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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

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12 SECURITIES AND EXCHANGE COMMISSION,
13 Plaintiff,
14 v.
15 JEREMY R. LENT, JOHN V. HASHMAN, YINZI
16 CAI, DOUGLAS WACHTEL and BRUCE
RIGIONE,
17 Defendants,
18 THE LENT FAMILY TRUST,
19 Relief Defendant.

Case No. C-04-4088-CW (EMC)

FINAL JUDGMENT AGAINST JOHN V.
HASHMAN

20
21 The Securities and Exchange Commission having filed a Complaint and Defendant
22 John V. Hashman (“Defendant”) having signed a Consent of Defendant John V. Hashman to Entry of
23 Final Judgment (“Consent”), in which he entered a general appearance; consented to the Court’s
24 jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final
25 Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction);
26 waived findings of fact and conclusions of law; and waived any right to appeal from this Final
27 Judgment:
28

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys-in-fact, 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 Defendant and Defendant's agents, servants, employees, attorneys-in-fact, 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 Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or

1 (c) to engage in any transaction, practice, or course of business which operates or
2 would operate as a fraud or deceit upon the purchaser.

3 III.

4 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
5 Defendant and Defendant's agents, servants, employees, attorneys-in-fact, and all persons in active
6 concert or participation with them who received actual notice of this Final Judgment by personal
7 service or otherwise are permanently restrained and enjoined from, directly or indirectly, controlling
8 for purposes of Section 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") [15
9 U.S.C. § 78t(a)] any person who violates Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and
10 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality
11 of interstate commerce, or of the mails, or of any facility of any national securities exchange, in
12 connection with the purchase or sale of any security:

13 (a) to employ any device, scheme, or artifice to defraud;

14 (b) to make any untrue statement of a material fact or to omit to state a material fact
15 necessary in order to make the statements made, in the light of the circumstances
16 under which they were made, not misleading; or

17 (c) to engage in any act, practice, or course of business which operates or would operate
18 as a fraud or deceit upon any person,
19 unless Defendant acts in good faith and does not directly or indirectly induce the act or acts
20 constituting the violation.

21 IV.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and his
23 agents, servants, employees and attorneys-in-fact, and all persons in active concert or participation
24 with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise,
25 and each of them, are permanently enjoined and restrained from aiding and abetting any violation of
26 Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and Rules 12b-20, 13a-1 and 13a-13
27 promulgated thereunder [17 C.F.R. §§ 240.12b-20, 240.13a-1, 240.13a-13] by knowingly providing
28 substantial assistance to an issuer which has a class of securities registered pursuant to Section 12 of

1 the Exchange Act [15 U.S.C. § 78l] or Section 15(d) of the Exchange Act [15 U.S.C. § 78o] in failing
2 to file with the Commission such accurate and complete information, reports, and documents as are
3 required to be filed with the Commission pursuant to Section 13(a) of the Exchange Act [15 U.S.C. §
4 78m(a)] and the Rules thereunder, including but not limited to, annual reports on Form 10-K [17
5 C.F.R. § 249.310] as prescribed by Exchange Act Rule 13a-1 [17 C.F.R. § 240.13a-1], quarterly
6 reports on Form 10-Q [17 C.F.R. § 249.308a] as prescribed by Exchange Act Rule 13a-13 [17 C.F.R.
7 § 240.13a-13], such information and documents to contain, in addition to such information as is
8 expressly required to be included in a statement or report to the Commission, such further material
9 information, if any, as may be necessary to make the required statements, in the light of the
10 circumstances under which they are made, not misleading, as prescribed by Rule 12b-20 of the
11 Exchange Act [17 C.F.R. § 240.12b-20].

12 V.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and his
14 agents, servants, employees and attorneys-in-fact, and all persons in active concert or participation
15 with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise,
16 and each of them, are permanently enjoined and restrained from aiding and abetting any violation of
17 Section 13(b)(2)(A) of the Exchange Act [15 U.S.C. § 78m(b)(2)(A)] by causing any issuer which
18 has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or
19 Section 15(d) of the Exchange Act [15 U.S.C. § 78o] to fail to make or keep books, records or
20 accounts, which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of
21 the issuer's assets.

22 VI.

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that
24 Defendant is liable for disgorgement of \$64,200, representing proceeds from his sales of NextCard,
25 Inc. ("NextCard") common stock, together with prejudgment interest thereon in the amount of
26 \$4,672, and a civil penalty of \$64,200 pursuant to Section 21A(a)(1)(A) of the Exchange Act [15
27 U.S.C. § 78u-1(a)(1)(A)], and a civil penalty of \$75,000 pursuant to Section 20(d)(2) of the Securities
28 Act [15 U.S.C. § 77t(d)(2)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)], for a

1 total of \$208,072. Defendant shall satisfy this obligation as follows. First, within 30 days of the
2 entry of this order Hashman shall make a payment of \$12,572 to the Clerk of this Court, together
3 with a cover letter identifying John V. Hashman as a defendant in this action; setting forth the title
4 and civil action number of this action and the name of this Court; and specifying that payment is
5 made pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of such
6 payment and letter to the Commission's counsel in this action. Hashman shall pay the remaining
7 amounts in three installments of \$37,500, \$79,000 and \$79,000 respectively. The first installment
8 shall be due on February 28, 2007, the second on February 28, 2008, and the third on February 28,
9 2009. By making these payments, Defendant relinquishes all legal and equitable right, title, and
10 interest in such funds, and no part of the funds shall be returned to Defendant. Defendant shall pay
11 post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

12 The Clerk shall deposit the funds into an interest bearing account with the Court
13 Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by
14 the Court. These funds, together with any interest and income earned thereon (collectively, the
15 "Fund"), shall be held in the interest bearing account until further order of the Court. In accordance
16 with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the
17 United States Courts, the Clerk is directed, without further order of this Court, to deduct from the
18 income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund.
19 Such fee shall not exceed that authorized by the Judicial Conference of the United States.

20 The Commission may by motion propose a plan to distribute the Fund subject to the
21 Court's approval. Such a plan may provide that Fund shall be distributed pursuant to the Fair Fund
22 provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. Regardless of whether any such
23 Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this
24 Judgment shall be treated as penalties paid to the government for all purposes, including all tax
25 purposes. To preserve the deterrent effect of the civil penalty, Defendant shall not, after offset or
26 reduction of any award of compensatory damages in any Related Investor Action based on
27 Defendant's payment of disgorgement in this action, argue that he is entitled to, nor shall he further
28 benefit by, offset or reduction of such compensatory damages award by the amount of any part of

1 Defendant's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related
2 Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after entry of a final
3 order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount
4 of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs.
5 Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change
6 the amount of the civil penalty imposed in this Judgment. For purposes of this paragraph, a "Related
7 Investor Action" means a private damages action brought against Defendant by or on behalf of one or
8 more investors based on substantially the same facts as alleged in the Complaint in this action.

9 VII.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to
11 Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited from acting as
12 an officer or director of any issuer that has a class of securities registered pursuant to Section 12 of
13 the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the
14 Exchange Act [15 U.S.C. § 78o(d)] permanently from date of entry of this Final Judgment.

15 VIII.

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

19 IX.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall
21 retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.
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X.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

10/26

Dated: _____, 2006



UNITED STATES DISTRICT JUDGE

Approved as to form:

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