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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

FRANCIS ELIAS AXIAQ,

Defendant.

Case No. C-08-4637-CRB

**[PROPOSED] FINAL JUDGMENT
AGAINST DEFENDANT FRANCIS
ELIAS AXIAQ**

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

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with any of 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

**[PROPOSED] FINAL JUDGMENT AGAINST
FRANCIS ELIAS AXIAQ
C-08-4637-CRB**

1 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5
 2 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate
 3 commerce, or of the mails, or of any facility of any national securities exchange, in connection with
 4 the purchase or sale of any security:

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

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

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

11 II.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay
 13 disgorgement of \$881,102, representing profits gained as a result of the conduct alleged in the
 14 Complaint, together with prejudgment interest thereon in the amount of \$59,000, and a civil penalty
 15 in the amount of \$250,000 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1].
 16 Defendant shall satisfy this obligation by paying \$1,190,102 within sixty calendar days after entry of
 17 this Final Judgment by certified check, bank cashier's check, or United States postal money order
 18 payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to
 19 the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432
 20 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter
 21 identifying Francis Elias Axiaq as a defendant in this action; setting forth the title and civil action
 22 number of this action and the name of this Court; and specifying that payment is made pursuant to
 23 this Final Judgment. Defendant shall pay post-judgment interest on any delinquent amounts pursuant
 24 to 28 USC § 1961. The Commission shall remit the payment paid pursuant to this paragraph to the
 25 United States Treasury.

26 III.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant
 28 Francis Elias Axiaq to Entry of Final Judgment, filed concurrently with this Final Judgment, is

1 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall
2 comply with all of the undertakings and agreements set forth therein.

3 IV.

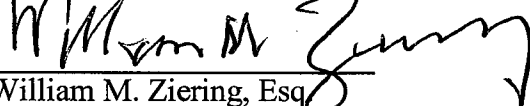
4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain
5 jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

6 V.

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

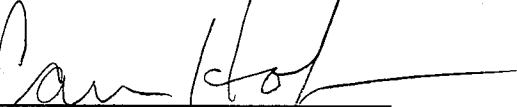
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10 Dated: November 16, 2009

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13 APPROVED AS TO FORM:

14 
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18 Attorney for Defendant Francis Elias Axiaq

19 SUBMITTED BY:

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25 SECURITIES AND EXCHANGE COMMISSION
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