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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

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

Defendants.

Civil Action No. C 09-0960 RAJ

FINAL JUDGMENT AS TO DEFENDANT
PAK PETER CHEUNG

FINAL JUDGMENT AS TO DEFENDANT PAK PETER CHEUNG

The Securities and Exchange Commission having filed a Complaint and Defendant Pak Peter Cheung 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; and waived any right to appeal from this Final Judgment:

I.

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant and Defendant's
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, directly or indirectly, Section 10(b) of the Securities
5 Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
6 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or
7 of the mails, or of any facility of any national securities exchange, in connection with the purchase or
8 sale of any security:

- 9 (a) to employ any device, scheme, or artifice to defraud;
- 10 (b) to make any untrue statement of a material fact or to omit to state a material fact
11 necessary in order to make the statements made, in the light of the circumstances
12 under which they were made, not misleading; or
- 13 (c) to engage in any act, practice, or course of business which operates or would operate
14 as a fraud or deceit upon any person.

15 II.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and
17 Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation
18 with them who receive actual notice of this Final Judgment by personal service or otherwise are
19 permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the
20 "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or
21 instruments of transportation or communication in interstate commerce or by use of the mails,
22 directly or indirectly:

- 23 (a) to employ any device, scheme, or artifice to defraud;
- 24 (b) to obtain money or property by means of any untrue statement of a material fact or
25 any omission of a material fact necessary in order to make the statements made, in
26 light of the circumstances under which they were made, not misleading; or
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- 1 (c) to engage in any transaction, practice, or course of business which operates or
2 would operate as a fraud or deceit upon the purchaser.

3 III.

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

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

22 IV.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Section
24 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Defendant is prohibited, for five years
25 following the date of entry of this Final Judgment, from acting as an officer or director of any issuer
26 that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l]
27 or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].
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V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Section 21(d)(6) of the Exchange Act [15 U.S.C. § 78u(d)(6)], Defendant is prohibited from participating in an offering of penny stock

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant shall pay a civil penalty in the amount of \$25,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall make this payment within ten (10) business days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop O-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Pak Peter Cheung as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter to the attention of Marc J. Fagel, Regional Director, at the Commission's San Francisco Regional Office, 44 Montgomery Street, Suite 2600, San Francisco, CA 94104. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

VII.

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

VIII.


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

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IX.

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

Dated: October 19, 2009


The Honorable Richard A. Jones
United States District Judge