

14
15
16
17
18
19
20

☒ Priority
☒ Send
☐ Clsd
☒ Enter
☒ JS-5/JS-6
☐ JS-2/JS-3

21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

BODYSCAN CORPORATION and ANTHONY SCIUTO,

Defendants.

Case No. SACV 05-256 DOC (RNBx)

~~PROPOSED~~ FINAL JUDGMENT
OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST
ANTHONY SCIUTO

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff
 Securities and Exchange Commission's ("Commission") Motion for Summary
 Judgment ("Motion") against defendant Anthony Sciuto ("Sciuto") came before
 the Court for hearing on March 6, 2006. The Court, having considered the Motion,
 the Memorandum of Points and Authorities in support thereof, the declarations and
 exhibits relating thereto, the Statement of Uncontroverted Facts and Conclusions of
 Law, other documents filed in support of the Motion, and all other evidence and
 argument presented regarding the Motion, finds that:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Commission's Motion for Summary Judgment is **GRANTED**.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Sciuto and his agents, servants, employees, attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are permanently restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of any security, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

A. employing any device, scheme, or artifice to defraud;

B. making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it was made, not misleading;
or

C. engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

in violation of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Sciuto is assessed, and shall pay to the Commission for delivery to the United States Treasury, a civil penalty in the amount of \$120,000 pursuant to Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Sciuto shall pay the above penalty by cashier's check, certified check, or postal money order within thirty (30) days of entry of this Final Judgment. This payment shall be made

1 payable to the United States Treasury and shall be transmitted to the Office of
2 Financial Management, Securities and Exchange Commission, Operations Center,
3 6432 General Green Way, Stop 0-3, Alexandria, VA 22312, under cover of a letter
4 that identifies the defendant, the name and case number of this litigation, and the
5 court. Copies of this letter and the certified check shall be simultaneously
6 transmitted to counsel for the Commission in this action at its Pacific Regional
7 Office.

8 **IV.**

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

15 **V.**

16 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that,
17 pursuant to Section 21(d)(5) of the Exchange Act, 15 U.S.C. § 78u(d)(5), Sciuto is
18 barred from acting as an officer or director of any company, public or non-public.

19 **VI.**

20 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this
21 Court shall retain jurisdiction over this action for all purposes, including to
22 implement and enforce the terms of this Final Judgment, and other orders and
23 decrees which may be entered, and to grant such other relief as this Court may
24 deem necessary and just.

25 ///

26 ///

27 ///

28 ///

1 There being no just reason for delay, the Clerk of the Court is hereby
2 directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter
3 this Final Judgment.

4 **IT IS SO ORDERED.**

5
6 DATED:

7 MARCH 6, 2006

David O. Carter

THE HONORABLE DAVID O. CARTER
UNITED STATES DISTRICT JUDGE

8
9 Presented by:

10 *Peter Del Greco*

11 John B. Bulgozdy

12 Peter F. Del Greco

13 Attorneys for Plaintiff

14 Securities and Exchange Commission
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

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

☒ U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On February 6, 2006, I served the documents entitled (1) **NOTICE OF MOTION AND MOTION OF PLAINTIFF SECURITIES AND EXCHANGE COMMISSION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ANTHONY SCIUTO**; (2) **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ANTHONY SCIUTO**; (3) **STATEMENT OF UNCONTROVERTED FACTS AND CONCLUSIONS OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ANTHONY SCIUTO**; (4) **DECLARATION OF PETER F. DEL GRECO IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ANTHONY SCIUTO**; (5) **DECLARATIONS OF MARGARET PICUS, SHEILA LINTON, BEVERLY CMAR, MATT SCIANO, KENDAL CULP, STEVEN RODMAN, AND JOHN A. MOE, II IN SUPPORT OF PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AGAINST DEFENDANT ANTHONY SCIUTO**; AND (6) **[PROPOSED] FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST ANTHONY SCIUTO** upon the 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 agency'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.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee.

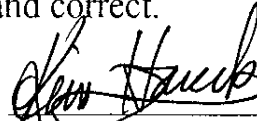
☐ **FEDERAL EXPRESS BY AGREEMENT OF ALL PARTIES:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

1 [] **FAX:** By transmitting the document by facsimile transmission. The
transmission was reported as complete and without error.

2 [X] **(Federal)** I declare that I am employed in the office of a member of the bar
3 of this Court, at whose direction the service was made. I declare under
penalty of perjury that the foregoing is true and correct.

4 Date: February 6, 2006


KIM HAACK

1 **SEC v. BODYSCAN CORPORATION, et al.**
2 **United States District Court – Central District of California**
3 **Case No. SACV 05-256 DOC (RNBx)**
4 **(LA-2719)**

5 SERVICE LIST

6 Gary C. Wykidal, Esq.
7 Law Offices of Gary C. Wykidal
8 245 Fischer Avenue, Suite A-1
9 Costa Mesa, CA 92626
10 Facsimile: (714) 751-5428
11 ***Attorney for Defendants BodyScan Corporation and***
12 ***Anthony Sciuto***
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28