

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ruben Castillo	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 582	DATE	10/22/2002
CASE TITLE	United States Securities and Exchange Commission vs. Ryan D. Evans, et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Final Judgment and Order of Permanent Injunction and Other Relief as to Defendant Ryan D. Evans. Defendant Evans to pay disgorgement in the amount of \$243,667.17, plus prejudgment interest in the amount of \$41, 890.82, for a total payment of \$285,557.99 within thirty days of this Order. This Court will retain jurisdiction to enforce this Order.
- (11) [For further detail see order attached to the original minute order.]

	No notices required, advised in open court.	U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS OCT 22 2002	number of notices	Document Number 17	
	No notices required.		OCT 23 2002		date docketed
	Notices mailed by judge's staff.		CDY		docketing deputy initials
	Notified counsel by telephone.				date mailed notice
	<input checked="" type="checkbox"/> Docketing to mail notices.				mailing deputy initials
<input type="checkbox"/> Mail AO 450 form.					
<input type="checkbox"/> Copy to judge/magistrate judge.					
RO	courtroom deputy's initials	Date/time received in central Clerk's Office			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

RECEIVED
OCT 22 2002

MICHAEL W. DUBOIS
CLERK, U.S. DISTRICT COURT

UNITED STATES
SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

RYAN D. EVANS AND
PAUL A. GIANAMORE

Defendants.

CIVIL ACTION
FILE NO. 02C 0582

Judge Castillo

Magistrate Judge Bobrick

DOCKETED
OCT 23 2002

**FINAL JUDGMENT AND ORDER OF PERMANENT INJUNCTION AND OTHER
RELIEF AS TO DEFENDANT RYAN D. EVANS**

Plaintiff Securities and Exchange Commission ("Commission") has filed a Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") in this matter, and Ryan Evans ("Defendant Evans") has, in his Consent and Stipulation attached hereto and incorporated herein, acknowledged receipt of the Complaint, admitted the jurisdiction of this Court over him and over the subject matter thereof, and without admitting or denying the allegations of the Complaint, except as to jurisdiction, and without trial, argument or adjudication of any facts or law herein, consented to the entry of this Final Judgment and Order of Permanent Injunction And Other Relief Against Ryan Evans ("Final Judgment"). The Commission and Defendant Evans have waived the entry of findings of fact and conclusions of law, as provided by Rule 52 of the Federal Rules of Civil Procedure. The Court having jurisdiction over the parties and the subject matter hereof, and being fully advised in the premises:

17

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Evans, his officers, agents, servants, employees, assigns, attorneys and those 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 from, 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:

- A. employing any device, scheme or artifice to defraud;
- B. 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
- C. engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person,

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.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Evans, his officers, agents, servants, employees, assigns, attorneys and those 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 from:

- A. making any untrue statement of a material fact or omitting to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;
- B. engaging in any fraudulent, deceptive, or manipulative acts or practices, in connection with any tender offer or request for invitation for tenders, or any solicitation of security holders in opposition to or in favor of any such offer, request or invitation;

in violation of Section 14(e) of the Exchange Act [15 U.S.C. §78n(e)] and Rule 14e-3 [17 C.F.R. §240.14e-3] promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Evans pay disgorgement in the amount of \$243,667.17, plus prejudgment interest in the amount of \$41,890.82, for a total payment of \$285,557.99 within thirty (30) days of the entry of the Final Judgment. Based upon Defendant Evans's sworn representations to the Commission concerning his assets, income, liabilities, and net worth, as described in: (1) his sworn Statement of Financial Condition dated February 20, 2002; (2) his declaration dated February 26, 2002 relating to general disposition of funds; (3) his declaration dated February 26, 2002 relating to accounts; (4) his declaration dated July 29, 2002; and (5) his declaration of May 9, 2002, all but \$49,722.08 of this disgorgement and the pre-judgment interest thereon is waived, contingent upon the accuracy and completeness of these sworn representations.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court is not imposing a civil penalty pursuant to Section 21(A) of the Exchange Act or requiring full

payment of disgorgement and pre-judgment interest thereon based upon the accuracy and completeness of Evans's sworn representations to the Commission concerning his assets, income, liabilities, and net worth, as described in: (1) his sworn Statement of Financial Condition dated February 20, 2002; (2) his declaration dated February 26, 2002 relating to general disposition of funds; (3) his declaration dated February 26, 2002 relating to accounts; (4) his declaration dated July 29, 2002; and (5) his declaration of May 9, 2002. If at any time following the entry of this Final Judgment, the Commission obtains information indicating that Defendant Evans's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Defendant, petition the Court for an order requiring Defendant Evans to pay the unpaid portion of the disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue shall be whether the financial information provided by Defendant Evans was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made. In any such petition, the Commission may move the Court to consider all available remedies, including, but not limited to, ordering Defendant Evans to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Defendant Evans may not, by way of a defense to such petition: (1) challenge the validity of the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest

the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the attached Consent and Stipulation of Defendant Evans be, and is hereby, incorporated herein with the same force and effect as if fully set out herein.


VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this matter for all purposes, including, but not limited to entertaining any applications for additional relief, and implementing and enforcing this Final Judgment.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there being no just reason for delay, the Clerk of the Court is hereby directed to enter this Final Judgment and Order for Permanent Injunction and Other Relief.

IT IS SO ORDERED.



RUBEN CASTILLO, JUDGE
United States District Court
Northern District of Illinois

Dated: Oct. 22, 2002