

Minute Order Form (06/97)

**United States District Court, Northern District of Illinois**

*JSG*

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 5539	DATE	9/14/2000
CASE TITLE	SECURITIES AND EXCHANGE COMMISSION vs. KEVIN L. LINDSEY & THOMAS R. PEREZ		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

**DOCKET ENTRY:**

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
  - FRCP4(m)    General Rule 21    FRCP41(a)(1)    FRCP41(a)(2).
- (10)  [Other docket entry]   **Enter FINAL ORDER AND JUDGMENT OF PERMANENT INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF AGAINST KEVIN L. LINDSEY.**
- (11)  [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials	ED-7 FILED FOR DOCKETING 00 SEP 18 PM 3:57	1 number of notices	Document Number  <span style="font-size: 48pt;">4</span>
			SEP 14 2000 <small>date docketed</small>	
			 <small>docketing deputy initials</small>	
			9/14/2000 <small>date mailed notice</small>	
			 <small>mailing deputy initials</small>	
		Date/time received in central Clerk's Office		

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KEVIN L. LINDSEY,  
THOMAS R. PERZ

Defendants.

JUDGE NORGLE

CIVIL ACTION  
NO. \_\_\_\_\_

00C 5539

MAGISTRATE JUDGE ROSEMONY

DOCKETED  
SEP 9 2000

FINAL ORDER AND JUDGMENT OF PERMANENT INJUNCTION, CIVIL  
PENALTIES, AND OTHER EQUITABLE RELIEF AGAINST KEVIN L. LINDSEY

Plaintiff United States Securities and Exchange Commission ("Commission"), having filed a Complaint for a Permanent Injunction and Other Relief ("Complaint") in this matter, and Defendant Kevin L. Lindsey ("Lindsey"), in his Consent and Stipulation attached hereto and incorporated herein ("Consent"), having acknowledged receipt of the Complaint and admitted the jurisdiction of this Court over him, solely for purposes of the above referenced csae and no other matter, and both the Commission and Lindsey having waived the entry of Findings of Fact and Conclusions of Law as provided by Rule 52 of the Federal Rules of Civil Procedure, and Lindsey, without admitting or denying the allegations of the Complaint except as to jurisdiction, and without trial, argument, or adjudication of any issue of fact or law herein, having consented to the entry of this Final Order and Judgment of Permanent Injunction and Other Relief ("Final Judgment"), and it further appearing that the Court has jurisdiction over the parties and the subject matter hereof, and the Court being fully advised in the premises:

**I.**

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Lindsey, his agents, servants, employees, attorneys, and those persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of securities, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

- (1) employing any device, scheme or artifice to defraud;
- (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
- (3) engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person,

in violation of Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. §78j(b)] and Rule 10b-5 thereunder [17 C.F.R. 240.10b-5].

**II.**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, pursuant to Section 21A of the Exchange Act [15 U.S.C. §78uA], Lindsey shall pay, within sixty (60) days of the entry of this Final Judgment, a civil penalty in the amount of \$386,875.00 to the United States Treasury. Such payment shall be: (A) made by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the United States Securities and Exchange Commission; (C) hand-delivered or mailed to the Comptroller,

Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549; and (D) submitted under cover letter that identifies Lindsey as a Defendant in this action, the caption and case number of this action and the name of this Court. Copies of such check and accompanying cover letter shall be simultaneously submitted to Pravin B. Rao, Branch Chief, Division of Enforcement, Securities and Exchange Commission, Midwest Regional Office, 500 West Madison Street, Suite 1400, Chicago, Illinois 60661.

**III.**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the attached Consent of Lindsey be, and hereby is, incorporated herein with the same force and effect as if fully set out herein and that Lindsey shall comply with his Consent.

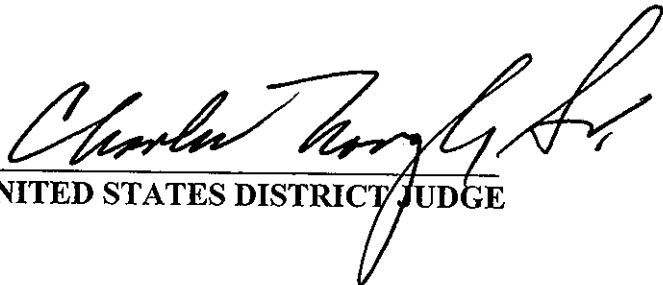
**IV.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there being no just reason for delay, the Clerk of the Court is hereby directed to enter this Final Judgment.

**V.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Court shall retain jurisdiction of this action for all purposes, including enforcement of the Final Judgment of Permanent Injunction and Other Relief.

**SO ORDERED:**

  
**UNITED STATES DISTRICT JUDGE**

Dated: 9/14, 2000