Case 3:01-cv-0197

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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

CIVIL ACTION NO.

VS.

3:01-CV-1974-H

NUEWORLD.COM COMMERCE, INC., and TIMOTHY RINGGENBERG

Defendants.



FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF AGAINST DEFENDANT TIMOTHY RINGGENBERG

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

Ringgenberg has provided this Court with a Stipulation and Consent ("Stipulation") 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 Final Judgment; 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 <u>in personam</u> jurisdiction over Ringgenberg, 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:

1.

Ringgenberg, 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, directly or indirectly, in connection with the purchase or sale of any security, from 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.

11.

Ringgenberg, 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, and each of them, be and hereby are permanently restrained and enjoined, in the offer or sale of any security, from making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, directly or indirectly:

- (a) to employ any device, scheme or artifice to defraud;
- (b) 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
 - (c) to engage in any transaction, practice or course of business which operates

or would operate as a fraud or deceit upon any purchaser.

III.

Ringgenberg, his agents, servants, employees, attorneys-in-fact and all persons in active concert or participation with him, who receive actual notice of this Final Judgment by personal service or otherwise, are permanently restrained and enjoined in the offer or sale of any security, from directly or indirectly:

- (a) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell any securities, through the use or medium of any prospectus or otherwise, unless and until a registration statement is in effect with the Commission as to such securities;
- (b) carrying securities, or causing them to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or delivery after sale, unless and until a registration statement is in effect with the Commission as to such securities; or
- (c) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use or medium of any prospectus or otherwise, securities, unless a registration statement has been filed with the Commission as to such securities, or while a registration statement filed with the Commission as to such securities is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding of examination under Section 8 of the Securities Act of 1933 ("Securities Act"), as amended [15 U.S.C. § 77h]; provided, however, that nothing in this Part III shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act, as amended [15 U.S.C. § 77e].

IV.

Ringgenberg shall pay a civil penalty of \$25,000.00 pursuant to Section 21(d)(3) of the Securities Exchange Act of 1934 [15 U.S.C. §78u(d)(3)], and Section 20(d) of the Securities Act [15 U.S.C. §77t(d)]. Ringgenberg shall, within 30 days of the entry of this Final Judgment, pay the \$25,000.00 civil penalty 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 Ringgenberg as a party 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.

V.

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

VI.

This Court shall retain jurisdiction over this action and over Ringgenberg for all purposes, including for purposes of enforcing the terms of this Final Judgment.

VII.

This Final Judgment may be served upon Ringgenberg 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.

VIII.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment as to Defendants pursuant to Rule 54 of the Federal Rules of Civil Procedure.

SIGNED this $\frac{\cancel{9}}{\cancel{100}}$ day of $\frac{\cancel{100}\cancel{100}\cancel{100}}{\cancel{100}\cancel{100}}$, 2001.

UNITED STATES DISTRICT JUDGE

Agreed as to Form and Content

Timothy Ringgenberg
Chief Information Officer
NuEworld.com Commerce, Inc.

Approved for Entry

Peter M. Saparoff

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

One Financial Center

Boston, Massachusetts 02111

Attorney for Timothy Ringgenberg

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October 2001, a true and correct copy of the

foregoing document was served by hand on the following individuals:

NueWorld.Com Commerce, Inc. by and through counsel Peter Saparoff, Esq. Mintz, Levin, Cohn, Ferris,m Glovsky and Popeo, P.C.

One Financial Center Boston, MA 02111 Timothy Ringgenberg by and through counsel Peter Saparoff, Esq.

Mintz, Levin, Cohn, Ferris,m Glovsky and Popeo, P.C.

One Financial Center Boston, MA 02111

Stephen J. Korotash