

1 MARC J. FAGEL (Bar No. 154425) (fagelm@sec.gov).
MICHAEL S. DICKE (Bar No. 158187) (dickem@sec.gov)
2 PATRICK T. MURPHY (Admitted in New York) (murphyp@sec.gov)
CAMERON HOFFMAN (Bar No. 229316) (hoffmanc@sec.gov)

3 Attorneys for Plaintiff
4 SECURITIES AND EXCHANGE COMMISSION
44 Montgomery Street, Suite 2600
5 San Francisco, California 94104
Telephone: (415) 705-2500
6 Facsimile: (415) 705-2501

7
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 STEVEN CRAIG LUSARDI,

15 Defendant.
16

17 The Securities and Exchange Commission having filed a Complaint and Defendant Steven
18 Craig Lusardi ("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 is liable for
12 disgorgement of \$4,398, representing profits gained as a result of the conduct alleged in the
13 Complaint, together with prejudgment interest thereon in the amount of \$105, and a civil penalty in
14 the amount of \$4,398 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant
15 shall satisfy this obligation by paying \$8,901 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 Steven Craig Lusardi 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 funds 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 Steven Craig Lusardi to Entry of Final Judgment, filed concurrently with this Final Judgment, is
28

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: , 2008.

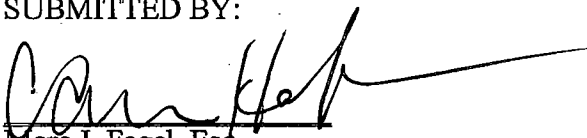

11 UNITED STATES DISTRICT JUDGE

12
13 APPROVED AS TO FORM:


14 _____
15 Miles Ehrlich, Esq.
16 Ramsey & Ehrlich LLP
803 Hearst Avenue
Berkeley, CA 94710

17 Attorney for Steven Craig Lusardi

18
19 SUBMITTED BY:


20 _____
21 Marc J. Fagel, Esq.
22 Michael S. Dicke, Esq.
23 Patrick T. Murphy, Esq.
Cameron Hoffman, Esq.

24 Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION