

| |
|--|
| USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/20/12 |
|--|

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

SONJA ANTICEVIC, DAVID PAJCIN, EUGENE
PLOTKIN, STANISLAV SHPIGELMAN,
NICKOLAUS SHUSTER, JUAN C. RENTERIA, JR.,
HENRY SIEGEL, ELVIS SANTANA, MONIKA
VUJOVIC, MIKHAIL PLOTKIN, PERICA
LOPANDIC, BRUNO VERINAC, ZORAN SORMAZ,
ILIJAH BORAC, ANTUN DILBER, ANTO KRSIC,
and JASON C. SMITH,

Defendants.

05 Civ. 6991 (KMW)

FINAL JUDGMENT AS TO DEFENDANT PERICA LOPANDIC

The Securities and Exchange Commission ("Commission") having filed a Fourth Amended Complaint ("Complaint") and Defendant Perica Lopandic ("Lopandic" or "Defendant") having entered a general appearance; consented to the Court's jurisdiction over him and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, 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 is liable for disgorgement of \$735,192.80, representing profits gained as a result of the conduct alleged in the Complaint. As satisfaction of this obligation in full, Defendant shall direct and cause Saxo Bank A/S (“Saxo Bank”) to pay from accounts held in Defendant’s name (the “Accounts”) a total of \$735,192.80 (the “Disgorgement Funds”), within 90 days of entry of this Final Judgment to the Clerk of this Court, together with a cover letter identifying Lopandic as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. By directing the making of this payment, Defendant relinquishes all legal and equitable right, title, and

interest in the Disgorgement Funds, and no part of the Disgorgement Funds shall be returned to Defendant. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961 to the extent that any delinquent payments are caused by Defendant. Solely in order to effectuate the terms of this paragraph, the Court's Preliminary Injunction and Order Freezing Assets and Granting Other Relief, dated September 13, 2005 (the "Freeze Order"), is hereby lifted as to Defendant's assets in the Accounts to allow Defendant to make payment of the Disgorgement Funds as further set out in this Final Judgment.

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

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the Clerk of Court's receipt of all Disgorgement Funds pursuant to the terms of paragraph II, above, the Freeze Order is lifted as to the balance of any assets owned by Defendant.

IV.

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 Defendant shall 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.

VI.

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: June 20, 2012

William M. Wood
UNITED STATES DISTRICT JUDGE