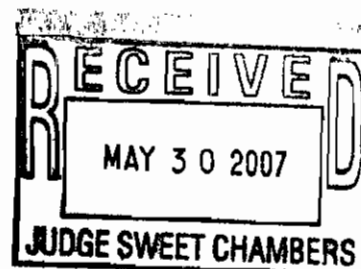
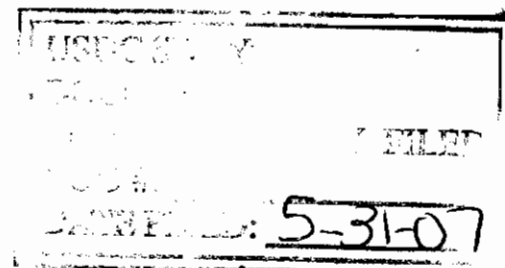


AMY J. GREER  
KINGDON KASE  
TAMI S. STARK (TS-8321)  
Attorneys for Plaintiff  
SECURITIES AND EXCHANGE COMMISSION  
Philadelphia District Office  
701 Market Street  
Suite 2000  
Philadelphia, PA 19103  
Telephone: (215) 597-3100  
Telefax: (215) 597-2740



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

LOHMUS HAAVEL & VIISEMANN,  
OLIVER PEEK, and  
KRISTJAN LEPIK,

Defendants.

Civil Action No.  
05 CV 9259

(Judge Sweet)

(REDACTED)

**FINAL JUDGMENT AS TO REMAINING DEFENDANTS  
LOHMUS HAAVEL & VIISEMANN AND OLIVER PEEK**

The Securities and Exchange Commission ("Commission") having filed an Amended Complaint, and Defendants Lohmus Haavel & Viisemann ("LHV") and Oliver Peek ("Peek") (LHV and Peek, collectively "Defendants") each, respectively, having entered a general appearance; consented to the Court's jurisdiction over them and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the

Amended 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 Defendants and Defendants' 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 Peek is liable for disgorgement of \$13,000,000, representing profits gained as a result of the conduct alleged in the Amended Complaint.

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)], Defendant Peek shall pay a civil penalty in the amount of \$1,350,000, and Defendant LHV shall pay a civil penalty in the amount of \$650,000.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Interactive Brokers LLC, within three business days of being served with this Final Judgment by facsimile or other reasonable means, shall transfer to the Registry of the Court from the accounts listed below the respective amounts indicated, all of which shall be applied toward the payment of disgorgement and civil penalties ordered against Defendants pursuant to this Final Judgment:

- (a) \$6,312,000 from account number [REDACTED]84 in the name of Lohmus Haavel & Viisemann; and
- (b) \$6,312,000 from account number [REDACTED]57 in the name of Lohmus Haavel & Viisemann.

Interactive Brokers LLC shall make the foregoing payment by cashier's check payable to the Clerk of the Court, and shall include with such payment a cover letter identifying LHV and Peek as defendants 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.

Interactive Brokers LLC shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel and Defendants' counsel in this action.

V.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that CyberTrader, Inc., within three business days of being served with this Final Judgment by facsimile or other reasonable means, shall transfer to the Registry of the Court \$2,271,500 from account number [REDACTED]16 in the name of Oliver Peek, all of which shall be applied toward the payment of disgorgement and civil penalties ordered against Defendants pursuant to this Final Judgment. CyberTrader Inc. shall make the foregoing payment by cashier's check payable to the Clerk of the Court, and shall include with such payment a cover letter identifying Peek 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. CyberTrader Inc. shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel and Defendants' counsel in this action.

VI.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that RML Trading, within three business days of being served with this Final Judgment by facsimile or other reasonable means, shall transfer to the Registry of the Court \$104,500 from account number [REDACTED]81 in the name of Oliver Peek, all of which shall be applied toward the payment of disgorgement and civil penalties ordered against Defendants pursuant to this Final Judgment. RML Trading shall make the foregoing payment by cashier's check payable to the Clerk of the Court, and shall include with such payment a cover letter identifying Peek 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. RML

Trading shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel and Defendants' counsel in this action.

