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

16 **SECURITIES AND EXCHANGE**  
17 **COMMISSION,**

18 **Plaintiff,**

19 **v.**

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

22 **Defendants.**  
23

**Case No. C09-4895 VRW**

**FINAL JUDGMENT**

24  
25 **FINAL JUDGMENT AS TO DEFENDANT BENJAMIN P. JONES**

26 The Securities and Exchange Commission having filed a Complaint and Defendant  
27 Benjamin P. Jones having entered a general appearance; consented to the Court's jurisdiction  
28 over Defendant and the subject matter of this action; consented to entry of this Final Judgment

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

4 I.

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

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

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

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

19  
20 II.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable  
22 for disgorgement of \$20,180, representing profits gained as a result of the conduct alleged in the  
23 Complaint, together with prejudgment interest thereon in the amount of \$5,741, and a civil  
24 penalty in the amount of \$79,870 pursuant to Section 21A of the Exchange Act [15 U.S.C. §  
25 78u-1], for a total of \$105,791. Defendant shall satisfy this obligation by paying \$105,791  
26 within ten (10) business days after entry of this Final Judgment by certified check, bank cashier's  
27 check, or United States postal money order payable to the Securities and Exchange Commission.  
28 The payment shall be delivered or mailed to the Office of Financial Management, Securities and

1 Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3,  
2 Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Benjamin P. Jones  
3 as a defendant in this action; setting forth the title and civil action number of this action and the  
4 name of this Court; and specifying that payment is made pursuant to this Final Judgment.  
5 Defendant shall simultaneously transmit photocopies of such payment and letter to the  
6 Commission's counsel in this action. Defendant shall pay post-judgment interest on any  
7 delinquent amounts pursuant to 28 U.S.C. § 1961. The Commission shall remit the funds paid  
8 pursuant to this paragraph to the United States Treasury.

9  
10 III.

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

14  
15 IV.

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

18  
19 V.

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

22  
23  
24 Dated: November 3, 2009

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26 

27  
28 UNITED STATES DISTRICT JUDGE