

summons and complaint upon all Defendants and Relief Defendants. The Defendants and Relief Defendants have defaulted by failing to answer, move, or otherwise respond to the Complaint within the time provided by the Federal Rules of Civil Procedure. On February 28, 2008, the Clerk entered default as to all Defendants and Relief Defendants. The Commission has filed a Notice of Motion, pursuant to Fed. R. Civ. P. 55(b) for a final judgment by default against all Defendants and Relief Defendants, and separate declarations by Dina Levy and Stephen Johnson, both dated May 23, 2008, with accompanying exhibits. The Court has jurisdiction over the Defendants and Relief Defendants and over the subject matter of this action and the jurisdiction to grant the relief requested by the Commission. Good cause appears for the entry of this Final Judgment.

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Spiro Germenis and Oracle Evolution, LLC, and their agents, servants, employees, attorneys, and all persons in active concert or participation with Spiro Germenis or Oracle Evolution, LLC who receive notice of this Final Judgment by personal service or otherwise are permanently enjoined and restrained from violating Section 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to

make the statements made, in light of the circumstances under which they were made, not misleading; or

- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

II.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that Spiro Germenis and Oracle Evolution, LLC, and their agents, servants, employees, attorneys, and all persons in active concert or participation with Spiro Germenis or Oracle Evolution, LLC, who receive notice of this Final Judgment by personal service or otherwise are permanently enjoined and restrained from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. § 240.10b-5], by the use of 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.

III.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that Spiro Germenis, Oracle Services Inc., and Oracle Evolution, LLC, and their agents,

servants, employees, attorneys, and all persons in active concert or participation with Spiro Germenis, Oracle Services Inc., and Oracle Evolution, LLC, who receive notice of this Final Judgment by personal service or otherwise are permanently enjoined and restrained from violating, directly or indirectly, Sections 206(1) and (2) of the Investment Advisers Act of 1940 [15 U.S.C. §§ 80b-6(1) and (2)], by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly:

- (1) to employ any device, scheme or artifice to defraud any client or prospective client; or
- (2) to engage in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.

IV.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that Defendants and Relief Defendants are jointly and severally liable for payment of \$7,705,249.83, representing undisgorged profits of \$6,500,000 gained as a result of the conduct alleged in the Complaint, together with prejudgment interest in the amount of \$1,205,249.83. Defendants and Relief Defendants shall satisfy this obligation by paying \$7,705,249.83, within ten business days after entry of this Final Judgment, to the Clerk of the Court (United States District Court, Eastern District of New York, Long Island Courthouse, 100 Federal Plaza, Central Islip, New York 11722) for deposit into an interest-bearing account with the Court Registry Investment System. The Defendants and Relief Defendants shall also attach a cover letter identifying themselves as Defendants and Relief 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. Defendants and Relief Defendants shall simultaneously transmit photocopies of such payment and letter to the Commission counsel in this action (Todd Brody, U.S. Securities and Exchange Commission, 3 World Financial Center, New York, NY 10281.) Defendants and Relief Defendants shall also pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

V.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Spiro Germenis and Oracle Evolution, LLC, are each liable for a civil penalty in the amount of \$480,000 pursuant to Section 20(d) of the Securities Act of 1933 [15 U.S.C. § 77t(d)], Section 21(d)(3) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)(3)], and Section 209(e) of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-9(e)]. Defendant Oracle Services Inc. is liable for a civil penalty in the amount of \$240,000 pursuant to Section 209(e) of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-9(e)]. Defendants shall satisfy their respective obligations by paying the penalty amounts in full, within ten business days after entry of this Final Judgment, to the Clerk of the Court (United States District Court, Eastern District of New York, Long Island Courthouse, 100 Federal Plaza, Central Islip, New York 11722) for deposit into an interest-bearing account with the Court Registry Investment System. The Defendants shall also attach a cover letter identifying themselves 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. Defendants shall simultaneously transmit photocopies of such payment and letter to the Commission counsel in this action (Todd Brody, U.S. Securities and Exchange Commission, 3 World

Financial Center, New York, NY 10281.) Defendants shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

VI.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that, pursuant to Fed. R. Civ. P. 65(d), this Final Judgment is binding upon Spiro Germenis, Oracle Services Inc., Oracle Evolution, LLC, Oracle E Fund, LP, Oracle J Fund, LP, and Oracle Evolution Capital, LLC, and any of their officers, agents, servants, employees, and attorneys-in-fact, and upon those persons in active concert or participation with them who receive actual notice of this judgment by personal service or otherwise.

VII.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this matter for purposes of enforcing the terms and conditions of this Final Judgment.

VIII.

IT IS FURTHER ORDERED that there being no just reason for delay, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: Central Islip, New York

~~August~~ 2, 2008

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The Honorable Leonard D. Wexler
United States District Judge