

Radulovic ("Radulovic"), (collectively, the "Defendants"), and summonses were issued on that date to the same;

WHEREAS, pursuant to a Stipulation and Order Durante waived any defense to sufficiency of process and sufficiency of service of process and agreed he had until December 31, 2001 to answer the Complaint;

WHEREAS, the Commission served summonses and the Complaint in this action upon the Defendants;

WHEREAS, the clerk of this Court has entered defaults against Defendants as a result of their failure to answer the Complaint;

WHEREAS, the Court accepts as true the following factual allegations in the Complaint against the Defendants who have defaulted, and finds:

1. This Court has jurisdiction over this action pursuant to Section 22(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77v(a), and Sections 21(e) and 27 of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. §§ 78u(e) and 78aa.

2. The Defendants employed the means or instrumentalities of interstate commerce, the mails, or facilities of national securities exchanges to engage in the conduct alleged in the Complaint.

3. From December 1999 through June 2000, Durante, Berkshire, Dottenhoff, Galton, Commonwealth Associates, Provident, Fairmont, Zimmenn and Radulovic engaged in a fraudulent scheme to manipulate the public market for Ramoil Management, Ltd. ("RAMO"). As part of this scheme, Durante manipulated the public market for RAMO common stock by engaging in a series of prearranged market transactions designed to create the false appearance of increasing demand for RAMO stock. Radulovic provided Durante with millions of unrestricted RAMO shares with the intent to further Durante's manipulative scheme. Durante bought RAMO stock

from, and sold RAMO stock to, designated market makers at prices that allowed these market-makers to realize a guaranteed profit on their RAMO transactions. In response, the market-makers increased the bid quotations for RAMO stock and purchased RAMO stock at increasingly high levels. These activities raised both the trading volume and the price of RAMO stock. Durante traded and sold RAMO stock at these artificially inflated prices through brokerage accounts at Union Securities Ltd., a broker-dealer located in British Columbia, in the names of Berkshire, Dottenhoff, Galton, Commonwealth Associates, Provident, Fairmont, and Zimenn. Through this conduct, Durante, Berkshire, Dottenhoff, Galton, Commonwealth Associates, Provident, Fairmont, Zimenn and Radulovic violated Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a), Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

4. Radulovic made materially misleading statements to the public concerning RAMO. Radulovic approved a false press release stating RAMO had applied to be listed on the NASDAQ SmallCap market, a false website profile stating RAMO was participating in a project with projected revenues of \$1.6 billion, and a press release falsely claiming RAMO was merging with SocoFinance. Further, Radulovic signed a Form 10-K containing a false audit opinion prepared by Thomas Hauke ("Hauke"). Due to these material misrepresentations, Radulovic violated Section 17(a) of the Securities Act and Sections 15(d) and 10(b) of the Exchange Act.

5. Radulovic caused 387,264 shares to be transferred to Durante that were not registered with the Commission pursuant to Sections 5(a) and 5(c) of the Securities Act and that did not fall under the registration exemption set forth in Securities Act Rule 144, 17 C.F.R. § 230.144. Because no exemption was available, Durante's sale, through Galton, of these shares to the public violated Sections 5(a) and 5(c) of the Securities Act. In addition, Radulovic caused RAMO to register 1,080,000 shares of stock pursuant to four Forms S-8 that did not meet the

requirements of Form S-8 because the services for which they were being issued explicitly included the promotion of RAMO's stock and the raising of capital for RAMO. As such, the Form S-8 registration statements were invalid and Durante received restricted shares from RAMO. Thus, Durante's sales of these restricted shares, through Berkshire, violated Sections 5(a) and 5(c) because they did not qualify for any exemption from the registration requirements. Accordingly, Durante, Berkshire, Galton and Radulovic violated Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. §§ 77e(a), 77e(c).

WHEREAS, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, the Commission has applied for the entry of this Final Default Judgment based on the Defendants' failure to answer or otherwise respond to the Commission's Complaint and the Court having considered the *prima facie* case for relief shown by the Commission in this matter which is supported by the full record and the Declaration of Robert Knuts filed with the Commission's motion for entry of this Final Judgment, and the exhibits thereto, which showing has not been rebutted by the Defendants;

NOW THEREFORE, BASED ON THE FOREGOING:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Commission's application for entry of this Final Judgment is **GRANTED**.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Durante, Berkshire, Dottenhoff, Galton, Commonwealth Associates, Provident, Fairmont, Zimmern, and Radulovic be and hereby are permanently enjoined and restrained, directly or indirectly, singly or

in concert, in the offer or sale of any securities by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, from:

- (1) employing any device, scheme, or artifice to defraud;
- (2) obtaining money or property by means of any untrue statement of material fact or any omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;
or
- (3) engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

in violation of Section 17(a) of the Securities Act of 1933, 15 U.S.C. § 77q(a).

