

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ALEJANDRO DUCLAUD GONZALEZ DE
CASTILLA, *et al.*

Defendants.

Civil Action No.
01 Civ. 3999 (RWS)

**FINAL JUDGMENT OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST
DEFENDANT ALEJANDRO DUCLAUD GONZALES DE CASTILLA
AND DEFENDANT ANUSHKA TRUST**

Plaintiff Securities and Exchange Commission ("SEC"), having filed its Amended Complaint, dated May 1, 2002, in the above-captioned action, and Defendant Alejandro Duclaud Gonzalez de Castilla ("Duclaud") and Defendant Anushka Trust ("Anushka"), having in their Consent and Undertakings of Defendant Alejandro Duclaud Gonzalez de Castilla and Defendant Anushka Trust ("Consent") filed with the Court waived service of process, entered a general appearance, admitted the jurisdiction of this Court over them for this action and the jurisdiction of the Court over the subject matter of this action, waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, waived any right they might have to appeal from the entry of this Final Judgment of Permanent Injunction and Other Relief Against Defendant Alejandro Duclaud Gonzalez de Castilla and Defendant Anushka Trust ("Final Judgment"), and without admitting or denying the allegations of the Amended Complaint, except as to jurisdiction, which is admitted, consented to the entry without further notice of this Final

Judgment, and it further appearing that this Court has jurisdiction over Duclaud and Anushka for this action and jurisdiction over the subject matter of this action, and the Court being fully advised in the premises, and there being no just reason for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Duclaud and Anushka and their agents, servants, employees, attorneys-in-fact, assigns, and all persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from, directly or indirectly, through the use of any means or instrumentality of interstate commerce or of the mails, or of the facilities of a 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 light of the circumstances under which they were made, not misleading, or
- (3) engaging in any transaction, act, practice, or course of business which operates or would operate as a fraud or deceit on any person,

in connection with the purchase or sale of any security, in violation of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Duclaud and Anushka shall pay \$240,000, jointly and severally, consisting of disgorgement and prejudgment interest of \$182,895, and a civil penalty of \$57,105.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that PaineWebber, Inc. shall, from the funds of Duclaud and Anushka held by it and currently frozen by order of this Court, deliver into this Court's registry within ten (10) business days of the entry of the Final Judgment, a check in the amount of \$182,895 representing the disgorgement and prejudgment interest as described in paragraph II, above, drawn to the order of "CLERK, UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK." The check shall bear on its face the caption "SECURITIES AND EXCHANGE COMMISSION v. ALEJANDRO DUCLAUD GONZALEZ DE CASTILLA, *ET AL.*, Civil Action No. 01 Civ. 3999 (RWS)," and be transmitted to the Clerk under cover of a letter that identifies Duclaud and Anushka, 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 transmitted to John D. Worland, Jr., Assistant Chief Litigation Counsel, U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0911.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court, or the Financial Deputy Clerk, is hereby directed to deposit said check referred to in the immediately preceding paragraph into an interest bearing account (the "Account") with the Court Registry Investment System ("CRIS"). The Account shall be held by the CRIS until further order of the Court, and shall thereafter be distributed pursuant to a plan for disposition of disgorgement funds, to be filed by the SEC with the Court, but in no event shall any of the funds paid into the Registry of the Court revert, directly or indirectly, to Duclaud or Anushka, their successors or assigns.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that interest earned on the Account shall be credited to the Account and shall thereafter be treated in the same manner as principal. The Clerk of the Court is directed to deduct from the income earned on the investment a fee, not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office at or equal to 10% of the income earned on the investment so held and without further order of the Court.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that PaineWebber, Inc. shall, from the funds of Duclaud and Anushka held by it and currently frozen by order of this Court, deliver within ten (10) business days of the entry of the Final Judgment, a check in the amount of \$57,105, representing a civil penalty, by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312. The check shall bear on its face the caption "SECURITIES AND EXCHANGE COMMISSION v. ALEJANDRO DUCLAUD GONZALEZ DE CASTILLA, *ET AL.*, Civil Action No. 01 Civ. 3999 (RWS)," and be transmitted under cover of a letter that identifies Duclaud and Anushka, the caption and case number of this action, the name of this Court, and specifying that payment is made pursuant to this Final Judgment. Copies of such check and accompanying cover letter shall be simultaneously transmitted to John D. Worland, Jr., Assistant Chief Litigation Counsel, U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0911.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any frozen funds of Duclaud or Anushka remaining with PaineWebber, Inc., if any, after the amounts specified in Paragraphs III and VI have been paid, are hereby unfrozen and may be returned to Anushka, its successors or assigns.

VIII.

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

IX.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Duclaud and Anushka shall fully comply with their Undertakings as set forth in the Consent.


X.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction for the purpose of enforcing the Final Judgment.

XI.

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

Dated: 12/6, 2002



Robert W. Sweet
UNITED STATES DISTRICT JUDGE