

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SECURITIES AND EXCHANGE COMMISSION,)
Plaintiff,)
)
v.) Case No. CV-S-05-0531-PMP-
) GWF
)
EXOTICS.COM, INC., L. REX ANDERSEN,)
MARLIN R. BRINSKY, DANIEL G. CHAPMAN,)
STEPHEN P. CORSO, JR., BARRY F. DUGGAN,)
JAMES L. ERICKSTEEN, SEAN P. FLANAGAN,)
FIROZ JINNAH, INGO W. MUELLER,)
BRIAN K. RABINOVITZ, EDWARD JAMES)
WEXLER, GARY THOMAS a/k/a GARY)
THOMAS VOJTESAK,)
Defendants,)
)
and)
)
FLANAGAN & ASSOCIATES, LTD.,)
Relief Defendant.)
)

**FINAL JUDGMENT OF DEFAULT AGAINST DEFENDANT
GARY THOMAS a/k/a GARY THOMAS VOJTESAK**

WHEREAS, on April 25, 2005, Plaintiff Securities and Exchange Commission (“Commission”) commenced this action by filing a Complaint against Gary Thomas a/k/a Gary Thomas Vojtesak (“Defendant” or “Thomas”) and a summons was issued on that date to the same;

WHEREAS, in accordance with Rule 4(e) (2) of the Federal Rules of Civil Procedure, on February 15, 2006 the Commission served a copy of the Summons and Complaint on Thomas via Pamela Koslyn, his legal counsel who had been authorized by Thomas to accept service of the Summons and Complaint;

WHEREAS, in accordance with Fed. R. Civ. P. 55(a), a Clerk's default was entered against Thomas on July 14, 2006;

WHEREAS, the Court accepts as true the factual allegations in the Complaint against Thomas, who has defaulted, and that:

1. This Court has jurisdiction over this action pursuant to Section 22(a) of the Securities Act of 1933 ("Securities Act"), [15 U.S.C. § 77v(a)], and Sections 21(e) and 27 of the Securities and Exchange Act of 1934 ("Exchange Act"), [15 U.S.C. §§ 78u(e) and 78aa]; and

2. The Defendant employed the means or instrumentalities of interstate commerce, the mails, or facilities of national securities exchanges to engage in the conduct alleged in the Complaint.

WHEREAS, the Commission has applied, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for the entry of this Final Default Judgment based on the Defendant's failure to answer or otherwise respond to the Commission's Complaint and the Court having considered the prima facie case for relief shown by the Commission's Complaint and Plaintiff Securities and Exchange Commission's Memorandum of Law in Support of its Motion for Default Judgment Against Gary Thomas a/k/a Gary Thomas Vojtesak, and the exhibits thereto, which showing has not been rebutted by the Defendant;

NOW THEREFORE, BASED ON THE FOREGOING:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Commission's motion for entry of this Final Judgment is **GRANTED**.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant be and hereby is permanently enjoined and restrained, directly or indirectly, from violating:

- A. Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5];
- B. Section 13(b)(2)(A) [15 U.S.C. § 78m(b)(2)(A)] and Section 13(b)(2)(B) [15 U.S.C. § 78m(b)(2)(B)] of the Exchange Act; and
- C. Section 13(d) [15 U.S.C. § 78m(d)] and Section 16(a) [15 U.S.C. § 78p(a)] of the Exchange Act and Rules 13d-1 and 16a-3 thereunder [17 C.F.R. § 240.13d-1 and 17 C.F.R. § 240.16a-3];

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)] and 17 C.F.R. 201.1001 and 1002, Defendant is hereby ordered to pay the following civil money penalties for his Exchange Act violations:

- A. Section 10(b) and Rule 10b-5 primary violation (First Claim):
\$ 120,000.00 ;

- B. Section 10(b) and Rule 10b-5 aiding and abetting violation (of Exotics-Nevada's violations) (Second Claim): \$ 120,000.00 ;
- C. Section 10(b) and Rule 10b-5 aiding and abetting violation (of manipulation scheme) (Fourth Claim): \$ 120,000.00 ;
- D. Section 13(b)(2)(A) and Section 13(b)(2)(B) aiding and abetting violations (of Exotics-Nevada's violations) (Seventh Claim):
\$ 120,000.00 ;
- E. Section 13(d) and Section 16(a) and Rule 13d-1 and Rule 16a-3 violations (Ninth Claim): \$ 60,000.00 .

IV.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this matter for all purposes, including, but not limited to, implementing and enforcing the terms and conditions of this Final Judgment.

V.

IT IS FURTHER ORDERED that the Court expressly determines that there is no just reason for the delay in the entry of this Final Judgment. The Court hereby enters this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

DATED: December 20, 2006



PHILIP M. PRO
Chief United States District Judge