

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

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SECURITIES AND EXCHANGE COMMISSION, )  
) 2:05 Civ. 73328  
Plaintiff, )  
v. )  
) FINAL JUDGMENT  
) AS TO DEFENDANT  
DAVID P. LEVINE, ET AL. ) DOUGLAS J. ELY  
) **FILED**  
Defendants. )  
----- x

SEP 07 2005

CLERK'S OFFICE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN

The Securities and Exchange Commission having filed a Complaint and Defendant Douglas J. Ely ("Ely") 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 Ely shall pay a civil penalty in the amount of \$25,000 pursuant to Section 21(d)(3)(A) of the Exchange Act [15 U.S.C. § 78u(d)(3)(A)]. Ely shall make this payment within thirty (30) business days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the

Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Berlin 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. A copy of the check and letter shall be simultaneously transmitted to Cheryl J. Scarboro, Assistant Director, Securities and Exchange Commission, 100 F Street, N.E., Washington, DC 20549-4010, Tel: 202/551-4597, Fax: 202/772-9363.

II.

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

III.

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.

IV.

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.

**SEP 07 2005**

Dated: \_\_\_\_\_

  
UNITED STATES DISTRICT JUDGE