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8 UNITED STATES DISTRICT COURT  
 9 FOR THE DISTRICT OF ARIZONA

CIV 02 0491 PHX PGR  
 Civil Action No.

10 SECURITIES AND EXCHANGE  
 11 COMMISSION,  
 12 Plaintiff,  
 13 vs.  
 14 JOHN HARBOTTLE,  
 15 Defendant.

[PROPOSED] FINAL JUDGMENT OF  
 PERMANENT INJUNCTION AND  
 OTHER RELIEF AGAINST  
 JOHN HARBOTTLE

17 Plaintiff Securities and Exchange Commission ("Commission"), having filed  
 18 and served upon Defendant John Harbottle ("Harbottle") a Summons and Complaint  
 19 in this action; Harbottle having admitted service upon him of the Summons and  
 20 Complaint in this action and the jurisdiction of this Court over him and over the  
 21 subject matter of this action; having been fully advised and informed of his right to a  
 22 judicial determination of this matter; having waived the entry of findings of fact and  
 23 conclusions of law as provided by Rule 52 of the Federal Rules of Civil Procedure;  
 24 having consented to the entry of this Final Judgment Of Permanent Injunction and  
 25 Other Relief Against John Harbottle ("Final Judgment") without admitting or denying  
 26 the allegations in the Complaint, except as specifically set forth in the Consent Of  
 27 John Harbottle to Entry of Final Judgment Of Permanent Injunction and Other Relief

28 

1 ("Consent") ; no notice of hearing upon the entry of this Final Judgment being  
2 necessary; and this Court being fully advised:

3 I.

4 IT IS ORDERED, ADJUDGED AND DECREED that Harbottle and his agents,  
5 servants, employees and attorneys, and all persons in active concert or participation  
6 with any of them, who receive actual notice of this Final Judgment by personal  
7 service or otherwise, and each of them, are permanently restrained and enjoined  
8 from, directly or indirectly, in connection with the purchase or sale of any security, by  
9 the use of any means or instrumentality of interstate commerce, or of the mails, or of  
10 any facility of any national securities exchange:

11 A. employing any device, scheme, or artifice to defraud;

12 B. making any untrue statement of a material fact or omitting to state a  
13 material fact necessary in order to make the statements made, in the  
14 light of the circumstances under which they were made, not misleading;  
15 or

16 C. engaging in any act, practice, or course of business which operates or  
17 would operate as a fraud or deceit upon any person;

18 in violation of Section 10(b) of the Securities Exchange Act of 1934

19 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R.

20 § 240.10b-5.

21 II.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Harbottle shall  
23 pay disgorgement in the amount of \$16,969.00, plus pre-judgment interest calculated  
24 pursuant to 28 U.S.C. § 1961 in the amount of \$502.00. Harbottle shall pay, by  
25 cashier's check, certified check, or postal money order, the total sum of \$17,471.00  
26 in disgorgement within thirty days of entry of this Final Judgment. This disgorgement  
27 payment shall be made payable to the United States Securities and Exchange  
28 Commission and shall be transmitted to the Comptroller, Securities and Exchange

1 Commission, Operations Center, 6432 General Green Way, Stop 0-3, Alexandria,  
2 VA 22312, under cover of a letter that identifies the defendant, the name and case  
3 number of this litigation, and the court. A copy of this cover letter shall be  
4 simultaneously transmitted to counsel for the Commission in this action at its Pacific  
5 Regional Office.

6 III.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Harbottle is  
8 assessed, and shall pay to the Commission for delivery to the United States  
9 Treasury, civil penalties in the amount of \$25,000.00 pursuant to Section 21A of the  
10 Exchange Act, 15 U.S.C. § 78u-1. Harbottle shall pay the above penalty by cashier's  
11 check, certified check, or postal money order within thirty days of entry of this Final  
12 Judgment. This payment shall be made payable to the United States Treasury and  
13 shall be transmitted to the Comptroller, Securities and Exchange Commission,  
14 Operations Center, 6432 General Green Way, Stop 0-3, Alexandria, VA 22312,  
15 under cover of a letter that identifies the defendant, the name and case number of  
16 this litigation, and the court. A copy of this cover letter shall be simultaneously  
17 transmitted to counsel for the Commission in this action at its Pacific Regional Office.

18 IV.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED the provisions of  
20 the Consent filed concurrently with this Judgment are incorporated herein with the  
21 same force and effect as if fully set forth herein and that Harbottle shall comply with  
22 his Consent.

23 V.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court  
25 shall retain jurisdiction over this action for all purposes, including to implement and  
26 enforce the terms of this Final Judgment and other orders and decrees which may be  
27 entered, and to grant such other relief as this Court may deem necessary and just.  
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VI.

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

DATED: March 20, 2002

  
UNITED STATES DISTRICT JUDGE

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