

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States Courts
Southern District of Texas
ENTERED

AUG 12 2003

Michael N. Milby, Clerk of Court

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

DONALD JOHN CHRISTENSEN, II,
et al.,

Defendants.

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CIVIL ACTION NO. H-01-3203

**FINAL JUDGMENT
AGAINST DEFENDANT MARC R. TOW**

Defendant Marc R. Tow (“Defendant”) having (i) entered a general appearance; (ii) consented to the court’s jurisdiction over defendant and the subject matter of this action; (iii) without admitting or denying the allegations of the complaint, consented to entry of this judgment without further notice, which consent is incorporated herein by reference; (iv) waived findings of fact and conclusions of law; and (v) waived any right to appeal from this judgment, IT IS ORDERED that:

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I.

From the date of this Order, defendant and his officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Judgment, are permanently restrained and enjoined from violating Section 17(a) of the Securities Exchange Act of 1933 [15 U.S.C. § 77q(a)], in the offer or sale of any securities, by the use of any means or instruments of transportation or communication in interstate commerce, or by the use of the mails, by, directly or indirectly:

- (1) to employ any device, scheme, or artifice to defraud; or
- (2) to obtain money or property by means of any untrue statement of a material fact or any omission 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) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser.

II.

From the date of this Order, defendant and his agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Judgment, are permanently restrained and

enjoined from violating section 10(b) of the Securities Act of 1934 [15 U.S.C. § 79j(b)] (“Exchange Act) and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5] by the use of 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, by, directly or indirectly:

- (1) To employ any device, scheme, or artifice to defraud,
- (2) To make any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, or
- (3) To engage 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.

There being no just reason for delay, the clerk of the court is hereby directed, pursuant to Federal Rule of Civil Procedure 54(b), to enter this Final Judgment forthwith.

SIGNED on August 11, 2003, at Houston, Texas.



Lee H. Rosenthal
United States District Judge