VII.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk of the Court shall deposit all of the funds paid to the Clerk from Interactive Brokers LLC, CyberTrader, Inc., and RML Trading pursuant to of this Final Judgment into Court Registry Investment System account number 05CV9259-3 (the "CRIS Account"), the interest bearing account established in connection with the Final Judgment previously entered in this matter against defendant Kristjan Lepik. These funds, and any interest and income earned thereon (collectively, the "Fund"), shall be held in the CRIS Account until further order of the Court. In addition, the Clerk shall, within 10 days after receiving payment of the funds required to be paid to the Clerk from Interactive Brokers LLC, CyberTrader, Inc., and RML Trading pursuant to this Final Judgment, transfer from the Fund to the Securities and Exchange Commission \$2,000,000 of those funds, as payment of the penalties ordered against Defendants by this Final Judgment. Such payment shall be made by check, 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 LHV and Peek as defendants 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. 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 will propose the disposition of the balance of the Fund, including any funds already deposited in the CRIS Account in connection with the Final Judgment previously entered in this matter against defendant Kristjan Lepik, subject to the Court's approval.

VIII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, upon receipt by the Clerk of Court of all the funds to be transferred to it by Interactive Brokers LLC, CyberTrader, Inc., and RML Trading pursuant to this Final Judgment as payment of Defendants' disgorgement and civil penalties as ordered herein, which total \$15,000,000, the Clerk of Court shall promptly notify the Court and the parties hereto that such funds have been paid, and, thereafter, this Court will issue an Order lifting the freeze imposed on Defendants' remaining funds, accounts, and other assets by the Orders of Preliminary Injunction, Freeze of Assets and Other Relief entered against Defendants on November 8, 2005.

IX.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consents executed by Defendants are incorporated herein with the same force and effect as if fully set forth herein, and that Defendants shall comply with all of the undertakings and agreements set forth in their respective Consents.

X.

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.

XI.

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:

May 30, 2007

  
ROBERT W. SWEET  
UNITED STATES DISTRICT JUDGE

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:** ( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. **No personal checks are accepted.**

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006



**United States District Court**  
**Southern District of New York**  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

-----X  
|  
-V- |  
|  
-----X

**NOTICE OF APPEAL**

civ. ( )

Notice is hereby given that \_\_\_\_\_  
(party)  
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .  
(day) (month) (year)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_

( ) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006



**United States District Court**  
**Southern District of New York**  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213

-----X     -V-     -----X	<b>NOTICE OF APPEAL</b> <b>AND</b> <b>MOTION FOR EXTENSION OF TIME</b>  civ. ( )
---	--

1. Notice is hereby given that \_\_\_\_\_ hereby appeals to  
(party)  
the United States Court of Appeals for the Second Circuit from the judgment entered on \_\_\_\_\_.  
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time  
\_\_\_\_\_  
(party)  
respectfully requests the court to grant an extension of time in  
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, \_\_\_\_\_ states that  
(party)  
this Court's judgment was received on \_\_\_\_\_ and that this form was mailed to the  
(date)  
court on \_\_\_\_\_ .  
(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 3

**APPEAL FORMS**

Revised: April 9, 2006

**United States District Court  
Southern District of New York  
Office of the Clerk  
U.S. Courthouse  
500 Pearl Street, New York, N.Y. 10007-1213**

**Date:**

**In Re:**

-v-

**Case #:** ( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. **No personal checks are accepted.**

**J. Michael McMahon, Clerk of Court**

by: \_\_\_\_\_

, Deputy Clerk

**APPEAL FORMS**

Docket Support Unit

Revised: April 9, 2006

Revised: April 9, 2006

-V-

**MOTION FOR EXTENSION OF TIME  
TO FILE A NOTICE OF APPEAL**

civ. ( )

[Explain here the “excusable neglect” or “good cause” which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: \_\_\_\_\_ ( ) \_\_\_\_\_ - \_\_\_\_\_  
(Telephone Number)

**Note:** You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

FORM 2

## APPEAL FORMS



civ. ( )

- Revised: April 9, 2006

Revised: April 9, 2006