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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 SECURITIES AND EXCHANGE COMMISSION,

15 Plaintiff,

16 vs.

17 CIRIACO ISRAEL RIVOR,

18 Defendant.

Case No.

~~PROPOSED~~ FINAL JUDGMENT

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

25 I.

26 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant’s  
27 agents, servants, employees, attorneys, and all persons in active concert or participation with any of  
28 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  
Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5

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 I I.

11 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall  
12 pay a civil penalty in the amount of \$68,000, pursuant to Section 21A of the Exchange Act [15  
13 U.S.C. § 78u-1], as a result of the conduct alleged in the Complaint. Defendant shall satisfy this  
14 obligation by paying \$68,000 within ten (10) business days after entry of this Final Judgment by  
15 certified check, bank cashier's check, or United States postal money order payable to the Securities  
16 and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial  
17 Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way,  
18 Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Ciriaco  
19 Israel Rivor as a defendant in this action; setting forth the title and civil action number of this action  
20 and the name of this Court; and specifying that payment is made pursuant to this Final Judgment.  
21 Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.  
22 The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

23 The determination not to impose any additional civil penalty beyond \$68,000 is contingent  
24 upon the accuracy and completeness of Defendant's Statements of Financial Condition dated May 12,  
25 2008 and July 10, 2008. If at any time following the entry of this Final Judgment the Commission  
26 obtains information indicating that Defendant's representations to the Commission concerning his  
27 assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any  
28 material respect as of the time such representations were made, the Commission may, at its sole

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

14 III.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Defendant  
16 Ciriaco Israel Rivor to Entry of Final Judgment, filed concurrently with this Final Judgment, is  
17 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall  
18 comply with all of the undertakings and agreements set forth therein.

19 IV.

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

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

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4           Dated: October 8, 2008


  
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7           UNITED STATES DISTRICT JUDGE

8 APPROVED AS TO FORM:

  
9           William H. Kimball, Esq.  
10          Morgan, Lewis & Bockius LLP  
11          One Market, Spear Street Tower  
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13          Attorney for Defendant Ciriaco Israel Rivor

14 SUBMITTED BY:

  
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17          Patrick T. Murphy, Esq.  
18          Cameron Hoffman, Esq.

19          Attorneys for Plaintiff  
20          SECURITIES AND EXCHANGE COMMISSION  
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