

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 01-6952-CIV-DIMITROULEAS

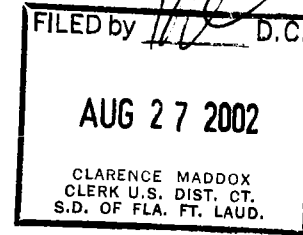
SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

JEFFREY GOLDBERG, et al,

Defendants.



**FINAL JUDGMENT FOR DISGORGEMENT, PREJUDGMENT INTEREST AND
CIVIL PENALTIES AGAINST DEFENDANT JEFFREY M. GOLDBERG**

THIS CAUSE is before the Court upon the Securities and Exchange Commission's Motion to Set Disgorgement and Civil Penalties [DE 51]. In reaching its decision today, the Court has carefully considered the SEC's motion, Defendant Goldberg's August 5, 2002 response, the SEC's August 21, 2002 reply, all attachments to the motion, response and reply, the argument of counsel on a hearing held August 23, 2002, and is otherwise fully advised in the entire record of the case, including this Court's April 18, 2002 Judgment of Permanent Injunctive and Other Relief [DE 46].

In reaching the conclusion detailed below, the Court finds that Goldberg's Consent to entry of permanent injunctive relief admits that Goldberg acted with fraudulent intent or at a minimum establishes that he knew that his actions were facilitating fraudulent conduct. CFTC v. Sidoti, 178 F.3d 1132, 1138 (11th Cir. 1999). In setting up the fraudulent scheme at Medical Research Industries, Inc., and helping the scheme to operate, Goldberg cannot now separate his actions from the fraudulent scheme. The Court relies on the Declaration of Lisa Owens Steir to establish that Goldberg was paid by Medical Research Industries, Inc., indirectly through corporations (Jagmar Management & Consulting and Jagmar Management Group) controlled

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, either by him or members of his family. See Exhibit C to Plaintiff's Motion [DE 51]. The Court also relies on the Declaration of Donald Kaplan that additional monies were paid to Goldberg from other subsidiaries of Medical Research Industries, Inc. See Exhibit 1 to Plaintiff's Reply [DE 65].

The Court concludes that despite the arguments of Defendant Goldberg, the SEC has met its burden of proving that the monies paid to Goldberg were unjust enrichment. Sidoti, 178 F.3d at 1138.

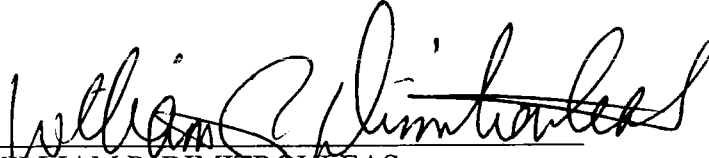
Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Securities and Exchange Commission's Motion to Set Disgorgement and Civil Penalties [DE 51] is hereby **GRANTED in part** as described below;
2. Within thirty (30) days of the entry of this Order, Defendant Jeffrey M. Goldberg shall disgorge \$1,394,406.57, plus prejudgment interest from June 1, 2001 to July 3, 2002 in the amount of \$92,865.22;
3. Within thirty (30) days of the entry of this Order, Defendant Jeffrey M. Goldberg shall be assessed and shall pay a civil penalty pursuant to Section 20(d) of the Securities Act of 1933, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u(d)(3) in the amount of \$50,000. The Court finds that Defendant Jeffrey M. Goldberg has the ability to pay this amount based upon his lifestyle and bank deposits, as presented in the motion and at the hearing;
4. The Court retains jurisdiction over this matter and Defendant Jeffrey M. Goldberg in order to implement and carry out the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the

jurisdiction of this Court;

5. Any other pending motions are hereby **DENIED as moot**, and the Clerk may close this case.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 27 day of August, 2002.



WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:

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