

1 Honorable John C. Coughenour
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45 **UNITED STATES DISTRICT COURT**
6 **WESTERN DISTRICT OF WASHINGTON**
7 **AT SEATTLE**

8 SECURITIES AND EXCHANGE COMMISSION,

Case No. C03-2646-JCC

9 Plaintiff,

10 v.
11 FINAL JUDGMENT OF PERMANENT
12 INJUNCTION AS TO DEFENDANT JONAS
13 DAVID SMITH
1415 TERRY RICHARD MARTIN, SILVER LEGACY
16 CORPORATION, SILVER SOUND LLC, JONAS
17 DAVID SMITH, MICHAEL W. MCCALL,
18 CHARLES J. TULL, IBIS SECURITIES LLC,
19 KENNETH R. MARTIN, GEORGE TAMURA,
20 GOLDMAN SIG INC., EDWARD L. TEZAK,
21 SIGNAL MORTGAGE, INC., and JOHN H.
22 WHITE,
2324 Defendants.
2526 Plaintiff Securities and Exchange Commission (“Commission”) has filed a Complaint in
27 this action. Defendant Jonas David Smith (“Smith”), having entered a general appearance and
28 being represented by counsel, has submitted a Consent of Jonas David Smith to Entry Of Final
Judgment of Permanent Injunction (“Consent”) (Dkt. No. 156), which was filed simultaneously
with this Final Judgment of Permanent Injunction As To Defendant Jonas David Smith (“Final
Judgment”). In the Consent, Smith admitted the jurisdiction of this Court over him and over the
subject matter of this action, admitted that he was fully advised and informed of the right to a
judicial determination of this matter, waived findings of fact and conclusions of law as provided
by Rule 52 of the Federal Rules of Civil Procedure, consented to the entry of this Final Judgment,
without admitting or denying any of the allegations in the Complaint except as set forth in the

1 Consent, and waived notice of hearing upon the entry of this Final Judgment. The Court, being
 2 fully advised in the premises, orders as follows.

3 I.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Smith and his agents,
 5 servants, employees, and all persons acting in concert or participation with any of them, who
 6 receive actual notice of this Final Judgment, by personal service or otherwise, and each of them,
 7 are permanently enjoined and restrained from, directly or indirectly, violating Section 10(b) of the
 8 Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 [17
 9 C.F.R. § 240.10b-5] thereunder by:

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

13 in connection with the purchase or sale of the securities of any issuer, by the use of any means or
 14 instrumentality of interstate commerce, or of the mails, or of any facility of any national securities
 15 exchange.

16 II.

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

- 24 1. to employ any device, scheme, or artifice to defraud;

2. to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
3. 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 the provisions of Defendant's Consent filed concurrently with this Final Judgment are incorporated by this reference, that Defendant shall comply with the Consent and that a breach of the terms of the Consent therefore shall constitute a failure to adhere to the terms of this Final Judgment.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this action for all purposes, including to implement and enforce the terms of this Final Judgment and other orders and decrees which may be entered.

V

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Judgment may be served upon Defendant in person or by mail either by the United States Marshall, the Clerk of the Court, or any member of the staff of the Commission.

VI.

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: February 2nd, 2009.

John C. Carpenter

John C. Coughenour
United States District Judge

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2 Presented By:
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Attorney for Plaintiff
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Securities and Exchange Commission