

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 11-80038-CV-MARRA/JOHNSON**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**v.**

**PETROLEUM UNLIMITED, LLC,  
PETROLEUM UNLIMITED II, LLC,  
ROGER A. KIMMEL, JR., HARRY NYCE,  
MICHEL-JEAN GERAUD, ROBERT ROSSI,  
JOSEPH VALKO, and  
MORGAN KIMMEL, n/k/a MORGAN PETITTI,**

**Defendants.**

---

**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF  
AS TO DEFENDANT MICHEL-JEAN GERAUD**

Plaintiff Securities and Exchange Commission commenced this action by filing its Complaint against Defendant Michel-Jean Geraud ("Geraud" or "Defendant") and others. In its Complaint, the Commission sought, among other relief, a permanent injunction to prohibit violations by Geraud of Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §77q(a)], Section 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. §78j(b) and 17 C.F.R. §240.10b-5], and Section 15(a) of the Exchange Act [15 U.S.C. §78o(a)]; the entry of an order of disgorgement and prejudgment interest; and the imposition of a civil money penalty pursuant to Section 20(d) of the Securities Act and Section 21(d) of the Exchange Act.

Geraud, by virtue of the attached Consent of Defendant Michel-Jean Geraud to Entry of Final Judgment and Other Relief ("Consent"), has entered a general appearance; consented to the

Court's jurisdiction over him and the subject matter of this action; consented to entry of this Final Judgment of Permanent Injunction and Other Relief as to Defendant Michel-Jean Geraud ("Final Judgment") without admitting or denying the allegations of the Complaint (except as to subject matter and personal jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment. This Court having accepted such Consent and this Court having jurisdiction over Geraud and the subject matter of this action, and the Court being fully advised in the premises, orders as follows:

**I.**

**PERMANENT INJUNCTION**

**A. Section 17(a) of the Securities Act of 1933**

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

- (a) to employ any device, scheme, or artifice to defraud;
  - (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;
- or

- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

**B. Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5**

**IT IS FURTHER ORDERED AND ADJUDGED** that Geraud and his agents, servants, employees, attorneys, and representatives, and all persons in active concert or participation with 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 promulgated thereunder [17 C.F.R. §240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

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

**C. Section 15(a) of the Exchange Act**

**IT IS FURTHER ORDERED AND ADJUDGED** that Geraud, his officers, agents, servants, representatives, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)] directly or indirectly, by making use of any means or instrumentality of

interstate commerce or of the mails and engaging in the business of effecting transactions in securities for the accounts of others, or inducing or effecting the purchase and sale of securities, while not registered with the Commission in accordance with the provisions of Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)] or while not associated with a broker-dealer that was so registered.

**II.**

**DISGORGEMENT AND CIVIL PENALTY**

**IT IS FURTHER ORDERED AND ADJUDGED** that the Commission's claims for disgorgement and a civil money penalty against Geraud are dismissed.

**III.**

**INCORPORATION OF CONSENT**

**IT IS FURTHER ORDERED AND ADJUDGED** that the Consent is incorporated into this Final Judgment with the same force and effect as if fully set forth herein, and that Geraud shall comply with all of the undertakings and agreements set forth in the Consent.

**IV.**

**RETENTION OF JURISDICTION**

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

**V.**

**RULE 54(b) CERTIFICATION**

**IT IS FURTHER ORDERED AND ADJUDGED** that 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.

**DONE AND ORDERED** in Chambers in West Palm Beach, Florida, this 31<sup>st</sup> day of

March, 2011.

  
\_\_\_\_\_  
**KENNETH A. MARRA**  
**UNITED STATES DISTRICT JUDGE**

Service on all parties and counsel of record