

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 01-11359-NG
)	
EDWARD R. VOCCOLA,)	
)	
Defendant.)	

AMENDED FINAL JUDGMENT

For the reasons stated in the Court’s Memorandum and Order re: Plaintiff’s Motion for Summary Judgment dated July 27, 2005:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Voccola, his agents, servants, employees, attorneys, successors or assigns, and those persons in active concert or participation with them who receive actual notice of this Final Judgment, are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. §77q(a)] by, directly or indirectly, 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 the use of the mails: (a) employing any device, scheme or artifice to defraud; (b) obtaining money or property by means of any untrue statement of a material fact or any omission 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) engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser of such security.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Voccola, his agents, servants, employees, attorneys, successors or assigns, and those persons in active concert or participation with them who receive actual notice of this Final Judgment, are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 (“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 the use of 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) employing any device, scheme, or artifice to defraud; (b) 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 (c) engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Section 20(d) of the Securities Act [15 U.S.C. §77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. §78u(d)(3)], Voccola is liable for disgorgement of \$196,356, representing profits gained and losses avoided as a result of the misconduct found by the Court,

plus pre-judgment interest in the amount of \$45,154, for a total disgorgement obligation of \$241,510. Voccola shall pay this disgorgement obligation within ten (10) days after entry of this Final Judgment. The payment shall be made by money order, certified check or cashier's check made payable to the Clerk, United States District Court for the District of Massachusetts. The payment shall be mailed to the Clerk of this Court at the John Joseph Moakley U.S. Courthouse, One Courthouse Way, Boston, MA 02210, with a cover letter identifying Voccola, the name and number of this action, and the name of this Court, and copies of the payment and cover letter shall be mailed to Frank C. Huntington, Securities and Exchange Commission, 73 Tremont Street, Suite 600, Boston, MA 02108. The disgorged funds and prejudgment interest shall be held by the Registry of this Court in an interest-bearing account pending further order of the Court. Upon payment of the disgorgement obligation set forth above, Voccola shall relinquish all legal and equitable right, title and interest in such payment, and no part of the funds shall be returned to him. Any amounts recovered from Voccola in connection with his obligation to pay restitution pursuant to the judgment entered on May 19, 2004 in U.S. v. Edward R. Voccola, Case No. 1:02cr10257-REK, shall be credited toward Voccola's obligation to pay disgorgement pursuant to this Final Judgment.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over Voccola as a party to this matter for all purposes, including the implementation and enforcement of this Final Judgment.

SO ORDERED at Boston, Massachusetts, this 5 day of Aug., 2005.


UNITED STATES DISTRICT JUDGE