

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA

UNITED STATES SECURITIES AND )  
EXCHANGE COMMISSION, )  
450 Fifth Street, NW )  
Washington, D.C. 20549 )

Plaintiff, )

v. )

Civil No. 04-00829

OCUMED GROUP, INC., a Delaware )  
Corporation, )  
ALFRED CAGGIA, and )  
LOUISE CUMMINGS, )

Defendants. )

**FINAL JUDGMENT**

I

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants Alfred Caggia, Louise Cummings, and Ocumed Group, Inc., and Defendants' 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 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (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 HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants Caggia and Cummings, and Defendants' 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 permanently restrained and enjoined from aiding and abetting any violation of Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] by knowingly providing substantial assistance to an issuer in the issuer's violation of Exchange Act Section 13(a).

III

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendants Caggia and Cummings are each permanently prohibited from acting as an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

IV

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Caggia shall pay a civil penalty in the amount of \$240,000 pursuant to Section 21(d)(3) of the Exchange Act. Defendant Caggia shall make this payment within ten (10) 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 Alfred Caggia 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. Defendant Caggia shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

V

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Cummings shall pay a civil penalty in the amount of \$25,000 pursuant to Section 21(d)(2) of the Exchange Act. Defendant Cummings shall make this payment within ten (10) 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 Louise Cummings 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. Defendant Cummings shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

VI

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Caggia of is liable for disgorgement of \$180,000, representing his compensation from Ocumed Group, Inc. during the period August 1, 2001 through April 30, 2002, together with prejudgment interest thereon in the amount of \$22,138.82.

The Commission shall promptly serve a copy of this Final Judgment upon Defendant Caggia. Within 10 days of service of this judgment upon Caggia, Caggia shall make this payment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission in the amount of \$202,138.82. 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 Alfred Caggia 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. Following these actions, Defendant shall be deemed to have satisfied his obligation to pay the disgorgement sum described in this paragraph, plus prejudgment interest and also shall be deemed to have relinquished all legal and equitable right, title, and interest in such funds paid to the Securities and

Exchange Commission, and no part of the funds shall be returned to Defendant Caggia. Defendant Caggia shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

VII

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Caggia is liable for disgorgement of \$420,000, together with prejudgment interest thereon in the amount of \$53,614.28, based on Caggia's fraudulent transactions with three Ocumed Group investors.

The Commission shall promptly serve a copy of this Final Judgment upon Defendant Caggia. Within 10 days of service of this judgment upon Caggia, Caggia shall pay to the Clerk of this Court the disgorgement sum of \$473,614.28, together with a cover letter identifying Alfred Caggia 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. Defendant Caggia shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel. Following these actions, Defendant shall be deemed to have satisfied his obligation to pay the disgorgement sum described in this paragraph, plus prejudgment interest and also shall be deemed to have relinquished all legal and equitable right, title, and interest in such funds paid to the Clerk of this Court, and no part of the funds shall be returned to Defendant Caggia.

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 28 U.S.C. § 1914 and 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. Defendant Caggia shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

VIII

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: Nunc Pro Tunc  
to September 21, 2005

Elva J. Hurd  
UNITED STATES DISTRICT JUDGE