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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

vs.

PLATFORMS WIRELESS
INTERNATIONAL CORP, INC., ET. AL.,

Defendants.

Case No. 04 CV 2105 JM (AJB)

FINAL JUDGMENT AS TO
DEFENDANT ROBERT D. PERRY

Plaintiff, the Securities and Exchange Commission ("Commission"), having filed a Complaint ("Complaint"), and Defendant Robert D. Perry ("Perry"), in his attached Consent of Robert D. Perry ("Consent"), incorporated herein, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, having waived any right it might have to appeal from the entry of this Final Judgment As to Defendant Robert D. Perry ("Final Judgment"), without admitting or denying the allegations of the Complaint (except as to jurisdiction, which he admits), having consented to the entry of this Final Judgment, and having entered a general appearance, and without further notice, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

I.

Defendant Perry, his agents, servants, employees, attorneys-in-fact, successors, and assigns and all those persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and they hereby are permanently restrained and enjoined from violating Section 10(b) of the Securities

1 Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. §§ 78j(b), and Rule 10b-5, 17 C.F.R. §
2 240.10b-5, promulgated thereunder, directly or indirectly, by the use of any means or
3 instrumentality of interstate commerce, or of the mails, or any facility of any national securities
4 exchange:

- 5 A. to employ any device, scheme, or artifice to defraud; or
6 B. to make any untrue statement of a material fact or omit to state a material fact
7 necessary in order to make the statements made, in light of the circumstances
8 under which they were made, not misleading; or
9 C. to engage in any act, practice, or course of business which operates or would
10 operate as a fraud or deceit upon any person, in connection with the purchase or
11 sale of any security.
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13 **II.**

14 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that

15 Defendant Perry is liable for disgorgement of \$105,657 representing monies gained as a result of
16 the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount
17 of \$45,734, for a total of \$151,391. Based on Defendant Perry's sworn representations in his
18 Statement of Financial Condition dated July 30, 2008, and other documents and information
19 submitted to the Commission, however, the Court is not ordering Defendant Perry to pay a civil
20 penalty and payment of the disgorgement and pre-judgment interest thereon is waived. The
21 determination not to impose a civil penalty and to waive payment of the disgorgement and pre-
22 judgment interest is contingent upon the accuracy and completeness of Defendant Perry's
23 Statement of Financial Condition. If at any time following the entry of this Final Judgment the
24 Commission obtains information indicating that Defendant Perry's representations to the
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1 Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading,
2 inaccurate, or incomplete in any material respect as of the time such representations were made,
3 the Commission may, at its sole discretion and without prior notice to Defendant Perry, petition
4 the Court for an order requiring Defendant Perry to pay the unpaid portion of the disgorgement,
5 pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable
6 under the law. In connection with any such petition, the only issue shall be whether the financial
7 information provided by Defendant Perry was fraudulent, misleading, inaccurate, or incomplete
8 in any material respect as of the time such representations were made. In its petition, the
9 Commission may move this Court to consider all available remedies, including, but not limited
10 to, ordering Defendant Perry to pay funds or assets, directing the forfeiture of any assets, or
11 sanctions for contempt of this Final Judgment. The Commission may also request additional
12 discovery. Except as to the contestable issue referenced above, Defendant Perry may not, by
13 way of defense to such petition: (1) challenge the validity of the Consent or this Final Judgment;
14 (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of
15 disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered;
16 (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest
17 the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to
18 liability or remedy, including, but not limited to, any statute of limitations defense.
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21 III.

22 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the Consent is
23 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant
24 Perry shall comply with all of the undertakings and agreements set forth therein.
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IV.

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

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6 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
7 Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.
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10 Dated: 12/19, 2008

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13 UNITED STATES DISTRICT JUDGE
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

**UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,**

Plaintiff,

vs.

**PLATFORMS WIRELESS
INTERNATIONAL CORP. ET. AL.,**

Defendants.

Case No. 04 CV 2105 JM (AJB)

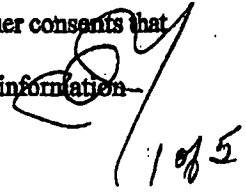
**CONSENT OF
ROBERT D. PERRY**

CONSENT OF ROBERT D. PERRY

1. Defendant Robert D. Perry acknowledges to having been served with the Complaint ("Complaint") in this action, enters a general appearance, and admits the Court's jurisdiction over him and over the subject matter of this action.

2. Defendant Perry, without admitting or denying the allegations of the complaint, (except as to personal and subject matter jurisdiction, which he admits), consents to the entry of the Final Judgment as to Robert D. Perry ("Final Judgment"), in the form attached hereto and incorporated by reference herein, which permanently restrains and enjoins him from violating Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. §§ 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] promulgated thereunder.


