

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SECURITIES AND EXCHANGE COMMISSION,	:	Honorable Richard P. Conaboy
Plaintiff,	:	
v.	:	Civil Action No.:
JOHN F. TURANT, JR., et al.	:	3:03-CV-1614
Defendants.	:	(Filed Electronically)

FILED
SCRANTON

JAN 29 2004

MARIE D. DUNDEA, CLERK
MD
CLERK

**FINAL JUDGMENT AND ORDER OF
PERMANENT INJUNCTION AND OTHER
RELIEF AS TO CERTAIN DEFENDANTS**

Plaintiff Securities and Exchange Commission ("Commission"), having moved for judgment by default and for the entry of an order of permanent injunction and other relief against defendants John F. Turant, Jr.; JTI Group Fund, LP; J.T. Investment Group, Inc.; Evergreen Investment Group, LP; and New Resource Investment Group, Inc.; and

It further appearing that there is no just reason for delay and that there is sufficient basis herein for the entry of this Final Judgment and Order;

IT IS HEREBY ORDERED THAT:

I.

PLAINTIFF COMMISSION'S MOTION IS HEREBY GRANTED, and judgment by default is hereby entered against defendants John F. Turant, Jr.; JTI Group Fund, LP; J.T. Investment Group, Inc.; Evergreen Investment Group, LP; and New Resource Investment Group, Inc.

II.

Defendants John F. Turant, Jr.; JTI Group Fund, LP; J.T. Investment Group, Inc.; Evergreen Investment Group, LP; and New Resource Investment Group, Inc., their agents, officers, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment and Order by personal service or otherwise, are permanently restrained and enjoined from violating of Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §77q(a)] in the offer or sale of any security or any security-based swap agreement by using any means or instruments of transportation or communication in interstate commerce, or the mails, directly or indirectly, singly or in concert, to:

- (a) employ any device, scheme or artifice to defraud; or

- (b) to obtain money or property by means of any untrue statement of a material fact or any omission 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 transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser;

III.

Defendants John F. Turant, Jr.; JTI Group Fund, LP; J.T. Investment Group, Inc.; Evergreen Investment Group, LP; and New Resource Investment Group, Inc., their agents, officers, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Final Judgment and Order by personal service or otherwise, are permanently restrained and enjoined from violating Section 10(b) of the 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 directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, to:

- (a) employ any device, scheme or artifice to defraud; or
- (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;

IV.

Defendants John F. Turant, Jr.; JTI Group Fund, LP; J.T. Investment Group, Inc.; Evergreen Investment Group, LP; and New Resource Investment Group, Inc., their agents, officers, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment and Order by personal service or otherwise, are permanently restrained and enjoined from violating Sections 5(a) and 5(c) of the Securities Act [15 U.S.C. § 77e(a), e(c)] by, directly or indirectly, singly or in concert, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise; or

- (c) Making use of any means or instruments of transportation or

communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

V.

Defendants JTI Group Fund, LP and Evergreen Investment Group, LP, their successors, agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment and Order by personal service or otherwise, are permanently restrained and enjoined from violating Section 7(a) of the Investment Company Act of 1940 (“Investment Company Act”) [15 U.S.C. § 80a-7(a)] by, directly or indirectly, while acting as an investment company organized or otherwise created under the laws of the United States or of a state, unless registered under Section 8 of the Investment Company Act [15 U.S.C. § 80a-8]:

(a) offering for sale, selling, or delivering after sale, by the use of the mails or any means or instrumentalities of interstate commerce, any security or any interest in a security, whether the issuer of such security is such investment company or another person; or offering for sale, selling, or delivering after sale any

such security or interest, having reason to believe that such security or interest will be made the subject of a public offering by the use of the mails or any means or instrumentalities of interstate commerce;

(b) purchasing, redeeming, retiring, or otherwise acquiring or attempting to acquire, by use of the mails or any means or instrumentality of interstate commerce, any security or any interest in a security, whether the issuer of such security is such investment company or another person;

(c) controlling any investment company which does any of the acts enumerated in subparagraphs (a) or (b) above; engaging in any business in interstate commerce; or controlling any company which is engaged in any business in interstate commerce. Provided, however, that the provisions of this paragraph V. shall not prohibit Signature from engaging in transactions that are limited to and merely incidental to its dissolution, provided that any such transaction is (a) consented to in writing in advance by the Commission, and (b) expressly authorized by further order of this Court;

VI.

IT IS FURTHER ORDERED that defendants John F. Turant, Jr.; JTI Group Fund, LP; J.T. Investment Group, Inc.; Evergreen Investment Group, LP; and New Resource Investment Group, Inc. are jointly and severally liable for disgorgement of \$1,688,114.62 , representing ill-gotten gains received by the

defendants as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$54,004, for a total of \$1,742,118.62. The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after ten (10) business days following entry of this Final Judgment and Order. In response to any such civil contempt motion by the Commission, the defendants may assert any legally permissible defense.

Payments under this paragraph shall be made to the Clerk of this Court, together with a cover letter identifying the paying defendant 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 and Order. Copies of the check(s) and the accompanying cover letter(s) shall be simultaneously transmitted to Arthur Gabinet, District Administrator, Securities and Exchange Commission, Philadelphia District Office, 701 Market Street, Suite 2000, Philadelphia, PA 19106. The defendants relinquish all legal and equitable right, title, and interest in such payments, and no part of the funds shall be returned to any defendants.

The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS"). These funds, together with any

interest and income earned thereon (collectively, the "Fund"), shall be held by the CRIS until further order of the Court. In accordance with the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk 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 on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States. The Commission may propose a plan to distribute the Fund subject to the Court's approval.

VII.

IT IS FURTHER ORDERED that defendants John F. Turant, Jr.; J.T. Investment Group, Inc.; and New Resource Investment Group, Inc. are each assessed and shall pay a penalty of \$120,000 pursuant to Section 20(d) of the Securities Act [15 U.S.C. 77t(d)], and Section 21(d)(3) of the Exchange Act [15 U.S.C. 78u(d)(3), as amended by 17 C.F.R. 201.1002 (February 2, 2001)]. The Court hereby orders payment by each of these defendants of \$120,000 by cashiers or certified check payable to the "Securities and Exchange Commission" within ten (10) business days of the entry of this Final Judgment and Order by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. Such payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission,

Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying the name of the paying defendant 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 and Order. Copies of the check and the accompanying cover letter shall be simultaneously transmitted to Arthur Gabinet, District Administrator, Securities and Exchange Commission, Philadelphia District Office, 701 Market Street, Suite 2000, Philadelphia, PA 19106;

VIII.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment and Order;

IX.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment and Order forthwith and without further notice.

Dated:

January 29, 2004



RICHARD P. CONABOY
UNITED STATES DISTRICT
JUDGE

**FILED
SCRANTON**

JAN 29 2004

MARY E. D'ANDREA, CLERK
Per *ME*
DEPUTY CLERK