

**ENTER CLOSED, SEND**

FILED  
CLERK, U.S. DISTRICT COURT  
APR 28 2004  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPT. 11

ENTERED  
CLERK, U.S. DISTRICT COURT  
APR 30 2004  
CENTRAL DISTRICT OF CALIFORNIA  
BY *136* DEPUTY

Case No. CV-02-0989 MMM (CWx)

**[PROPOSED] FINAL JUDGMENT  
AGAINST DEFENDANTS NEW  
ENERGY CORP AND TOR EWALD  
IMPOSING CIVIL PENALTIES**

VS.

**Defendants.**

DOCKETED ON CM  
APR 30 2004  
BY B6 640

208

1 The Court, having entered its Order Granting In Part And Denying In  
2 Part Plaintiff's Motion For Summary Judgment Against Defendants New  
3 Energy Corp., Tor Ewald, And Burke T. Maxfield And Denying Defendant  
4 Maxfield's Motion For Judgment On The Pleadings Or Summary Judgment,  
5 hereby enters this Final Judgment against Defendants New Energy Corp.  
6 ("New Energy") and Tor Ewald ("Ewald"):

7 **I.**

8 IT IS ORDERED, ADJUDGED AND DECREED that Defendant New  
9 Energy shall pay a civil penalty in the amount of \$110,000 pursuant to Section  
10 21(d)(3) of the Exchange Act. New Energy shall make this payment within  
11 thirty (30) days after entry of this Final Judgment by certified check, bank  
12 cashier's check, or United States postal money order payable to the Securities  
13 and Exchange Commission, and shall be transmitted to the Office of Financial  
14 Management, Securities and Exchange Commission, Operations Center, 6432  
15 General Green Way, Stop 0-3, Alexandria, Virginia 22312, under cover of a  
16 letter that identifies the defendant, the name and case number of this litigation  
17 and the name of the Court. A copy of the letter and the check or money order  
18 shall be simultaneously transmitted to counsel for the Commission at its Los  
19 Angeles office located at 5670 Wilshire Boulevard, 11<sup>th</sup> Floor, Los Angeles,  
20 CA 90036.

21 **II.**

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
23 Defendant Ewald shall pay a civil penalty in the amount of \$110,000 pursuant  
24 to Section 21(d)(3) of the Exchange Act. Ewald shall make this payment  
25 within thirty (30) days after entry of this Final Judgment by certified check,  
26 bank cashier's check, or United States postal money order payable to the  
27 Securities and Exchange Commission, and shall be transmitted to the Office of  
28 Financial Management, Securities and Exchange Commission, Operations

1 Center, 6432 General Green Way, Stop 0-3, Alexandria, Virginia 22312, under  
2 cover of a letter that identifies the defendant, the name and case number of this  
3 litigation and the name of the Court. A copy of the letter and the check or  
4 money order shall be simultaneously transmitted to counsel for the Commission  
5 at its Los Angeles office located at 5670 Wilshire Boulevard, 11<sup>th</sup> Floor, Los  
6 Angeles, CA 90036.

7 **III.**

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this  
9 Court shall retain jurisdiction over this action for all purposes, including to  
10 implement, enforce, and carry out the terms of this Final Judgment and all  
11 orders and decrees which have been entered or may be entered herein, and to  
12 grant such other relief as the Court may deem necessary and just.

13 **IV.**

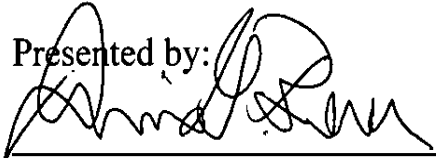
14 There being no just reason for delay, the Clerk of the Court is hereby  
15 directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to  
16 enter this Final Judgment forthwith.

17 **IT IS SO ORDERED.**

18  
19 Dated: APR 27 2004

  
The Honorable Margaret M. Morrow  
UNITED STATES DISTRICT JUDGE

20  
21  
22 Presented by:

  
23  
24 John B. Bulgozdy  
25 David S. Brown  
26 Attorneys for Plaintiff  
27 Securities and Exchange Commission  
28

**PROOF OF SERVICE**

I am over the age of 18 years and not a party to this action. My business address is:

[X] U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11<sup>th</sup> Floor, Los Angeles, California 90036.

Telephone: (323) 965-3998 Fax: (323) 965-3908

On April 23, 2004, I served the document entitled **[PROPOSED] FINAL JUDGMENT AGAINST DEFENDANT NEW ENERGY CORP. AND TOR EWALD IMPOSING CIVIL PENALTIES** upon the parties to this action addressed as stated on the attached service list:

[X] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

[ ] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

[ ] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

[ ] **PERSONAL SERVICE:** I caused to be personally delivered each such envelope by hand to the office of the addressee in the attached service list.

[ ] **FEDERAL EXPRESS:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

[ ] **FACSIMILE (by agreement of parties only):** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

[X] **(Federal)** I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct

Date: April 23, 2004

*Magnolia M. Marcelo*  
MAGNOLIA M. MARCELO

**SEC v. NEW ENERGY CORP., et al.**  
**United States District Court - Central District of California**  
**Case No. CV 02-0989 MMM (CWx)**  
**(LA-2553)**

SCANNED

**SERVICE LIST**

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