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U. S. DISTRICT COURT
FILED
JUL 6 2007
R. D. OF N. Y.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

TIMOTHY HARCHARIK,

Defendant.

03 Civ. 7045 (HB)

#07,1268

FINAL JUDGMENT AS TO DEFENDANT TIMOTHY HARCHARIK

The United States Securities and Exchange Commission ("Commission"), having filed a Complaint on September 11, 2003, and defendant Timothy Harcharik ("Harcharik") having answered the Complaint; a jury trial having been held in this matter; and the jury having found unanimously on May 25, 2007, that:

- Harcharik aided and abetted violations of Section 10(b) of the Securities Exchange Act of 1933 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5] by knowingly providing substantial assistance to another in a scheme to defraud investors;
- Harcharik aided and abetted violations of Section 13(b)(5) of the Exchange Act [15 U.S.C. § 78m(b)(5)] by knowingly providing substantial assistance to another in circumventing or failing to implement a system of internal accounting controls or falsifying any book, record, or account of Brightpoint, Inc.; and
- Harcharik aided and abetted violations of Rule 13b2-1 of the Exchange Act [17 C.F.R. § 240.13b2-1] by knowingly providing substantial assistance to another in

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falsifying or causing to be falsified any book, record or account of Brightpoint, Inc.,

without further notice:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Harcharik and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are restrained and enjoined, for a period of five years from the date of entry of this Final Judgment, from violating, directly or indirectly, Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated 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, in connection with the purchase or sale of any security:

- (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.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Harcharik and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal

service or otherwise are restrained and enjoined, for a period of five years from the date of entry of this Final Judgment, from knowingly circumventing or knowingly failing to implement a system of internal accounting controls or knowingly falsifying any book, record or account described in Section 13(b)(2) of the Exchange Act [15 U.S.C. § 78m(b)(2)] in violation of Section 13(b)(5) of the Exchange Act [15 U.S.C. § 78m(b)(5)].

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Harcharik and his agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are restrained and enjoined, for a period of five years from the date of entry of this Final Judgment, from falsifying or causing to be falsified any book, record or account subject to Section 13(b)(2)(A) of the Exchange Act [15 U.S.C. § 78m(b)(2)(A)] in violation of Rule 13b2-1 of the Exchange Act [17 C.F.R. § 240.13b2-1].

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Harcharik shall pay a civil penalty in the amount of \$50,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Harcharik shall make this payment within ^{ninty (90)} ~~ten~~ business days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The 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 Harcharik 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. Simultaneously with making any payment Harcharik shall transmit copies of the certified check, bank cashier's check, or United States postal money order, front and back, as well as the accompanying letter, to David Stoelting, Senior Trial Counsel, U.S. Securities and Exchange Commission, Northeast Regional Office, 3 World Financial Center, New York, New York 10281. Harcharik

shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

Handwritten: following entry of judgment.
The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

V.

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.

SO ORDERED:

Handwritten signature of Donald B. Smith
UNITED STATES DISTRICT JUDGE

J. MICHAEL McMAHON
CLERK OF COURT

Handwritten signature of Michael McMahon
BY DEPUTY CLERK

Dated July 2, 2007

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON 7/6/07