

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

1:04CV0933

JUDGE WELLS

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

LNB BANCORP, INC., GARY C. SMITH,  
THOMAS P. RYAN, GERALD S. FALCON, and  
THOMAS H. ESCHKE,

Defendants.

Case No.

**FINAL JUDGMENT AS TO DEFENDANT GERALD S. FALCON**

The Securities and Exchange Commission having filed a Complaint and Defendant Gerald S. Falcon ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal

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from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant, Defendant's agents, servants, employees, attorneys, assigns, 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:

- (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, in connection with the purchase or sale of any security.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant shall pay a civil penalty in the amount of \$25,000.00 pursuant to Section 21(d) of the Exchange Act [15 U.S.C. §78u(d)]. Defendant or his escrow agent shall satisfy this obligation by five payments to be made 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 Gerald S. Falcon 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. Copies of such checks and accompanying cover letters shall be simultaneously submitted to Dee A. O'Hair and Daniel R. Gregus, Division of Enforcement, Securities and Exchange Commission, Midwest Regional Office, 175 West Jackson Boulevard, Suite 900, Chicago, Illinois 60604. The Defendant shall pay the amount required under this Section as follows: ten (10) business days after the entry of this Final Judgment, Defendant shall pay \$10,000.00; 90 days after the entry of this Final Judgment, Defendant shall pay \$3,750.00 plus post-judgment interest of \$67.68; 180 days after the entry of this Final Judgment, Defendant shall pay \$3,750.00 plus post-judgment interest of \$50.76; 270 days after the entry of this Final Judgment, Defendant shall pay \$3,750.00 plus post-judgment interest of \$33.84; 360 days after the entry of this Final Judgment, Defendant shall pay \$3,750.00 plus post-judgment interest of \$16.92; provided, however, that if any payment is not made on the date it is due, the entire unpaid balance shall become immediately due and payable. Post-judgment interest shall be calculated pursuant to 28 U.S.C. §1961.


III.

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

IV.

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: 25 May, 2004

  
UNITED STATES DISTRICT JUDGE