3. Defendant Perry acknowledges that the Court is not imposing a civil penalty or requiring payment of \$105,657 of disgorgement, or of pre-judgment interest thereon, based on his sworn representations in his Statement of Financial Condition dated July 30, 2008 and other documents and information submitted to the Commission. Defendant Perry further consents that if at any time following the entry of the Final Judgment the Commission obtains information



1 indicating that his representations to the Commission concerning his assets, income, liabilities, or
2 net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the
3 time such representations were made, the Commission may, at its sole discretion and without
4 prior notice to him, petition the Court for an order requiring him to pay the unpaid portion of the
5 disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty
6 allowable under the law. In connection with any such petition, the only contestable issue shall be
7 whether the financial information provided by Defendant Perry was fraudulent, misleading,
8 inaccurate, or incomplete in any material respect as of the time such representations were made.
9 In any such petition, the Commission may move the Court to consider all available remedies,
10 including but not limited to ordering Defendant Perry to pay funds or assets, directing the
11 forfeiture of any assets, or sanctions for contempt of the Court's Final Judgment. The
12 Commission may also request additional discovery with respect only to the one contestable issue
13 referenced above. Apart from the contestable issue referenced above, Defendant Perry may not,
14 by way of defense to such petition: (1) challenge the validity of this Consent or the Final
15 Judgment; (2) contest the allegations in the complaint; (3) assert that payment of disgorgement,
16 pre-judgment or post-judgment interest, or a civil penalty should not be ordered; (4) contest the
17 amount of disgorgement or pre-judgment or post-judgment interest; (5) contest the imposition of
18 the maximum civil penalty allowable under the law; or (6) assert any defense to liability or
19 remedy, including but not limited to any statute of limitations defense.
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23 4. Defendant Perry waives the entry of findings of fact and conclusions of law
24 pursuant to Rule 52 of the Federal Rules of Civil Procedure.

25 5. Defendant Perry waives any right he may have to appeal from the entry of the
26 Final Judgment.
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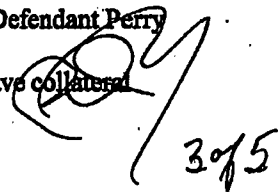
1 6. Defendant Perry enters into this Consent of Robert D. Perry (the "Consent")
2 voluntarily and of his own accord and represents that no threats, offers, promises, or inducements
3 of any kind have been made by the Commission or any member, officer, employee, agent, or
4 representative of the Commission to induce him to enter into this Consent.

5 7. Defendant Perry agrees that this Consent shall be incorporated into the Final
6 Judgment with the same force and effect as if fully set forth therein.

7 8. Defendant Perry agrees that he will not oppose the enforcement of the Final
8 Judgment on the ground, if any exists, that it fails to comply with Rule 65(d) of the Federal Rules
9 of Civil Procedure, and he hereby waives any objection he may have based thereon.

10 9. Defendant Perry waives service of the Final Judgment and agrees that entry of the
11 Final Judgment by the Court and filing with the Clerk of the Court will constitute notice to
12 Defendant Perry of its terms and conditions. Defendant Perry further agrees to provide counsel
13 for the Commission, within thirty days after the Final Judgment is filed with the Clerk of the
14 Court, with an affidavit or declaration stating that Defendant Perry has received and read a copy
15 of the Final Judgment.

16 10. Consistent with 17 C.F.R. 202.5(f), this Consent resolves only the claims asserted
17 against Defendant Perry in this civil proceeding. Defendant Perry acknowledges that no promise
18 or representation has been made by the Commission or any member, officer, employee, agent, or
19 representative of the Commission with regard to any criminal liability that may have arisen or
20 may arise from the facts underlying this action or immunity from any such criminal liability.
21 Defendant Perry waives any claim of Double Jeopardy based upon the settlement of this
22 proceeding, including the imposition of any remedy or civil penalty herein. Defendant Perry
23 further acknowledges that the Court's entry of a permanent injunction may have collateral
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1 consequences under federal or state law and the rules and regulations of self-regulatory
2 organizations, licensing boards, and other regulatory organizations. Such collateral
3 consequences include, but are not limited to, a statutory disqualification with respect to
4 membership or participation in, or association with a member of, a self-regulatory organization.
5 This statutory disqualification has consequences that are separate from any sanction imposed in
6 an administrative proceeding. In addition, in any disciplinary proceeding before the Commission
7 based on the entry of the injunction in this action, Defendant Perry understands that he shall not
8 be permitted to contest the factual allegations of the complaint in this action.

