

United States District Court
Southern District of New York

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

RODNEY S. SHEHYN,
RODNEY D. MARR,
DONALD L. MARR, and
KAREN S. LEIGH,

Defendants. :

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 7/8/10

Case No. 04-CV-02003 (LAP)

**FINAL JUDGMENT AND PERMANENT INJUNCTION
AGAINST RODNEY D. MARR**

This action was commenced on March 15, 2004 with the filing of a Summons and Complaint, copies of which were served on Rodney D. Marr (“Defendant”). Defendant has not filed an answer or otherwise moved with respect to the Complaint and has failed to respond to this Court’s Order to Show Cause why final judgment should not be entered against him.

WHEREFORE, it is hereby

I.

ORDERED, ADJUDGED, AND DECREED that Defendant and his 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 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

(a) to employ any device, scheme, or artifice to defraud;

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

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and his 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, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any 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 to omit 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
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

III

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is permanently barred from participating in an offering of penny stock, including engaging in

activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. 240.3a51-1].

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$640,000, plus prejudgment interest thereon in the amount of ~~\$378,676.01~~ ^{378,642.18} *for* Defendant shall satisfy this obligation by paying ~~\$1,018,676.01~~ ^{1,018,642.18} *for* within ten business days of the *for* date of entry of this Final Judgment on the Court's docket to the Clerk of this Court, together with a cover letter identifying himself as a defendant 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. Defendant shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned to Defendant. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held in the interest bearing account until further order of the Court. In accordance with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States and set by the Director of the

Administrative Office. The Commission may propose a plan to distribute the Fund subject to the Court's approval. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty under Section 21(d)(3) of the Exchange Act [15 U.S.C. § 77u] in the amount of \$ 500,000⁰⁰/₁₀₀, which may be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. Defendant shall satisfy this obligation by paying the above amount to the Clerk of this Court, in the manner described in paragraph IV above, within ten business days of the date of entry of this Final Judgment on the Court's docket.

VI.

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

VII.

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: July 8, 2010


UNITED STATES DISTRICT JUDGE



U.S. Securities and Exchange Commission
Division of Enforcement
Prejudgment Interest Report

Prejudgment Interest against RODNEY D. MARR

| Quarter Range | Annual Rate | Period Rate | Quarter Interest | Principal+Interest |
|-------------------------|-------------|-------------|------------------|---------------------|
| Violation Amount | | | | \$640,000.00 |
| 04/01/2002-06/30/2002 | 6% | 1.5% | \$9,600.00 | \$649,600.00 |
| 07/01/2002-09/30/2002 | 6% | 1.5% | \$9,744.00 | \$659,344.00 |
| 10/01/2002-12/31/2002 | 6% | 1.5% | \$9,890.16 | \$669,234.16 |
| 01/01/2003-03/31/2003 | 5% | 1.25% | \$8,365.43 | \$677,599.59 |
| 04/01/2003-06/30/2003 | 5% | 1.25% | \$8,469.99 | \$686,069.58 |
| 07/01/2003-09/30/2003 | 5% | 1.25% | \$8,575.87 | \$694,645.45 |
| 10/01/2003-12/31/2003 | 4% | 1% | \$6,946.45 | \$701,591.90 |
| 01/01/2004-03/31/2004 | 4% | 1% | \$7,015.92 | \$708,607.82 |
| 04/01/2004-06/30/2004 | 5% | 1.25% | \$8,857.60 | \$717,465.42 |
| 07/01/2004-09/30/2004 | 4% | 1% | \$7,174.65 | \$724,640.07 |
| 10/01/2004-12/31/2004 | 5% | 1.25% | \$9,058.00 | \$733,698.07 |
| 01/01/2005-03/31/2005 | 5% | 1.25% | \$9,171.23 | \$742,869.30 |
| 04/01/2005-06/30/2005 | 6% | 1.5% | \$11,143.04 | \$754,012.34 |
| 07/01/2005-09/30/2005 | 6% | 1.5% | \$11,310.19 | \$765,322.53 |
| 10/01/2005-12/31/2005 | 7% | 1.75% | \$13,393.14 | \$778,715.67 |
| 01/01/2006-03/31/2006 | 7% | 1.75% | \$13,627.52 | \$792,343.19 |
| 04/01/2006-06/30/2006 | 7% | 1.75% | \$13,866.01 | \$806,209.20 |
| 07/01/2006-09/30/2006 | 8% | 2% | \$16,124.18 | \$822,333.38 |
| 10/01/2006-12/31/2006 | 8% | 2% | \$16,446.67 | \$838,780.05 |
| 01/01/2007-03/31/2007 | 8% | 2% | \$16,775.60 | \$855,555.65 |
| 04/01/2007-06/30/2007 | 8% | 2% | \$17,111.11 | \$872,666.76 |
| 07/01/2007-09/30/2007 | 8% | 2% | \$17,453.34 | \$890,120.10 |
| 10/01/2007-12/31/2007 | 8% | 2% | \$17,802.40 | \$907,922.50 |
| 01/01/2008-03/31/2008 | 7% | 1.75% | \$15,888.64 | \$923,811.14 |
| 04/01/2008-06/30/2008 | 6% | 1.5% | \$13,857.17 | \$937,668.31 |
| 07/01/2008-09/30/2008 | 5% | 1.25% | \$11,720.85 | \$949,389.16 |
| 10/01/2008-12/31/2008 | 6% | 1.5% | \$14,240.84 | \$963,630.00 |
| 01/01/2009-03/31/2009 | 5% | 1.25% | \$12,045.38 | \$975,675.38 |
| 04/01/2009-06/30/2009 | 4% | 1% | \$9,756.75 | \$985,432.13 |
| 07/01/2009-09/30/2009 | 4% | 1% | \$9,854.32 | \$995,286.45 |
| 10/01/2009-12/31/2009 | 4% | 1% | \$9,952.86 | \$1,005,239.31 |
| 01/01/2010-03/31/2010 | 4% | 1% | \$10,052.39 | \$1,015,291.70 |
| 04/01/2010-04/30/2010 | 4% | 0.33% | \$3,384.31 | \$1,018,676.01 |

| Prejudgment Violation Range | Quarter Interest Total | Prejudgment Total |
|-----------------------------|------------------------|-------------------|
| 04/01/2002-04/30/2010 | \$378,676.01 | \$1,018,676.01 |