

1 JAMES A. KIDNEY (Lead Counsel)  
(kidneyj@sec.gov)  
2 ANTONIA CHION  
YURI B. ZELINSKY  
3 LAWRENCE C. RENBAUM  
KELLY J. ROCK  
4 ANTHONY J. WINTER

5 Attorneys for Plaintiff  
SECURITIES AND EXCHANGE COMMISSION  
6 100 F Street, N.E.  
Washington, DC 20549-4010  
7 Telephone: (202) 551-4441 (Lead Counsel)  
Facsimile: (202) 772-9246 (Lead Counsel)  
8

9 SUSAN F. LAMARCA (Cal. Bar No. 215231)  
(lamarcas@sec.gov)  
10 SECURITIES AND EXCHANGE COMMISSION  
44 Montgomery Street  
11 San Francisco, CA 94104  
Telephone: (415) 705-2456  
12

13 **UNITED STATES DISTRICT COURT**  
14 **NORTHERN DISTRICT OF CALIFORNIA**  
15 **SAN FRANCISCO DIVISION**  
16

17 **SECURITIES AND EXCHANGE**  
18 **COMMISSION,**

19 **Plaintiff,**

20 **v.**

21 **BENJAMIN P. JONES, WILLIAM F.**  
22 **JONES, III, WILLIAM T. DAILEY, III, and**  
**JEREMIAH E. CARROLL,**

23 **Defendants.**  
24

**Case No. C09-4895 VRW**

**FINAL JUDGMENT**

25  
26 **FINAL JUDGMENT AS TO DEFENDANT WILLIAM T. DAILEY, III**

27 The Securities and Exchange Commission having filed a Complaint and Defendant

28 William T. Dailey, III having entered a general appearance; consented to the Court's jurisdiction

1 over Defendant and the subject matter of this action; consented to entry of this Final Judgment  
2 without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived  
3 findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:  
4

5 I.

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and  
7 Defendant's agents, servants, employees, attorneys, and all persons in active concert or  
8 participation with them who receive actual notice of this Final Judgment by personal service or  
9 otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section  
10 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and  
11 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or  
12 instrumentality of interstate commerce, or of the mails, or of any facility of any national  
13 securities exchange, in connection with the purchase or sale of any security:

14 (a) to employ any device, scheme, or artifice to defraud;

15 (b) to make any untrue statement of a material fact or to omit to state a material fact  
16 necessary in order to make the statements made, in the light of the circumstances  
17 under which they were made, not misleading; or

18 (c) to engage in any act, practice, or course of business which operates or would  
19 operate as a fraud or deceit upon any person.  
20

21 II.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable  
23 for disgorgement of \$20,311, together with prejudgment interest thereon in the amount of  
24 \$5,714, and a civil penalty in the amount of \$91,035 pursuant to Section 21A of the Exchange  
25 Act [15 U.S.C. § 78u-1], for a total of \$117,060. Defendant shall satisfy this obligation by  
26 paying \$40,000 within ten (10) business days after entry of this Final Judgment; \$40,000 within  
27 180 days; and the balance of \$37,060, plus all post-judgment interest due pursuant to 28 U.S.C. §  
28 1961, within 360 days after entry of this Final Judgment. The payments shall be made by

1 certified check, bank cashier's check, or United States postal money order payable to the  
2 Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of  
3 Financial Management, Securities and Exchange Commission, Operations Center, 6432 General  
4 Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter  
5 identifying William T. Dailey, III as a defendant in this action; setting forth the title and civil  
6 action number of this action and the name of this Court; and specifying that payment is made  
7 pursuant to this Final Judgment. Defendant shall simultaneously transmit photocopies of each  
8 such payment and letter to the Commission's counsel in this action. Defendant shall pay post-  
9 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission  
10 shall remit the funds paid pursuant to this paragraph to the United States Treasury.

11  
12 III.

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

16  
17 IV.

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

20  
21 V.

22 There being no cause for delay, the clerk of the Court is directed, pursuant to Rule 54(b)  
23 of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

24  
25 Dated: November 3, 2009

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27

28 UNITED STATES DISTRICT JUDGE