

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
SECURITIES AND EXCHANGE COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 02-11634-WGY
	)	
TIMOTHY P. HORNE,	)	
	)	
Defendant.	)	
_____	)	

**FINAL JUDGMENT OF PERMANENT INJUNCTION,  
DISGORGEMENT AND OTHER RELIEF**

Plaintiff Securities and Exchange Commission (“Commission”) having filed a Complaint in this action, and defendant Timothy P. Horne (“Horne”) having: (i) entered a general appearance; (ii) consented to the Court’s jurisdiction over him and over the subject matter of this action; (iii) consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); (iv) waived finding of fact and conclusions of law; and (v) waived any right to appeal from this Final Judgment:

**I.**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Horne and his agents, servants, employees, successors or assigns, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise, are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the

**DOCKETED**

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Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. §78j(b)] and Rule 10b-5 thereunder [17 C.F.R. §240.10b-5], by using any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit 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) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in connection with the purchase or sale of any security.

## II.

**IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED** that Horne shall pay disgorgement of profits gained as a result of the conduct alleged in the Complaint in the amount of \$317,971, plus pre-judgment interest in the amount of \$94,442, for a total disgorgement obligation of \$412,413. Within ten (10) days after entry of this Final Judgment, Horne shall make the required payment by United States postal money order, certified check, bank cashier’s check or bank money order made payable to the Clerk, United States District Court for the District of Massachusetts. Horne shall deliver such payment to the Clerk of this Court, District of Massachusetts, John Joseph Moakley U.S. Courthouse, One Courthouse Way, Boston, MA 02210, together with a cover letter identifying him as the defendant in this action, setting forth the title and number of this action and the name of this Court, and specifying that the

payment is made pursuant to this Final Judgment. Horne shall simultaneously transmit photocopies of the payment and the cover letter to the Commission's counsel in this action. By making this payment, Horne relinquishes all legal and equitable right, title and interest in such funds, and no part of the funds shall be returned to him. The Clerk shall deposit the payment into an interest-bearing account pending further order of the Court.

**III.**

**IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED** that, pursuant to Section 21A of the Exchange Act [15 U.S.C. §78u-1], Horne shall pay a civil monetary penalty of \$317,971. Within ten (10) days of entry of this Final Judgment, Horne shall make the payment by United States postal money order, certified check, bank cashier's check or bank money order payable to the Securities and Exchange Commission. Horne shall mail the payment to the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Alexandria, Stop 0-3, VA 22312 under cover of a letter that identifies Horne, the name and number of this action, and the name of this Court. Horne shall mail a copy of the payment and the accompanying cover letter to Frank C. Huntington, Securities and Exchange Commission, 73 Tremont Street, Suite 600, Boston, MA 02108.

**IV.**

**IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED** that Horne's Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Horne shall comply with all of the undertakings and agreements set forth therein.

V.

**IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED** that this Court shall retain jurisdiction over Horne as a party to this matter for all purposes, including the implementation and enforcement of this Final Judgment.

DONE AND ORDERED at Boston, Massachusetts, this 24<sup>th</sup> day of Feb <sup>(EFS)</sup>~~May~~, 2003.

William G. Young  
UNITED STATES DISTRICT JUDGE