

United States Courts
Southern District of Texas
ENTERED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

MAR 01 2001

Michael N. Milby, Clerk of Court

SECURITIES AND EXCHANGE COMMISSION :

PLAINTIFF, :

vs. :

PINKMONKEY.COM, INC., and
PATRICK R. GREENE :

DEFENDANTS. :

No. **H 01 - 0711**

**AGREED FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER
EQUITABLE RELIEF AS TO PATRICK R. GREENE.**

This matter came before this Court on the application of plaintiff Securities and Exchange Commission ("Commission") by consent of defendant Patrick R. Greene ("Greene"), for issuance of this Final Judgment in this action, providing the relief set out herein.

Greene has provided this Court with a Stipulation and Consent ("Consent") in which, inter alia, he 1) acknowledges and admits the in personam jurisdiction of this Court over him, and the subject matter jurisdiction of this Court over the cause of action claimed by the Commission herein; 2) waives entry of findings of fact and conclusions of law under Rule 52, Fed. Rules Civ. Proc., 28 U.S.C.A., with respect to the entry of this Order; and 3) consents, for purposes of this action only, to the entry of this Final Judgment, without admitting or denying any of the allegations of the Commission's Complaint in this matter and without admitting or denying any violation of the federal securities laws, except as to jurisdiction, as set forth herein.

It appears this Court has in personam jurisdiction over Greene, and subject matter jurisdiction over the cause of action claimed by the Commission; that no further notice or hearing is

required prior to entry of this Final Judgment and there is no just reason for delay; and the Court has been fully advised of the premises for entry of this Final Judgment.

IT IS THEREFORE ORDERED:

I.

That defendant Greene and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are permanently restrained and enjoined from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Commission Rule 10b-5 [17 C.F.R. § 240.10b-5], directly or indirectly, in connection with the purchase or sale of securities, by making use of any means or instrumentalities of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- (a) to employ any device, scheme or artifice to defraud;
- (b) to make any untrue statement of a material fact or 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.

Greene shall pay a civil penalty of \$20,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Greene shall, within 120 days of the entry of this Order, pay the full amount of civil penalty, totaling \$20,000, 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 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, VA 22312; and (D) submitted under cover letter that identifies Greene as a defendant in this civil action, and the docket number hereof, a copy of which cover letter and money order or check shall be sent to Harold F. Degenhardt, the District Administrator of the Fort Worth District Office, Securities and Exchange Commission, 801 Cherry Street, Suite 1900, Fort Worth Texas 76102.

III.

The Consent filed herein be, and the same is hereby, incorporated in this Final Judgment with the same force and effect as if fully set forth herein.

IV.

This Court shall retain jurisdiction over this matter and over defendant Greene for purposes of enforcing the terms of this Final Judgment and for all other purposes.

V.

This Final Judgment may be served upon defendant Greene in person or by mail either by the United States Marshal, by the Clerk of the Court or by any member of the staff of the Commission.

VI.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Agreed Final Judgment of Permanent Injunction and Other Equitable Relief as to Patrick R. Greene pursuant to Rule 54 of the Federal Rules of Civil Procedure.

DATED and SIGNED this 15th day of December, 2000.

Signed: February 28, 2001, at Houston, Texas.
Nancy J. O'Neil
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND SUBSTANCE:

Patrick R. Greene
PATRICK R. GREENE

APPROVED AS TO FORM AND SUBSTANCE:

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