

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

---

UNITED STATES SECURITIES )  
AND EXCHANGE COMMISSION, )  
  
**Plaintiff,** )  
  
v. )  
  
FRANK D. GRUTTADAURIA, )  
DH STRATEGIC PARTNERS, INC., )  
JYM TRADING TRUST, )  
LAURENE U. ENGLISH, )  
a.k.a. LAURENE U. KACLUDIS, )  
  
**Defendants,** )  
  
SARAH Z. EMAMY, )  
CHARLIE WHISKEY LLC, )  
MARGO GRUTTADAURIA, )  
  
**Relief Defendants.** )

---

**No. 1:02CV324  
(Judge Gaughan)**

**FINAL JUDGMENT FOR DEFENDANTS FRANK D. GRUTTADAURIA, DH STRATEGIC PARTNERS, INC., AND JYM TRADING TRUST.**

Based upon the Complaint, the First Amended Complaint, the Motion and Supporting Memorandum for Summary Judgment, the Declarations filed therewith, the Court grants the Securities and Exchange Commission’s Motion for Summary Judgment against Frank D. Gruttadauria, DH Strategic Partners, Inc., and JYM Trading Trust. It is further ordered that:

I.

Final Judgment is entered against defendants FRANK GRUTTADAURIA, DH STRATEGIC PARTNERS, INC., and JYM TRADING TRUST.

II.

Defendants, Frank D. Gruttadauria, DH Strategic Partners, Inc, and JYM Trading Trust (collectively “the defendants”) and their agents, servants, employees, attorneys-in-fact, successors-in-interest, and assigns, and all those persons in active concert or participation, be and 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 Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] promulgated thereunder.

III.

Defendants and their agents, servants, employees, attorneys-in-fact, successors-in-interest, and assigns, and all those persons in active concert or participation, be and hereby are permanently restrained and enjoined from, 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, directly or indirectly:

- (1) employing any device, scheme, or artifice to defraud;

- (2) obtaining money or property by means of 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, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser;

in violation of Section 17(a)(1), (2) and (3) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77q(a)].

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Frank Gruttadaura (“defendant”) is liable for disgorgement of \$125,784,311.94. Defendant shall satisfy this obligation by paying \$125,784,311.94 via wire transfer within ten business days to an existing account established by the Clerk of this Court with National City Bank. 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.

The Clerk shall deposit the funds into an existing interest bearing account at National City Bank. These funds, together with any interest and income earned thereon (collectively, the “Fund”), shall be held in the interest bearing account until further order of the Court. The Commission may by motion propose a plan to distribute the Fund subject to the Court’s approval.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan  
Judge Patricia A. Gaughan

Date: March 22, 2004