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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

MICHAEL T. UBERUAGA, EDWARD P.
RYAN, PATRICIA FRAZIER, TERESA A.
WEBSTER, and MARY E. VATTIMO,

Defendants.

Case No. 08CV00625 DMS (WVG)

**FINAL JUDGMENT AS TO DEFENDANT
MARY E. VATTIMO**

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

7 **I.**

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and
9 Defendant’s agents, servants, employees, attorneys, and all persons in active concert or
10 participation with them who receive actual notice of this Final Judgment by personal service or
11 otherwise are permanently restrained and enjoined from violating Section 17(a)(2) of the
12 Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a)(2), in the offer or sale of any
13 security by the use of any means or instruments of transportation or communication in interstate
14 commerce or by use of the mails, directly or indirectly, by obtaining money or property by
15 means of any untrue statement of a material fact or any omission of a material fact necessary in
16 order to make the statements made, in light of the circumstances under which they were made,
17 not misleading.

18 **II.**

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a
20 civil penalty in the amount of \$5,000 pursuant to Section 20(d) of the Securities Act, 15 U.S.C. §
21 77t(d). Based on Defendant’s sworn representations in her Statement of Financial Condition
22 dated January 12, 2010, and declaration dated October 6, 2010 and other documents and
23 information submitted to the Commission, the Court is not ordering Defendant to pay a civil
24 penalty greater than \$5,000. Defendant shall make the payment of \$5,000 within 14 days after
25 entry of this Final Judgment by certified check, bank cashier’s check, or United States postal
26 money order payable to the Securities and Exchange Commission. The payment shall be
27 delivered or mailed to the Office of Financial Management, Securities and Exchange
28 Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia

1 22312, and shall be accompanied by a letter identifying Mary Vattimo as a defendant in this
2 action; setting forth the title and civil action number of this action and the name of this Court;
3 and specifying that payment is made pursuant to this Final Judgment. Defendant shall pay post-
4 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission
5 shall remit the funds paid pursuant to this paragraph to the United States Treasury. If at any time
6 following the entry of this Final Judgment the Commission obtains information indicating that
7 Defendant's representations to the Commission concerning her assets, income, liabilities, or net
8 worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the
9 time such representations were made, the Commission may, at its sole discretion and without
10 prior notice to Defendant, petition the Court for an order requiring Defendant to pay the
11 maximum civil penalty allowable under the law. In connection with any such petition, the only
12 issue shall be whether the financial information provided by Defendant was fraudulent,
13 misleading, inaccurate, or incomplete in any material respect as of the time such representations
14 were made. In any such petition, the Commission may move the Court to consider all available
15 remedies, including but not limited to ordering Defendant to pay funds or assets, directing the
16 forfeiture of any assets, or sanctions for contempt of the Court's Final Judgment. The
17 Commission may also request additional discovery. Defendant may not, by way of defense to
18 such petition: (1) challenge the validity of the Consent of Defendant Mary E. Vattimo or this
19 Final Judgment; (2) contest the allegations in the Third Amended Complaint; (3) assert that
20 payment of a civil penalty or post-judgment interest should not be ordered; (4) contest the
21 imposition of the maximum civil penalty allowable under the law; or (5) assert any defense to
22 liability or remedy, including but not limited to any statute of limitations defense.

23 III.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of
25 Defendant Mary E. Vattimo is incorporated herein with the same force and effect as if fully set
26 forth herein, and that Defendant shall comply with all of the undertakings and agreements set
27 forth therein.

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IV.

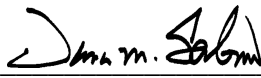
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

V.

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.

IT IS SO ORDERED.

DATED: October 27, 2010



HON. DANA M. SABRAW
United States District Judge