

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

CMKM DIAMONDS, INC., URBAN
CASAVANT, JOHN EDWARDS,
GINGER GUTIERREZ, JAMES
KINNEY, ANTHONY TOMASSO,
KATHLEEN TOMASSO, 1ST
GLOBAL STOCK TRANSFER LLC,
HELEN BAGLEY, NEVWEST
SECURITIES CORPORATION,
DARYL ANDERSON, SERGEY
RUMYANTSEV, ANTHONY
SANTOS, and BRIAN DVORAK,

Defendants.

Case No. 2:08-cv-00437-LRH-RJJ

**JUDGMENT
OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST
DEFENDANT ANTHONY
TOMASSO**

1 Plaintiff Securities and Exchange Commission (“Commission”) having filed
2 a Complaint (“Complaint”) and Defendant Anthony Tomasso having waived been
3 served with a Summons and the Complaint; entered a general appearance;
4 consented to the Court’s jurisdiction over Anthony Tomasso and the subject matter
5 of this action; consented to entry of this Judgment without admitting or denying the
6 allegations of the Complaint (except as to jurisdiction); waived findings of fact and
7 conclusions of law; and waived any right to appeal from this Judgment:

8 **I.**

9 IT IS ORDERED, ADJUDGED, AND DECREED that ANTHONY
10 TOMASSO and his agents, servants, employees, attorneys, and all persons in
11 active concert or participation with them who receive actual notice of this
12 Judgment by personal service or otherwise are permanently restrained and enjoined
13 from violating Section 5 of the Securities Act of 1933 (“Securities Act”), 15 U.S.C.
14 § 77e, by, directly or indirectly, in the absence of any applicable exemption:

- 15 (a) Unless a registration statement is in effect as to a security, making use
16 of any means or instruments of transportation or communication in
17 interstate commerce or of the mails to sell such security through the
18 use or medium of any prospectus or otherwise;
- 19 (b) Unless a registration statement is in effect as to a security, carrying or
20 causing to be carried through the mails or in interstate commerce, by
21 any means or instruments of transportation, any such security for the
22 purpose of sale or for delivery after sale; or
- 23 (c) Making use of any means or instruments of transportation or
24 communication in interstate commerce or of the mails to offer to sell
25 or offer to buy through the use or medium of any prospectus or
26 otherwise any security, unless a registration statement has been filed
27 with the Commission as to such security, or while the registration
28 statement is the subject of a refusal order or stop order or (prior to the

1 effective date of the registration statement) any public proceeding or
2 examination under Section 8 of the Securities Act, 15 U.S.C. § 77h.

3 **II.**

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Anthony
5 Tomasso is permanently and unconditionally bared from participation in any
6 offering of penny stock, including engaging in activities with a broker, dealer, or
7 issuer for purposes of issuing, trading, or inducing or attempting to induce the
8 purchase or sale of any penny stock. A penny stock is any equity security that has
9 a price of less than five dollars, except as provided in Rule 3a51-1 under the
10 Securities Exchange Act of 1934, 17 C.F.R. 240.3a51-1.

11 **III.**

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Anthony
13 Tomasso shall pay disgorgement of ill-gotten gains, prejudgment interest thereon,
14 and a civil penalty pursuant to Section 20(d) of the Securities Act, 15 U.S.C.
15 § 77t(d). The Court shall determine the amounts of the disgorgement and civil
16 penalty upon motion of the Securities and Exchange Commission (“Commission”).
17 Prejudgment interest shall be calculated pursuant to 28 U.S.C. § 1961 from
18 March 5, 2003. In connection with the Commission’s motion for disgorgement
19 and/or civil penalties, and at any hearing held on such a motion: (a) Anthony
20 Tomasso will be precluded from arguing that he did not violate the federal
21 securities laws as alleged in the Complaint; (b) Anthony Tomasso may not
22 challenge the validity of this Consent or the Judgment; (c) solely for the purposes
23 of such motion, the allegations of the Complaint shall be accepted as and deemed
24 true by the Court; and (d) the Court may determine the issues raised in the motion
25 on the basis of affidavits, declarations, excerpts of sworn deposition or
26 investigative testimony, and documentary evidence, without regard to the standards
27 for summary judgment contained in Rule 56(c) of the Federal Rules of Civil
28 Procedure. In connection with the Commission’s motion for disgorgement and/or

1 civil penalties, the parties may take discovery, including discovery from
2 appropriate non-parties.

3 **IV.**

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
5 provisions of the Consent filed concurrently with this Judgment are incorporated
6 herein with the same force and effect as if fully set forth herein, and that Anthony
7 Tomasso shall comply with all of the undertakings and agreements set forth
8 therein.

9 **V.**

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this
11 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms
12 of this Judgment.

13 **VI.**

14 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
15 Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and
16 without further notice.

17
18
19 Dated: June 9, 2008.



20
21
22 THE HONORABLE LARRY R. HICKS
23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28