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CENTRAL DIST. OF CALIF.
LOS ANGELES

BY:

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CLERK U.S. DISTRICT COURT
SEP 2 2003
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

FILED
CLERK, U.S. DISTRICT COURT
SEP 23 2003
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

LACV03-6716 JFW

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

SOPHIA M. KABLER, et al.,

Defendants.

Civil Action No.

**FINAL JUDGMENT AGAINST
DEFENDANT BRIAN WIEGAND**

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

Plaintiff Securities and Exchange Commission ("Commission"), having filed and served upon Defendant Brian Wiegand ("Wiegand") a Summons and Complaint in this action; Wiegand having admitted service upon him of the Summons and Complaint in this action and the jurisdiction of this Court over him and over the subject matter of this action; having been fully advised and informed of his right to a judicial determination of this matter; having waived the entry of findings of fact and conclusions of law as provided by Rule 52 of the Federal Rules of Civil Procedure; having consented to the entry of this Final Judgment Against Defendant Brian Wiegand ("Final Judgment") without admitting or denying the allegations in the Complaint, except as specifically set forth in the Consent Of Defendant Brian Wiegand To Entry Of Final Judgment ("Consent");

19

1 no notice of hearing upon the entry of this Final Judgment being necessary; and
2 this Court being fully advised:

3 I.

4 IT IS ORDERED, ADJUDGED AND DECREED that Wiegand is liable for
5 disgorgement of \$1, representing profits gained as a result of the conduct alleged
6 in the Complaint, and a civil penalty in the amount of \$35,000 pursuant to Section
7 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the
8 Exchange Act, 15 U.S.C. § 78u(d)(3). Wiegand shall satisfy this obligation by
9 paying \$35,001 within 30 days of the entry of this Final Judgment to the Clerk of this
10 Court in the form of a cashier's check or postal money order payable to the Clerk of
11 this Court, together with a cover letter identifying himself as a defendant in this
12 action; setting forth the title and civil action number of this action and the name of
13 this Court; and specifying that payment is made pursuant to this Final Judgment.
14 Wiegand shall simultaneously transmit photocopies of such payment and letter to
15 counsel for the Commission at its Los Angeles office located at 5670 Wilshire
16 Boulevard, 11th floor, Los Angeles, California 90036. By making this payment,
17 Wiegand relinquishes all legal and equitable right, title, and interest in such funds,
18 and no part of the funds shall be returned to Wiegand. The Clerk shall deposit the
19 funds into an interest bearing account with the Court Registry Investment System
20 ("CRIS"). These funds, together with any interest and income earned thereon
21 (collectively, the "Fund"), shall be held by the CRIS until further order of the Court.
22 In accordance with the guidelines set by the Director of the Administrative Office of
23 the United States Courts, the Clerk is directed, without further order of this Court, to
24 deduct from the income earned on the money in the Fund a fee equal to ten percent of
25 the income earned on the Fund. Such fee shall not exceed that authorized by the
26 Judicial Conference of the United States. The Commission may propose a plan to
27 distribute the Fund subject to the Court's approval. Such a plan may provide that the
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1 Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the
2 Sarbanes-Oxley Act of 2002. Regardless of whether any such Fair Fund distribution
3 is made, amounts ordered to be paid as civil penalties pursuant to this Final Judgment
4 shall be treated as penalties paid to the government for all purposes, including all tax
5 purposes.

6 II.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
8 provisions of the Consent filed concurrently with this Final Judgment are
9 incorporated herein with the same force and effect as if fully set forth herein and that
10 Wiegand shall comply with his Consent.

11 III.

12 IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that
13 during the pendency of this action, Wiegand shall remain a party to this action subject
14 to the discovery provisions of the Federal Rules of Civil Procedure which apply to
15 parties, and, in addition, agrees and undertakes that he will appear, without the service
16 of a subpoena, for deposition or to testify as a witness at any trial of this action or at
17 any other related proceeding. With respect to any depositions or other discovery,
18 Wiegand shall waive any discovery cut-off date or any other restrictions on discovery
19 imposed by the Federal Rules of Civil Procedure or the Court's Local Rules. Failure
20 to comply with the foregoing will subject Wiegand to the remedies and sanctions set
21 forth in Rule 37 of the Federal Rules of Civil Procedure and all other available
22 remedies.

23 IV.

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court
25 shall retain jurisdiction over this action for all purposes, including to implement and
26 enforce the terms of this Final Judgment and other orders and decrees which may be
27 entered, and to grant such other relief as this Court may deem necessary.

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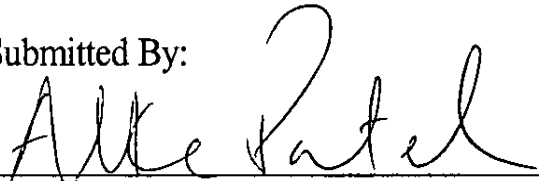
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V.

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

DATED: 9/23/03


UNITED STATES DISTRICT JUDGE

Submitted By:

Alka N. Patel
Attorney for Plaintiff
Securities and Exchange Commission