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10
11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13
14 WESTERN DIVISION

15 SECURITIES AND EXCHANGE COMMISSION

16 Case No. 98-6509 DT (SHx)

17 Plaintiff,

18 [PROPOSED] FINAL JUDGMENT OF
19 DISGORGEMENT AND PENALTIES
20 AGAINST DEFENDANTS TODD AND
21 BROWN

22 MICHAEL A. TODD, KIM J. BROWN,
23 JERRY L. AUBREY, GARY JASON
24 MCCRORY, GARY L. CLEVERLY, CALVIN
25 J. CALVIN, AND TODD J. TAYLOR,

26 DATE: APRIL 12, 1999
27 TIME: 10:00 AM
28 COURTROOM: 880

Defendants.

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11 This action having come before the Court for hearing on
12 plaintiff's motion for summary judgment against defendants Michael
13 A. Todd and Kim J. Brown, the Honorable Dickran Tevrizian, District
14 Judge, presiding, and the Court having fully considered the
15 evidence, papers and argument presented by the parties, the issues
16 having been duly heard and a decision having been duly rendered,

17 I.

18 IT IS ORDERED that summary judgment is granted for
19 plaintiff and against defendants Michael A. Todd and Kim J. Brown.

II.

2 IT IS ORDERED, ADJUDGED AND DECREED that defendants
3 Michael A. Todd and Kim J. Brown are liable, jointly and severally,
4 for disgorgement of their ill-gotten gains in the amount of
5 \$459,905.63, together with prejudgment interest, calculated pursuant
6 to 28 U.S.C. § 1961, in the amount of \$29,011.61, totaling
7 \$488,917.24.

III.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
10 defendants Michael A. Todd and Kim J. Brown shall pay the
11 \$488,917.24 disgorgement and prejudgment interest amount by
12 cashier's check, certified check, or postal money order forthwith.
13 The cashier's check, certified check, or postal money order shall be
14 made payable to the United States Securities and Exchange
15 Commission, and shall be transmitted to the Comptroller, Securities
16 and Exchange Commission, Operations Center, 6432 General Green Way,
17 Stop 0-3, Alexandria, VA 22312, under cover of a letter that
18 identifies the defendant, the name and case number of this
19 litigation, and the court. A copy of each such cover letter shall
20 be simultaneously transmitted to counsel for the Commission in this
21 action at its Los Angeles Office, located at 5670 Wilshire
22 Boulevard, 11th Floor, Los Angeles, California 90036.

IV.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Michael
25 A. Todd is assessed, and shall pay to the Commission for delivery to
26 the United States Treasury, civil penalties in the amount of
27 \$110,000 pursuant to 15 U.S.C. Section 78(d)(3) as modified.
28 Michael A. Todd shall pay the above penalty within 30 days of entry

1 of this Final Judgment. This payment shall be made by cashier's
2 check, certified check or postal money order, payable to the United
3 States Treasury, and shall be transmitted to the Comptroller,
4 Comptroller, Securities and Exchange Commission, Operations Center,
5 6432 General Green Way, Stop 0-3, Alexandria, VA 22312, under cover
6 of a letter which identifies the defendant, the name and case number
7 of this litigation and the name of the Court. A copy of the cover
8 letter shall be simultaneously transmitted to counsel for the
9 Commission at its Los Angeles office.

10 V.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kim J.
12 Brown is assessed, and shall pay to the Commission for delivery to
13 the United States Treasury, civil penalties in the amount of
14 \$110,000 pursuant to 15 U.S.C. Section 78(d)(3) as modified. Kim J.
15 Brown shall pay the above penalty within 30 days of entry of this
16 Final Judgment. This payment shall be made by cashier's check,
17 certified check or postal money order, payable to the United States
18 Treasury, and shall be transmitted to the Comptroller, Comptroller,
19 Securities and Exchange Commission, Operations Center, 6432 General
20 Green Way, Stop 0-3, Alexandria, VA 22312, under cover of a letter
21 which identifies the defendant, the name and case number of this
22 litigation and the name of the Court. A copy of the cover letter
23 shall be simultaneously transmitted to counsel for the Commission at
24 its Los Angeles office.

25 VI.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this
27 Court shall retain jurisdiction over this action for all purposes in
28 connection with this matter, including implementation and

1 enforcement of the terms of this Judgment and other decrees that may
2 be entered herein and to grant such other relief as the Court may
3 deem necessary and just.

4 There being no just reason for delay, the Clerk of the
5 Court is hereby directed to enter this Final Judgment forthwith.

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7 DATED: April __, 1999

DICKRAN TEVRIZIAN

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UNITED STATES DISTRICT JUDGE

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