

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

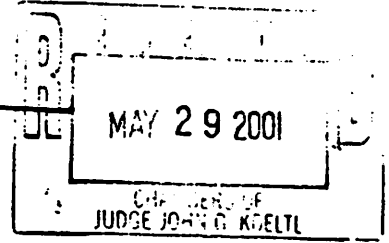
v.

JORGE EDUARDO BALLESTEROS FRANCO,
TESTAMENTARIA DEL SEÑOR JOSE LUIS
BALLESTEROS FRANCO,
JOSE LUIS BALLESTEROS GUTIERREZ,
JUAN PABLO BALLESTEROS GUTIERREZ,
ALEJANDRO BALLESTEROS GUTIERREZ,
RICARDO BALLESTEROS GUTIERREZ,
EUGENIO MINVIELLE ZAMUDIO,
CARLOS MINVIELLE LAGOS,
SAGITTON LIMITED,
GIANNI ENTERPRISES LIMITED,
GIANNI TRUST,
CARDINAL TRUST,
CASFORD LIMITED,
INTERCONSULTING LIMITED,
DEHCOT S.A. de C.V.,
and PARKESBURG CORP.,

Defendants.

JUDGE KOELTL

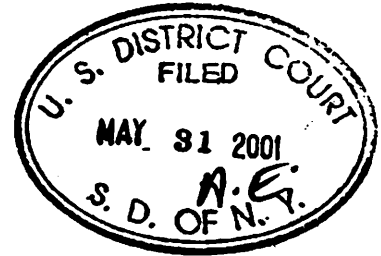
DOC # 2



01 CV

3872

01,1047



**JUDGMENT OF PERMANENT INJUNCTION AND
OTHER RELIEF AS TO DEFENDANTS
EUGENIO MINVIELLE ZAMUDIO AND PARKESBURG CORP.**

Plaintiff Securities and Exchange Commission ("Commission") having filed a complaint ("Complaint"), and defendants Eugenio Minvielle Zamudio and Parkesburg Corp. ("Minvielle/Parkesburg"), in the attached Consent and Undertakings of Defendants Eugenio Minvielle Zamudio and Parkesburg Corp. ("Consent"), having entered a general appearance, having admitted the jurisdiction of this Court over them and over the subject

MICROFILM
MAY 31 2001
-3 00 PM

M.L.

*Please Return To Cashiers
Note And Banking Account*

U.S. DISTRICT COURT, S.D. OF N.Y.

1

matter of this action, having waived the filing of an answer to the Complaint, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, having waived any right they may have to appeal from the entry of this Judgment of Permanent Injunction and Other Relief as to Defendants Eugenio Minvielle Zamudio and Parkesburg Corp. ("Judgment"), and, without admitting or denying any of the allegations of the Complaint, except as to jurisdiction, which they admit, having consented to the entry of this Judgment, and it further appearing that this Court has jurisdiction over Eugenio Minvielle Zamudio and Parkesburg Corp. and the subject matter of this action, and the Court being fully advised in the premises:

I.

IT IS ORDERED, ADJUDGED AND DECREED that Defendants Minvielle/Parkesburg, their agents, servants, employees, attorneys-in-fact and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise, and each of them, be and hereby 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 promulgated thereunder [17 C.F.R. § 240.10b-5], directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of a national securities exchange by:

- (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 connection with the purchase or sale of any security.

II.

IT IS ORDERED, ADJUDGED AND DECREED that Defendants Minvielle/Parkesburg, their agents, servants, employees, attorneys-in-fact and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating Section 14(e) of the Exchange Act (15 U.S.C. § 78n(e)) and Rule 14e-3 thereunder (17 C.F.R. § 240.14e-3) by, directly or indirectly, in connection with any tender offer or request or invitation for tenders, engaging in any fraudulent, deceptive or manipulative act or practice by (1) trading in the securities sought or to be sought in such tender offer while in possession of material, nonpublic information relating to such tender offer which they know or have reason to know is nonpublic and know or have reason to know was acquired directly or indirectly from the offering person, the issuer of the securities sought or to be sought by such tender offer, or any officer, director, partner, employee or other person acting on behalf of the offering person or such issuer, without disclosing such information and its source a reasonable time before trading, or (2) communicating material, nonpublic information relating to a tender offer, which information they know or have reason to know is nonpublic and know or have reason to know was acquired directly or indirectly from the offering person, the issuer of the securities sought or to be sought in the tender offer, or any person acting on behalf of the offering person or such issuer, to any other person under circumstances in which it is

reasonably foreseeable that such communication is likely to result in violation of Section 14(e) and Rule 14e-3.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Minvielle/Parkesburg pay disgorgement in the amount of \$366,412.50, representing their gains from the purchases of Nalco Chemical Company securities as alleged in the Complaint, together with prejudgment interest thereon in the amount of \$55,504.27.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Minvielle/Parkesburg pay a civil penalty of \$366,412.50 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1].

V.

ML. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendants Minvielle/Parkesburg pay the amounts described in paragraph III, representing disgorged profits and prejudgment interest, into the registry of this Court, for placement into an interest bearing account, by United States postal money order, certified check, bank cashier's check or bank money order made payable to the order of "Clerk, U.S. District Court, S.D.N.Y.," within ten (10) days of the date of entry of this Judgment. Payment shall be remitted under cover of a letter that identifies Eugenio Minvielle Zamudio and Parkesburg Corp., the caption and case number of this action, and the name of this Court. Copies of such check or money order and accompanying cover letter shall be simultaneously transmitted to Richard W. Grime, Esq., Branch Chief, Division of

Enforcement, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0702.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Minvielle/Parkesburg pay the amount described in paragraph IV, representing a civil penalty, to the United States Treasury within ten (10) days of the entry of this Judgment. 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 "Securities and Exchange Commission"; (c) hand-delivered or mailed to the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Stop 0-3, Alexandria, Virginia 22312; and (d) submitted with a cover letter that identifies Eugenio Minvielle Zamudio and Parkesburg Corp. as defendants in this action, the caption and case number of this action, and the name of this Court. Copies of such check or money order and accompanying cover letter shall be simultaneously transmitted to Richard W. Grime, Esq., Branch Chief, Division of Enforcement, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0702.

VII.

IT IS ORDERED, ADJUDGED AND DECREED that the annexed Consent be, and the same hereby is, incorporated herein by reference with the same force and effect as if fully set forth herein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this matter for all purposes, including the implementation and enforcement of this Judgment.

* * * *

There being no reason for delay, the Clerk of the Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Judgment forthwith.

Date

5/29/01


UNITED STATES DISTRICT JUDGE *ms*

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 5/31/01**