

Minute Order Form (06/97)

United States District Court, Northern District of Illinois

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)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter FINAL ORDER AND JUDGMENT OF PERMANENT INJUNCTION, CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF AGAINST THOMAS R. PERZ.
(11)	<input checked="" type="checkbox"/>	[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.		1 number of notices	Document Number
EF courtroom deputy's initials	Date/time received in central Clerk's Office	date docketed docketing deputy initials 9/14/2000 date mailed notice EF mailing deputy initials	

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

DOCKETED
SEP 19 2000

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KEVIN L. LINDSEY,
THOMAS R. PERZ

Defendant.

JUDGE NORGLE

CIVIL ACTION
NO. _____

00C 5539

MAGISTRATE JUDGE ROSEMOND

FINAL ORDER AND JUDGMENT OF PERMANENT INJUNCTION, CIVIL
PENALTIES, AND OTHER EQUITABLE RELIEF AGAINST THOMAS R. PERZ

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 Thomas Perz ("Perz"), 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, and both the Commission and Perz 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 Perz, 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 Perz, 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], Perz shall pay, within ninety (90) days of 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) delivered to the Comptroller, Securities and Exchange

Commission, 450 Fifth Street, N.W., Washington, D.C. 20549; and (D) submitted under cover letter that identifies Perz 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 Perz shall, within ninety (90) days of the entry of this Order, pay disgorgement in the amount of \$386,875.00 and prejudgment interest in the amount of \$60,687.11 to the Northern District of Illinois. Such payment shall be: (A) made payable to the Clerk, U.S. District Court, Northern District of Illinois by United States postal money order, certified check, bank cashier's check or bank money order and (B) submitted under cover letter that identifies Perz 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..

IV.

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

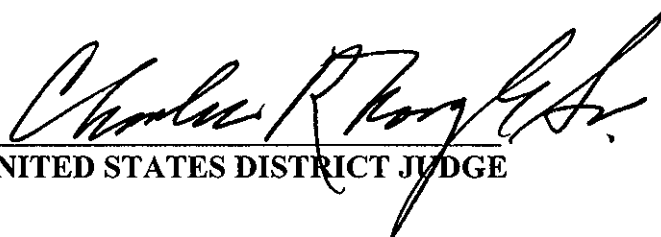
V.

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.

VI.

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