10 11. Defendant Perry understands and agrees to comply with the Commission's policy
11 "not to permit a defendant or respondent to consent to a judgment or order that imposes a
12 sanction while denying the allegations in the complaint or order for proceedings" [17 C.F.R. §
13 202.5]. In compliance with this policy, Defendant Perry agrees: (i) not to take any action or to
14 make or permit to be made any public statement denying, directly or indirectly, any allegation in
15 the complaint or creating the impression that the complaint is without factual basis; and (ii) that
16 upon the filing of this Consent, Defendant Perry hereby withdraws any papers filed in this
17 proceeding to the extent that they deny any allegation in the complaint. If Defendant Perry
18 breaches this agreement, the Commission may petition the Court to vacate the Final Judgment
19 and restore this proceeding to its active docket. Nothing in this provision affects Defendant
20 Perry's testimonial obligations or right to take legal or factual positions in litigation in which the
21 Commission is not a party.

24 12. Defendant Perry hereby waives any rights under the Equal Access to Justice Act,
25 the Small Business Regulatory Enforcement Fairness Act of 1996 or any other provision of law
26 to pursue reimbursement of attorney's fees or other fees, expenses or costs expended
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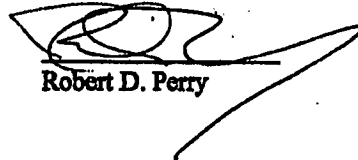
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1 by Defendant Perry to defend against this action. For these purposes, Defendant Perry agrees
2 that he is not the prevailing party in this action since the parties have reached a good faith
3 settlement.

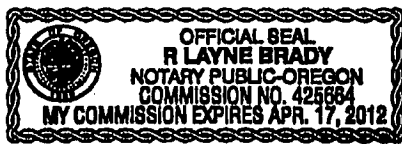
4 15. Defendant Perry agrees that the Commission may present the Final Judgment to
5 the Court for signature and entry without further notice.


6 16. Defendant Perry agrees that this Court shall retain jurisdiction over this matter for
7 the purpose of enforcing the terms of the Final Judgment.

9 
Robert D. Perry

10 Dated: 10-29- 2008

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13 On this 29 day of October 2008, Robert D. Perry, being known to me, executed
14 the foregoing Consent of Robert D. Perry, and personally appeared before me and did duly
15 acknowledge to me that he executed the same.



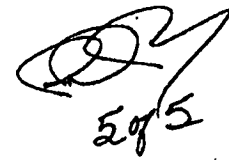
17 
Notary Public

18 My Commission expires: 4/17/2012

19 Approved as to form:

20 

21
22 Daniel L. Rasumssen, Bar No. 120276
23 Erik M. Andersen, Bar No. 220513
24 Payne & Fears LLP
25 Attorneys at Law
26 4 Park Plaza, Suite 1100
27 Irvine, CA 92614
28 Telephone: (949) 851-1100
Facsimile: (949) 851-1212


5 of 5

PROOF OF SERVICE

United States Securities and Exchange Commission v. Platforms Wireless Int'l Corp., et al

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and am not a party to the within action; my business address is Jamboree Center, 4 Park Plaza, Suite 1100, Irvine, CA 92614.

On December 2, 2008, I served the following document(s) described as CONSENT OF ROBERT D. PERRY, on interested parties in this action by placing a true copy thereof enclosed in sealed envelopes as follows:

James Kidney, Esq.
Jennifer Lette, Esq.
Matthew Hefferan, Esq.
100 F. Street, NE
Washington, DC 20549

Attorneys For Plaintiff, SECURITIES
AND EXCHANGE COMMISSION

(BY U.S. Mail) I am readily familiar with my employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter is more than one day after date of deposit for mailing in affidavit. I deposited such envelope(s) with postage thereon fully prepaid to be placed in the United States Mail at Irvine, California.

(By Personal Service) I delivered by hand on the interested parties in this action by placing the above mentioned document(s) thereof in envelope addressed to the office of the addressee(s) listed above or on attached sheet.

(By Overnight Courier) I served the above referenced document(s) enclosed in a sealed package, for collection and for delivery marked for next day delivery in the ordinary course of business, addressed to the office of the addressee(s) listed above or on attached sheet.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 2, 2008, at Irvine, California.


LIZ C. ROBERTS

4843-2386-8162.1

PAYNE & FEARS LLP
ATTORNEYS AT LAW
4 PARK PLAZA, SUITE 1100
IRVINE, CA 92614
(949) 851-1100

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