 1-A filed under the Securities Act of 1933, covering short sales, that take place during the five business days before the pricing of offered securities or the period beginning with the initial filing of a registration statement or notification on Form 1-A, with offered securities from an underwriter or broker or dealer participating in the offering.

II.

**VIOLATIONS OF SECTION 10(a) OF THE
EXCHANGE ACT AND RULE 10a-1, THEREUNDER**

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Weitz and Altman, their officers, agents, servants, employees, attorneys and

all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 10(a) of the Exchange Act, 15 U.S.C. §78j(a), and Rule 10a-1, §240.10a-1, thereunder, by, directly or indirectly, singly or in concert, as aiders and abettors or otherwise, effecting for their own account, through the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange, a short sale of any security registered on, or admitted to unlisted trading privileges on, a national securities exchange (1) below the price at which the last sale thereof, regular way, was effected on such exchange, or (2) at such price when such price was below the next preceding different price at which a sale of such security, regular way, was effected on such exchange.

III.

LIMITED PERSONAL TRADING BANS

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Weitz and Altman, their officers, agents, servants, employees, attorneys and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, purchasing any security in any repeat, follow-on or secondary offering of securities either registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. §78l, or meeting the definition of a “penny stock” set forth in Rule 3a51 under the Exchange Act, 17 C.F.R. §240.3a51.

IV.

DISGORGEMENT

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Weitz and Altman are liable, jointly and severally, for disgorgement of \$511,367.39, representing profits gained as a result of the conduct alleged in the Complaint, plus prejudgment interest in the amount of \$7,670.51. The Defendants, no later than ten (10) days from the date of the entry of this Final Judgment, shall satisfy this obligation by paying \$519,037.90 in disgorgement and prejudgment interest to the United States Treasury.

V.

PENALTIES

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that:

- (A) Defendant Weitz shall pay a civil money penalty of \$255,683.70 to the United States Treasury no later than ten (10) days from the date of the entry of this Final Judgment pursuant to Section 21(d)(3) of the Exchange Act, 15 U.S.C. §78u(d)(3); and
- (B) Defendant Altman shall pay a civil money penalty of \$255,683.70 to the United States Treasury no later than ten (10) days from the date of the entry of this Final Judgment pursuant to Section 21(d)(3) of the Exchange Act, 15 U.S.C. §78u(d)(3).

VI.

PAYMENT INSTRUCTIONS

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall pay the disgorgement and prejudgment obligations and civil money penalties ordered in paragraphs IV., V.(A) and V.(B), above, by certified check, cashier's

check or United States postal money order made payable to the U.S. Securities and Exchange Commission. The payments shall be delivered or mailed to the Office of Financial Management, U.S. Securities & Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Weitz and Altman as defendants in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. Further, the Defendants shall simultaneously send a copy of the check or money order and their cover letter to Ivan Harris, Assistant Regional Director, U.S. Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, Florida 33131.

VII.

INCORPORATION OF CONSENTS

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the Consents are incorporated herein with the same force and effect as if fully set forth herein, and that Defendants shall comply with all of the undertakings and agreements set forth in the Consents.

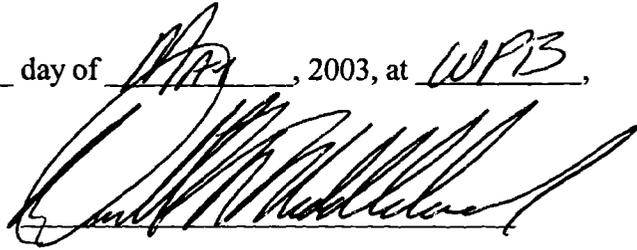
VIII.

RETENTION OF JURISDICTION

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this matter and the Defendants for the purposes of enforcing the terms of this Final Judgment.

DONE AND ORDERED this 7 day of May, 2003, at WPB,

Florida.



UNITED STATES DISTRICT JUDGE

Copies to:

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