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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

K. Ridgway
DEPUTY *df*

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 SECURITIES AND EXCHANGE COMMISSION,

14 Plaintiff,

15 v.

16 DAVID J. SHLANSKY,

17 Defendant.

Case No. 05cv 1582 JM(RBB)

~~[PROPOSED]~~ FINAL JUDGMENT

18
19 The Securities and Exchange Commission having filed a Complaint and Defendant
20 David J. Shlansky having entered a general appearance; consented to the Court's jurisdiction over
21 Defendant and the subject matter of this action; consented to entry of this Final Judgment without
22 admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of
23 fact and conclusions of law; and waived any right to appeal from this Final Judgment:

24
25 I.

26 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's
27 agents, servants, employees, attorneys, and all persons in active concert or participation with them
28 who receive actual notice of this Final Judgment by personal service or otherwise are permanently

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ENTERED ON 8/22/05

SEC v. SHLANSKY
[RECEIVED] FINAL JUDGMENT

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

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

12 II.

13
 14 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is
 15 liable for disgorgement of \$38,681.42, representing profits gained as a result of the conduct alleged in
 16 the Complaint, together with prejudgment interest thereon in the amount of \$567.29, for a total of
 17 \$39,248.71. Defendant shall make this payment within ten (10) business days after entry of this Final
 18 Judgment by certified check, bank cashier's check, or United States postal money order payable to the
 19 Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of
 20 Financial Management, Securities and Exchange Commission, Operations Center, 6432 General
 21 Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter
 22 identifying David J. Shlansky as a defendant in this action; setting forth the title and civil action
 23 number of this action and the name of this Court; and specifying that payment is made pursuant to
 24 this Final Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter
 25 to the attention of Helane Morrison, District Administrator, at the Commission's San Francisco
 26 District Office, 44 Montgomery Street, Suite 2600, San Francisco, California 94104. By making this
 27 payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds, and no
 28

1 part of the funds shall be returned to Defendant. Defendant shall pay post-judgment interest on any
2 delinquent amounts pursuant to 28 U.S.C. § 1961.

3
4 III.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a
6 civil penalty in the amount of \$38,681.42 pursuant to Section 21A(a)(1)(A) of the Exchange Act [15
7 U.S.C. § 78u-1(a)(1)(A)]. Defendant shall make this payment within ten (10) business days after
8 entry of this Final Judgment by certified check, bank cashier's check, or United States postal money
9 order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed
10 to the Office of Financial Management, Securities and Exchange Commission, Operations Center,
11 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a
12 letter identifying David J. Shlansky as a defendant in this action; setting forth the title and civil action
13 number of this action and the name of this Court; and specifying that payment is made pursuant to
14 this Final Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter
15 to the attention of Helane Morrison, District Administrator, at the Commission's San Francisco
16 District Office, 44 Montgomery Street, Suite 2600, San Francisco, California 94104. Defendant shall
17 pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

18
19 IV.

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


V.

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: 8/18, 2005


UNITED STATES DISTRICT JUDGE

Approved as to form:


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