

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SECURITIES AND EXCHANGE COMMISSION,)

Plaintiff,)

v.)

**INTERNATIONAL BIOCHEMICAL
INDUSTRIES, INC. and
TIMOTHY C. MOSES,**)

Defendants.)

) **Civil Action No.**
) **1:03-CV-0346-JTC**

**FINAL JUDGMENT AS TO DEFENDANTS INTERNATIONAL
BIOCHEMICAL INDUSTRIES, INC. AND TIMOTHY C. MOSES**

This matter is before the Court upon Plaintiff Securities and Exchange Commission's ("Commission") Motion to Dismiss Claim for Civil Penalty against Defendant Timothy C. Moses ("Moses") and to Dismiss Claims for Disgorgement and Civil Penalty against Defendant International Biochemical Industries, Inc. ("IBCL").

On February 20, 2003, the Court entered Consent Orders for the entry of permanent injunctions and other relief against Moses and IBCL, respectively. [Docs. 18 and 19]. The Order against Moses enjoined him against future violations of the securities law provisions charged in the Complaint, and found him liable for

disgorgement and prejudgment interest in the amount of \$11,648.33. The Order against Moses authorized the Commission to move for a civil penalty against Moses at a later date. The Order against IBCL enjoined it against future violations of the securities law provisions charged in the Complaint, and authorized the Commission to move for disgorgement and a civil penalty at a later date.

On January 21, 2004, the Commission filed a motion requesting that the Court impose a civil penalty of \$120,000 against Moses. [Doc. 28]. On July 13, 2004, the Court ordered that a hearing be held on the motion on August 19, 2004. [Doc. 39]. On August 16, 2004, upon Moses' filing a consent motion, the Court stayed proceedings in this case for 60 days. [Doc. 42]. On September 29, 2004, Moses was indicted by a federal grand jury in this District for acts related to those alleged in the Complaint. On January 4, 2005, the Court ordered the stay extended until the conclusion of the criminal trial against Moses, and the Clerk was directed to administratively close the case. [Doc. 45].

On February 17, 2006, following a jury trial, Moses was convicted of certain criminal offenses. He was sentenced to 78 months imprisonment and was order to pay restitution of \$1,650,000. Moses' conviction and sentence have been affirmed by the Court of Appeals.

Accordingly, upon motion of the Commission:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Commission's pending motion for a civil penalty against Moses is hereby DENIED, that the Commission's claim for a civil penalty against Moses is hereby dismissed with prejudice, and the Court's Order of February 20, 2003 Granting Permanent Injunction and other relief against Moses [Doc. 18] is hereby designated to be the Final Judgment against Moses.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the Commission's claims for disgorgement and a civil penalty against IBCL are hereby dismissed with prejudice, and the Court's Order of February 20, 2003 Granting Permanent Injunction and other relief against IBCL [Doc. 19] is hereby designated to be the Final Judgment against IBCL.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: 16 December, 2009


UNITED STATES DISTRICT JUDGE