III.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Defendants hereby are permanently enjoined and restrained from, directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

- (1) employing any device, scheme, or artifice to defraud;
- (2) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it was made, not misleading; and
- (3) engaging in any act, transaction, practice or course of business which operates or would operate as a fraud or deceit upon any person,

in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Durante, Berkshire, Galton, and Radulovic are permanently enjoined and restrained from, directly or indirectly, unless a registration statement is in effect as to a security:

- (1) use any means or instrumentality of interstate commerce or the mails to sell such security; or
- (2) carry or cause to be carried through the mails or in interstate commerce, by any means or instrumentality of interstate commerce, any such security for the purpose of sale or for delivery after sale;

in violation of Section 5(a) of the Securities Act, 15 U.S.C. § 77e(a).

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Durante, Berkshire, Galton, and Radulovic are permanently enjoined and restrained from, directly or indirectly, unless a registration statement is in effect as to a security, or while the registration statement is the subject of a refusal order or stop order or any public proceeding or examination under Section 8 of the Securities Act, 15 U.S.C. § 77h, use any means or instrumentality of interstate commerce or the mails to offer to sell or offer to buy through the use or medium or any prospectus or otherwise any security in violation of Section 5(c) of the Securities Act, 15 U.S.C. § 77e(c).

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Radulovic is permanently enjoined and restrained from, directly or indirectly, singly or in concert, filing a materially misleading financial statement with the Commission in violation of Section 15(d) of the Exchange Act, 15 U.S.C. § 78o(d).

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Radulovic hereby is permanently enjoined and restrained from, directly or indirectly, singly or in concert, from acting as a director or officer of any issuer having a class of securities registered with the Commission pursuant to Section 12 of the Exchange Act 15 U.S.C. § 78l or that is required to file reports pursuant to Section 15(d) of the Exchange Act 15 U.S.C. § 78o(d).

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants shall pay the following amounts in disgorgement and prejudgment interest:

A. Defendant Edward A. Durante shall pay \$4,903,337.15, jointly and severally with Defendants Commonwealth Associates, Ltd., Galton Scott & Golett, Inc. and Provident Partners, Ltd. representing disgorgement of \$3,982,338.42 and prejudgment interest in the amount of \$920,998.73.

B. Defendant Commonwealth Associates, Ltd. shall pay \$1,059,092.04, representing disgorgement of \$870,084.43 and prejudgment interest in the amount of \$189,007.61.

C. Defendant Galton Scott & Golett, Inc. shall pay \$3,822,792.23 representing disgorgement of \$3,094,497.44 and prejudgment interest in the amount of \$728,294.79.

D. Defendant Provident Partners, Ltd. shall pay \$21,452.88 representing disgorgement of \$17,756.55 and prejudgment interest in the amount of \$3,696.33.

E. Defendant Rodoljub "Misha" Radulovic shall pay \$1,935,394.17, representing disgorgement of \$1,590,000 and prejudgment interest in the amount of \$345,394.17

IX.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Edward A. Durante, Berkshire Capital Partners, Inc., Dottenhoff Financial, Ltd., Commonwealth Associates, Ltd., Provident Partners, Ltd., Fairmont Consulting, Inc., and Renaissance Gallery, Inc., and Relief Defendants Exchange Bank & Trust, Inc. and VJV Inc. shall: (a) make the payments Ordered by paragraphs VII and VIII of this Partial Judgment within ten days of entry of this Partial Judgment to the Clerk of this Court, together with a letter specifying that payment is made pursuant to this Partial Judgment; and (b) simultaneously transmit photocopies of such payment and letter to the SEC's counsel in this action. The Clerk shall hold these funds in the Registry, in an interest-bearing account, pending further order. By making these payments,

Defendants and Relief Defendants relinquish all legal and equitable right, title and interest in such funds, and no part of the funds shall be returned to Defendants or Relief Defendants.

X.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Jeffrey B. Siskaroff is hereby appointed as appointed as Receiver for purposes of distributing all funds received by the Clerk of this Court from Defendants and Relief Defendants pursuant to paragraphs VIII. and IX. of this Partial Judgment (the "Disgorgement Funds") or obtained by the Commission and deposited with the Clerk of the Court through execution upon this Partial Judgment.

A. Receiver's Rights And Duties

1. It is the Receiver's responsibility, after consultation with the Commission, to distribute funds in accordance with this Order and any further order of this Court.

2. The Receiver is entitled to pay from the Disgorgement Fund all reasonable costs, fees, and other expenses incurred in the performance of his duties, and to receive reasonable compensation for his services from the funds in his custody as provided herein; provided, however (i) that before paying any amounts to himself, the Commission shall be given a copy of each request by the Receiver to make such payment ten days before submission of such request to the Court; (ii) that all requests for payments of fees or other expenses to himself must be approved by the Court before payment from the Disgorgement Funds shall be made, and the Court shall review the reasonableness of such fees and expenses in determining whether, in its discretion, such payment will be approved; and (iii) the Receiver may, but is not required to, follow the procedure set out in sections (i) and (ii) above, before paying from the Disgorgement Funds all other costs, fees, and expenses (including the payment of amounts due to taxing authorities on behalf of the Disgorgement Funds).

