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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 SECURITIES AND EXCHANGE COMMISSION,

Case No.

12 Plaintiff,

13 vs.

[PROPOSED] FINAL JUDGMENT

14 EMMANUEL MARIO AXIAQ,

15 Defendant.
16

17 The Securities and Exchange Commission having filed a Complaint and Defendant
18 Emmanuel Mario Axiaq ("Defendant") having entered a general appearance; consented to the Court's
19 jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final
20 Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction);
21 waived findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil
22 Procedure; and waived any right to appeal from this Final Judgment:

23 I.

24 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's
25 agents, servants, employees, attorneys, and all persons in active concert or participation with any of
26 them who receive actual notice of this Final Judgment by personal service or otherwise are
27 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the
28 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5

[PROPOSED] FINAL JUDGMENT

1 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate
 2 commerce, or of the mails, or of any facility of any national securities exchange, in connection with
 3 the purchase or sale of any security:

4 (a) to employ any device, scheme, or artifice to defraud;

5 (b) to make any untrue statement of a material fact or to omit to state a material act
 6 necessary in order to make the statements made, in the light of the circumstances under which they
 7 were made, not misleading; or

8 (c) to engage in any act, practice, or course of business which operates or would operate
 9 as a fraud or deceit upon any person.

10 II.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay
 12 disgorgement of \$29,539, representing profits gained as a result of the conduct alleged in the
 13 Complaint, together with prejudgment interest thereon in the amount of \$710, and a civil penalty in
 14 the amount of \$60,000 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant
 15 shall satisfy this obligation by paying \$90,249 within ten (10) business days after entry of this Final
 16 Judgment by certified check, bank cashier's check, or United States postal money order payable to the
 17 Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of
 18 Financial Management, Securities and Exchange Commission, Operations Center, 6432 General
 19 Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter
 20 identifying Emmanuel Mario Axiaq as a defendant in this action; setting forth the title and civil
 21 action number of this action and the name of this Court; and specifying that payment is made
 22 pursuant to this Final Judgment. Defendant shall pay post-judgment interest on any delinquent
 23 amounts pursuant to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this
 24 paragraph to the United States Treasury.

25 The determination not to impose any additional civil penalty beyond \$60,000 is contingent
 26 upon the accuracy and completeness of Defendant's Statement of Financial Condition dated June 26,
 27 2008. If at any time following the entry of this Final Judgment the Commission obtains information
 28 indicating that Defendant's representations to the Commission concerning his assets, income,

1 liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect
2 as of the time such representations were made, the Commission may, at its sole discretion and
3 without prior notice to Defendant, petition the Court for an order requiring Defendant to pay the
4 additional portion of the maximum civil penalty allowable under the law. In connection with any
5 such petition, the only issue shall be whether the financial information provided by Defendant was
6 fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such
7 representations were made. In its petition, the Commission may move this Court to consider all
8 available remedies, including, but not limited to, ordering Defendant to pay funds or assets, directing
9 the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may
10 also request additional discovery. Defendant may not, by way of defense to such petition: (1)
11 challenge the validity of the Consent or this Final Judgment; (2) contest the allegations in the
12 Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-judgment and post-
13 judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement
14 and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil
15 penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not
16 limited to, any statute of limitations defense.

17 III.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant
19 Emmanuel Mario Axiaq to Entry of Final Judgment, filed concurrently with this Final Judgment, is
20 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall
21 comply with all of the undertakings and agreements set forth therein.

22 IV.

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

25 V.

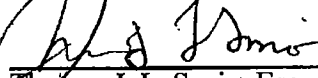
26 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil
27 Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.

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1 Dated: October 8, 2008

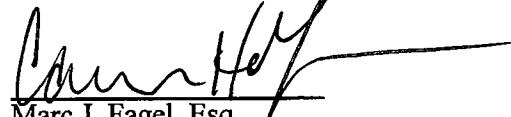

UNITED STATES DISTRICT JUDGE

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4 APPROVED AS TO FORM:

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7 Low, Ball & Lynch
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8 Attorney for Defendant Emmanuel Mario Axiaq
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10 SUBMITTED BY:

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15 Attorneys for Plaintiff
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