

THE HONORABLE RICHARD A. JONES

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE COMMISSION,

Civil Action No. C 09-0960 RAJ

Plaintiff,

vs.

FINAL JUDGMENT AS TO DEFENDANTS
CHARLES BINGHAM AND WALL STREET
PR, INC.

DAVID M. OTTO, TODD VAN SICLEN,
MITOPHARM CORPORATION, PAK PETER
CHEUNG, WALL STREET PR, INC., and
CHARLES BINGHAM,

Defendants.

**FINAL JUDGMENT AS TO DEFENDANTS
CHARLES BINGHAM AND WALL STREET PR, INC.**

The Securities and Exchange Commission having filed a Complaint and Defendants Charles Bingham and Wall Street PR, Inc. having entered a general appearance; consented to the Court's jurisdiction over Defendants 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; and waived any right to appeal from this Final Judgment:

I.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants and Defendants'
2 agents, servants, employees, attorneys, and all persons in active concert or participation with them
3 who receive actual notice of this Final Judgment by personal service or otherwise are permanently
4 restrained and enjoined from violating Sections 17(a)(2) and (a)(3) of the Securities Act of 1933 (the
5 "Securities Act") [15 U.S.C. § 77q(a)(2) and (a)(3)] in the offer or sale of any security by the use of
6 any means or instruments of transportation or communication in interstate commerce or by use of the
7 mails, directly or indirectly:

- 8 (a) to obtain money or property by means of any untrue statement of a material fact or any
9 omission of a material fact necessary in order to make the statements made, in light of
10 the circumstances under which they were made, not misleading; or
11 (b) to engage in any transaction, practice, or course of business which operates or would
12 operate as a fraud or deceit upon the purchaser.

13 II.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants and
15 Defendants' agents, servants, employees, attorneys, and all persons in active concert or participation
16 with them who receive actual notice of this Final Judgment by personal service or otherwise are
17 permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e]
18 by, directly or indirectly, in the absence of any applicable exemption:

- 19 (a) Unless a registration statement is in effect as to a security, making use of any means or
20 instruments of transportation or communication in interstate commerce or of the mails
21 to sell such security through the use or medium of any prospectus or otherwise;
22 (b) Unless a registration statement is in effect as to a security, carrying or causing to be
23 carried through the mails or in interstate commerce, by any means or instruments of
24 transportation, any such security for the purpose of sale or for delivery after sale; or
25 (c) Making use of any means or instruments of transportation or communication in
26 interstate commerce or of the mails to offer to sell or offer to buy through the use or
27 medium of any prospectus or otherwise any security, unless a registration statement
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1 has been filed with the Commission as to such security, or while the registration
2 statement is the subject of a refusal order or stop order or (prior to the effective date of
3 the registration statement) any public proceeding or examination under Section 8 of
4 the Securities Act [15 U.S.C. § 77h].

5 III.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Charles
7 Bingham is liable for disgorgement of \$80,153.00, as a result of the conduct alleged in the
8 Complaint, together with prejudgment interest thereon in the amount of \$15,608.43, and a civil
9 penalty in the amount of \$50,000, pursuant to Section 20(d) of the Securities Act [15 U.S.C. §§
10 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant Charles
11 Bingham shall satisfy this obligation by paying \$145,761.43 within 14 days after entry of this Final
12 Judgment by certified check, bank cashier's check, or United States postal money order payable to the
13 Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of
14 Financial Management, Securities and Exchange Commission, Operations Center, 6432 General
15 Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter
16 identifying Charles Bingham as a defendant in this action; setting forth the title and civil action
17 number of this action and the name of this Court; and specifying that payment is made pursuant to
18 this Final Judgment. Defendant shall pay post-judgment interest on any delinquent amounts pursuant
19 to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the
20 United States Treasury.

21 IV.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is
23 incorporated herein with the same force and effect as if fully set forth herein, and that Defendants
24 shall comply with all of the undertakings and agreements set forth therein.

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

3 VI.

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

6 Dated: April 11, 2011.

7 
8 The Honorable Richard A. Jones
9 United States District Judge

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11 Approved as to form:

12
13 /s/ Ron Kaufman

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21 Submitted by:

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