3. The Receiver is excused from all legal requirements to post a bond or give an undertaking of any type in connection with his fiduciary duties and obligations as Receiver.

4. The Receiver is entitled to rely on all outstanding rules of law and court orders, and the authenticity of trading information supplied to him by the Commission and/or the National Association of Securities Dealers, Inc. ("NASD"). The Receiver shall not be liable to anyone for his own good faith compliance with any order, rule, law, judgment, or decree, nor shall he be liable for complying with the orders of this Court. In no event shall he be liable to the defendants for his good faith compliance with his duties and responsibilities as Receiver, nor shall he be liable to anyone for any action taken or omitted by him except upon a finding by this Court that he acted or failed to act as a result of misfeasance, bad faith, gross negligence, or in reckless disregard of his duties.

5. The Receiver may be removed at any time by the Court, and replaced with a successor. In the event the Receiver decides to resign, he shall first give written notice to the Commission and the Court of his intention, and his resignation shall not be effective until the Court has appointed a successor. The Receiver shall then follow such instructions as his successor or the Court gives him in turning over custody and control of the Disgorgement Funds and other property collected pursuant to this Order.

B. Administration Of Claims

1. The Receiver shall oversee the administration of the claims, procedures, and distribution as provided in this Order and any further order of this Court. The Receiver shall review the claims of potential Claimants and make determinations under the criteria established

herein as to the eligibility of Claimants to recover monies and the amount of money to be distributed from the Disgorgement Funds to each Claimant.

2. Any claim asserted by a Claimant shall be in writing and shall provide adequate documentary evidence to substantiate the claim, including all documentary evidence which the Receiver deems necessary or appropriate including, but not limited to, account statements and trade confirmations.

3. All claims must be verified through a sworn affidavit or declaration executed by the Claimant.

C. Identification of Contemporaneous Buyers

The Receiver shall, insofar as is practicable, identify possible Claimants from a review of trading records received by the Commission from the NASD and other sources that identify persons who purchased Wamex common stock during the same time period that defendants were selling Wamex common stock from accounts at Union Securities in British Columbia, Canada (the "Contemporaneous Buyers"). The Receiver shall provide those possible Claimants with notice in a manner to be approved by the Court (the "Notice"). The Notice shall identify the Disgorgement Funds, the time period during which the defendants sold Wamex common stock, the amount of the Disgorgement Funds, instructions for submitting proofs of claim, a copy of a claim form, and a copy of this Order.

D. Determination And Payment Of Claims

1. Only persons who were Contemporaneous Buyers may make a claim.

2. After providing the Notice and reviewing the Claims received in response to the Notice, the Receiver shall apply to the Court for an order directing: (a) the payment to him of all reasonable fees and expenses incurred by him in the performance of his duties as Receiver; and

(b) the distribution of the Disgorgement Funds to all Claimants determined by the Receiver to be Contemporaneous Buyers (the "Proposed Distribution Application"). The Receiver shall provide notice of the Proposed Distribution Application to the Commission and to the Claimants in a manner to be approved by the Court. If any Claimants or the Commission objects to the Proposed Distribution Application, such Claimant(s) or the Commission shall file a written objection (an "Objection") with the Court within twenty (20) days after the filing of the Proposed Distribution Application and serve such Objection upon the Receiver. The Receiver may serve and file a response to any Objection within seven (7) days after the filing of such Objection.

3. Upon consideration of the Proposed Distribution Application and any Objections, this Court shall issue an order approving or modifying the distribution of the Disgorgement Funds proposed by the Receiver. The Receiver shall distribute the Disgorgement Funds in accordance with that order by the Court.

XI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Edward A. Durante, Berkshire Capital Partners, Inc., Dottenhoff Financial, Ltd., Commonwealth Associates, Ltd., Provident Partners, Ltd., Fairmont Consulting, Inc., and Renaissance Gallery, Inc. shall pay civil penalties, pursuant to Section 21(d)(3) of the Exchange Act, in an amount to be determined by the Court upon further application by the Commission and that such penalty amounts shall be set forth in a further judgment to be entered by the Court.

XII.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this matter for all purposes, including, but not limited to, implementing and enforcing the terms and conditions of this Final Judgment.

XIII.

IT IS FURTHER ORDERED that pursuant to Rule 65(d) of the Federal Rules of Civil Procedure, this Final Judgment is binding upon the Defendants their agents, servants, employees, partners, and attorneys, and those persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise.

XIV.

IT IS FURTHER ORDERED that the Court expressly determines that there is no just reason for delay in the entry of this Partial Judgment. The Clerk of the Court is hereby directed pursuant to Rule 54(b) of the Federal Rules of Civil Procedure to enter this Partial Judgment forthwith.

Dated: New York, New York
2003


ALLEN G. SCHWARTZ *11/10/04*
UNITED STATES DISTRICT JUDGE