

**ECF**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**SECURITIES AND EXCHANGE COMMISSION**  
**450 Fifth Street, N.W.**  
**Washington, D.C. 20549,**

**Plaintiff,**

v.

**ROBERT C. LOWES,**

**Defendants.**

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Civil Action No. 02-71 HHK

**FILED**

JAN 29 2002

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**FINAL JUDGMENT AS TO DEFENDANT ROBERT C. LOWES**

Defendant Robert C. Lowes ("Defendant") having (i) entered a general appearance; (ii) consented to the Court's jurisdiction and venue over Defendant and the subject matter of this action; (iii) without admitting or denying the allegations of the Complaint, consented to the entry of this Judgment without further notice; (iv) waived findings of fact and conclusions of law; and (v) waived any right to appeal from this Judgment, it is now

**ORDERED, ADJUDGED AND DECREED** that Defendant, and Defendant's 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:

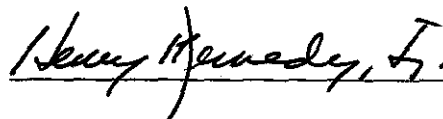
(a) violating Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of

any national securities exchange, in connection with the purchase or sale of any security, by (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 the light of the circumstances under which they were made, not misleading, or (3) engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

**ORDERED, ADJUDGED AND DECREED** that Defendant pay disgorgement in the amount of \$25,625, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest in the amount of \$7,442 for a total of \$33,067. Defendant shall satisfy this obligation by paying the \$33,067 within five business days of the entry of the Final Judgment to Wagner Stott Bear Specialists LLC, together with a letter satisfactory to the staff of the plaintiff Securities and Exchange Commission specifying that payment is made pursuant to this Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter to Leonard W. Wang, Division of Enforcement, Securities and Exchange Commission, 450 5<sup>th</sup> Street, N.W. Mail Stop 0701, Washington, D.C. 20549. Defendant shall deliver a total payment of \$33,067 by U.S. Postal money order, certified check, bank cashier's check, or money order, to William M. Dailey, General Counsel, Wagner Stott Bear Specialists LLC, 40 Wall Street, 42<sup>nd</sup> Floor, New York, N.Y. 10005. By making this payment, Defendant relinquishes all legal and equitable right, title and interest in such funds, and no part of the funds shall be returned to Defendant.

**ORDERED, ADJUDGED AND DECREED** that Defendant pay a civil penalty of \$25,625 pursuant to Section 21A of the Securities and Exchange Act of 1934 (15 U.S.C. §78u-1). Defendant shall, within five days of the entry of this Order, pay a civil penalty in the amount of \$25,625 by U.S. Postal money order, certified check, bank cashier's check, or bank money order, made payable to the Securities and Exchange Commission. The payment shall be hand-delivered or mailed to the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-3, Alexandria, VA 22312, under a cover letter that identifies Robert C. Lowes as the Defendant in these proceedings and provides the caption and file number for these proceedings. A copy of such a cover letter and money order or check shall be sent to Leonard W. Wang, Division of Enforcement, Securities and Exchange Commission, 450 5<sup>th</sup> Street, N.W., Mail Stop 0701, Washington, D.C. 20549.

Dated: January 23, 2002



UNITED STATES DISTRICT JUDGE

**Name and Address of Attorneys to be Served with Copy of Final Judgment:**

Leonard W. Wang, Esq.  
U.S. Securities & Exchange Commission  
450 Fifth Street, N.W., Mail Stop 0701  
Washington, D.C. 20549  
Attorney for Plaintiff

Thomas P. Puccio, Esq.  
Law Offices of Thomas P. Puccio  
230 Park Avenue  
Suite 301  
New York, NY 10169  
Attorney for Defendant