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DOC #:
DATE FILED: 11/5/2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

1:02-cv-09355 (DAB)

Plaintiff,

- against -

THOMAS FLETCHER & CO., INC.,
THOMAS FLETCHER & COMPANY, INC.,
SERGEI VORONCHENKO, ROMAN THAKER,
ALEX BERG, JOHN DONADO, and
PADRIG McGLYNN,

Defendants.

REVISED FINAL JUDGMENT AS TO DEFENDANT PADRAIG MCGLYNN

The Securities and Exchange Commission (“Commission”) having filed a Complaint; Defendant Padraig McGlynn (“Defendant” or “McGlynn”) having defaulted on his obligation to answer the Complaint; the Court having granted Plaintiff’s motion for a default judgment against Defendant on August 12, 2011, the Court having entered a Final Judgment as to McGlynn on June 19, 2014 (Dkt. No. 67); the Commission having requested that the Court enter a Revised Final Judgment as to McGlynn indicating that his obligation to pay disgorgement and prejudgment interest be deemed satisfied by the restitution ordered against McGlynn in *United States v. McGlynn*, 03-Crim.-464(6) (S.D.N.Y. Feb. 22, 2005) (LTS); and it appearing to the Court that a Revised Final Judgment as to McGlynn should enter:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's 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.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's 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 (the "Securities Act") [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.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$14,500.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$10,554.93, for a total of \$25,054.93. This disgorgement and prejudgment interest shall be deemed satisfied by the restitution ordered against McGlynn in *United States v. McGlynn*, 03-Crim.-464(6) (S.D.N.Y. Feb. 22, 2005) (LTS).

IV.

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.

V.

There being no 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: November 5, 2014

Deborah A. Batts
UNITED STATES DISTRICT JUDGE