

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 12cv 21627

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

MICHAEL J. MCNERNEY

Defendant.

FINAL JUDGMENT AS TO DEFENDANT MICHAEL J. MCNERNEY

The Securities and Exchange Commission having filed a Complaint and Defendant Michael J. McNerney having entered a general appearance; consented to the Court's jurisdiction over McNerney and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment; ^(D.E. 4)

I.

IT IS HEREBY ORDERED AND ADJUDGED that McNerney and McNerney's agents, servants, 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, 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.

II.

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

III.

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.

DONE AND ORDERED this 2 day of May 2012.

Dated: May 2, 2012


UNITED STATES DISTRICT JUDGE

Copies to: counsel of record