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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. C-08-4637-CRB

12 Plaintiff,

13 vs.

14 FRANCIS ELIAS AXIAQ,

15 Defendant.

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

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

23 I.  
24

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

25 III.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant  
 27 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.

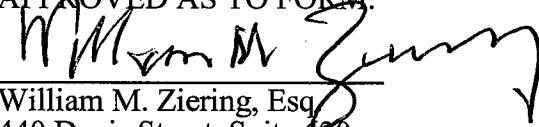
3 IV.

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.

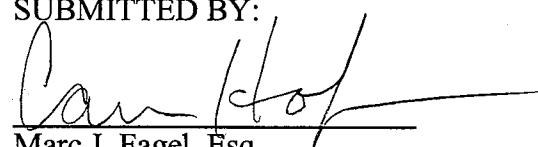
7 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil  
8 Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.

9  
10 Dated: November 16, 2009

11  
12 APPROVED AS TO FORM:  
13 

14 William M. Ziering, Esq.  
15 440 Davis Street, Suite 620  
16 San Francisco, CA 94111

17 Attorney for Defendant Francis Elias Axiaq

18 SUBMITTED BY:  
19 

20 Marc J. Fagel, Esq.  
21 John S. Yun, Esq.  
22 Cameron Hoffman, Esq.

23 Attorneys for Plaintiff  
24 SECURITIES AND EXCHANGE COMMISSION

