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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,  
Plaintiff,  
vs.  
RC INVESTMENT CORP.,  
PINNACLE INVESTMENT CORP.,  
ROBERT A. COBERLY, JR., and  
CURTIS D. SOMOZA,  
Defendants.

Case No. CV 04-7400-GHK (Ex)  
FINAL JUDGMENT OF PERMANENT  
INJUNCTION AND OTHER RELIEF AS  
TO DEFENDANT CURTIS D. SOMOZA

5-11-05

1 Plaintiff Securities and Exchange Commission ("Commission"), having filed  
2 and served upon defendant Curtis D. Somoza ("Somoza") a Summons and  
3 Complaint ("Complaint") in this action; Somoza having admitted service upon him  
4 of the Summons and Complaint in this action and the jurisdiction of the Court over  
5 him and over the subject matter of this action; having entered a general  
6 appearance; having waived the entry of findings of fact and conclusions of law as  
7 provided by Rule 52 of the Federal Rules of Civil Procedure; having consented to  
8 the entry of this Final Judgment of Permanent Injunction and Other Relief as to  
9 Defendant Curtis D. Somoza ("Final Judgment") without admitting or denying the  
10 allegations in the Complaint, except as to jurisdiction; and having waived any right  
11 to appeal from this Final Judgment:

12 I.

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Somoza  
14 and his agents, servants, employees, attorneys, and all persons in active concert or  
15 participation with them who receive actual notice of this Final Judgment by  
16 personal service or otherwise are permanently restrained and enjoined from  
17 violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or  
18 indirectly, in the absence of any applicable exemption:

- 19 (a) Unless a registration statement is in effect as to a security, making use  
20 of any means or instruments of transportation or communication in  
21 interstate commerce or of the mails to sell such security through the  
22 use or medium of any prospectus or otherwise;
- 23 (b) Unless a registration statement is in effect as to a security, carrying or  
24 causing to be carried through the mails or in interstate commerce, by  
25 any means or instruments of transportation, any such security for the  
26 purpose of sale or for delivery after sale; or
- 27 (c) Making use of any means or instruments of transportation or  
28 communication in interstate commerce or of the mails to offer to sell

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1 or offer to buy through the use or medium of any prospectus or  
2 otherwise any security, unless a registration statement has been filed  
3 with the Commission as to such security, or while the registration  
4 statement is the subject of a refusal order or stop order or (prior to the  
5 effective date of the registration statement) any public proceeding or  
6 examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

7 **II.**

8 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED  
9 that Somoza and his agents, servants, employees, attorneys, and all persons in  
10 active concert or participation with them who receive actual notice of this Final  
11 Judgment by personal service or otherwise are permanently restrained and enjoined  
12 from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] in the offer  
13 or sale of any security by the use of any means or instruments of transportation or  
14 communication in interstate commerce or by use of the mails, directly or  
15 indirectly:

- 16 (a) to employ any device, scheme, or artifice to defraud;
- 17 (b) to obtain money or property by means of any untrue statement of a  
18 material fact or any omission of a material fact necessary in order to  
19 make the statements made, in light of the circumstances under which  
20 they were made, not misleading; or
- 21 (c) to engage in any transaction, practice, or course of business which  
22 operates or would operate as a fraud or deceit upon the purchaser.

23 **III.**

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Somoza  
25 and his agents, servants, employees, attorneys, and all persons in active concert or  
26 participation with them who receive actual notice of this Final Judgment by  
27 personal service or otherwise are permanently restrained and enjoined from  
28 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of

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DISTRICT OF COLUMBIA

1 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated  
2 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of  
3 interstate commerce, or of the mails, or of any facility of any national securities  
4 exchange, in connection with the purchase or sale of any security:

- 5 (a) to employ any device, scheme, or artifice to defraud;
- 6 (b) to make any untrue statement of a material fact or to omit to state a  
7 material fact necessary in order to make the statements made, in the  
8 light of the circumstances under which they were made, not  
9 misleading; or
- 10 (c) to engage in any act, practice, or course of business which operates or  
11 would operate as a fraud or deceit upon any person.

12 IV.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Somoza  
14 shall pay a civil penalty in the amount of \$40,000 pursuant to Section 20(d) of the  
15 Securities Act [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Exchange Act [15  
16 U.S.C. § 78u(d)(3)]. Somoza shall make this payment within ten (10) business  
17 days after entry of this Final Judgment by certified check, bank cashier's check, or  
18 United States postal money order payable to the Securities and Exchange  
19 Commission. The payment shall be delivered or mailed to the Office of Financial  
20 Management, Securities and Exchange Commission, Operations Center, 6432  
21 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be  
22 accompanied by a letter identifying Somoza as a defendant in this action; setting  
23 forth the title and civil action number of this action and the name of this Court; and  
24 specifying that payment is made pursuant to this Final Judgment. Somoza shall  
25 pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. §  
26 1961.

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V.

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 Somoza shall comply with all of the undertakings and agreements set forth therein.

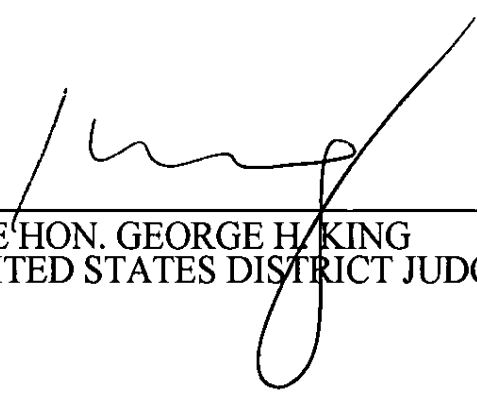
VI.

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.


VII.

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.

DATED: 7/22/05

  
\_\_\_\_\_  
THE HON. GEORGE H. KING  
UNITED STATES DISTRICT JUDGE

Submitted by:

  
\_\_\_\_\_  
Michael A. Piazza  
Roberto Tercero  
Attorneys for Plaintiff  
Securities and Exchange Commission

**PROOF OF SERVICE**

I am over the age of 18 years and not a party to this action. My business address is:

United States Securities and Exchange Commission, Pacific Regional Office,  
11th Floor, 5670 Wilshire Boulevard, Los Angeles, California 90036-3648, Fax:  
(323) 965-3908.

On July 21, 2005, the foregoing document entitled

**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AS TO DEFENDANT  
CURTIS D. SOMOZA**

was served on all parties to this action addressed as stated on the attached service list:

**OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

**PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

**EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

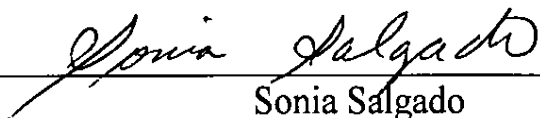
**PERSONAL SERVICE:** I personally delivered each such envelope by hand to the office of the addressee.

**FEDERAL EXPRESS:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

**FAX (BY AGREEMENT ONLY):** By transmitting the document by facsimile transmission at the time shown on the attached transmission report. The transmission was reported as complete and without error, and the attached transmission report was properly issued by the transmitting fax machine.

**(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.

Date: July 21, 2005

  
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Sonia Salgado

**SEC v. RC INVESTMENT CORP, ET AL;**  
**Case No. CV 04-7400-GHK (Ex)**

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H. THOMAS FEHN, ESQ.  
GREGORY J. SHERWIN, ESQ.  
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11755 WILSHIRE BLVD. 15<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90025-1506  
Attorneys for Defendants RC Investment Corp., Pinnacle Investment Corp., Robert A.  
Coberly, Jr., and Curtis D. Somoza