

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

AMENDED FINAL
JUDGMENT
02-CV- 2564 (SJ)

Plaintiff,

-against-

ERIC PATTON, et al.,

Defendants.

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An Order of Honorable Sterling Johnson Jr., United States District Judge, having been filed on January 30, 2009, finding that there is no reason for delay, and directing the Clerk of Court to enter an Amended Final Judgment forthwith; it is

I

ORDERED and ADJUDGED that defendant Constantine Stamoulis, his agents, servants, employees, attorneys-in-fact and all those persons having active concert and participation with them who receive actual notice of this Amended Final Judgment by personal service or otherwise, and each of them, be they and thereby are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], 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, 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 light of the circumstances under which they were made, not misleading, or

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(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 or any security.

II

IT IS HEREBY FURTHER ORDERED and ADJUDGED that defendant Constantine Stamoulis immediately pay a total of \$267,630.00, consisting of (a) \$59,380.00 representing disgorgement of profits predicated on the acts alleged in the Amended Complaint; (b) prejudgment interest thereon of \$35,570.00; and (c) \$178,140.00, representing a penalty pursuant to Section 21A of the Exchange Act predicated on the acts alleged in the Amended Complaint, less the \$5460.00 already paid by Defendant.

III

Defendant Stamoulis shall satisfy the total financial obligation established in paragraph II by sending the entire obligated amount to the Clerk of this Court, together with a cover letter identifying Constantine Stamoulis as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action at the following address:

James A. Kidney
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-4010

By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds, and no part or the funds shall be returned to Defendant. Defendant

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shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Clerk of Court shall deposit the funds into an interest bearing account with the Court Registry Investment System (“CRIS”) or any other type of interest bearing account that is utilized by the Court. 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. In accordance with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk of Court is directed, without further Order of this Court, to deduct from the income earned on the money in the Fund, a fee equal to ten percent of the income earned to the Fund. Such fees shall not exceed that authorized by the Judicial Conference of the United States.

The Commission may by motion propose a plan to distribute the Fund subject to the Court’s approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.

Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Defendant’s payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Defendant’s payment of a civil penalty in this action (“Penalty Offset”).

If the Court in any Related Investor Action grants such a Penalty Order, Defendant shall, within 30 days after entry of a final Order granting the Penalty Offset, notify the Commission’s counsel in this action and pay the amount of the Penalty Offset to the

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United States Treasury or to a Fair Find, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this Amended Judgment.

IV

IT IS FURTHER ORDERED and ADJUDGED that this Court shall retain jurisdiction of this action for all purposes, including the implementation and enforcement of this Amended Final Judgment.

Dated: Brooklyn, New York
February 06, 2009

signed by Robert Heinemann

ROBERT C. HEINEMANN
Clerk of Court