

THIS CONSTITUTES NOTICE OF ENTRY AS REQUIRED BY FRCP, RULE 77(d).

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Enter NO 15-6
FILED
CLERK, U.S. DISTRICT COURT
FEB 11 2002
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

ENTERED
CLERK, U.S. DISTRICT COURT
FEB 19 2002
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

FEB 7 2 08 PM '02
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
BY [Signature]

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

NEW ENERGY CORP.; TOR
EWALD; GENEVA FINANCIAL
LTD.; MARCELINO COLT aka
MARCELINO COLT VASQUEZ;
MAGNUM FINANCIAL GROUP,
LLC dba STRATOS RESEARCH,
LLC; MICHAEL S. MANAHAN;
BLD TRUST; BARCLAY DAVIS;
LORETTA DAVIS; BURKE T.
MAXFIELD; YORK CHANDLER;
and HECTOR CAMPA ACEDO,

Defendants.

Case No. CV-02-0989 MMM (CWx)

**JUDGMENT OF PERMANENT
INJUNCTION AGAINST TOR
EWALD**

Plaintiff Securities and Exchange Commission ("Commission"), having
filed and served upon Defendant Tor Ewald ("Ewald") a Summons and Complaint
in this action; Ewald having admitted service upon him of the Summons and
Complaint in this action and the jurisdiction of this Court over him and over the
subject matter of this action; having been fully advised and informed of his right

Docketed
Codes / NTC Sent
JS - 5 / JS - 5
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SCANNED

1 to a judicial determination of this matter; having waived the entry of findings of
2 fact and conclusions of law as provided by Rule 52 of the Federal Rules of Civil
3 Procedure; having consented to the entry of this Judgment Of Permanent
4 Injunction Against Tor Ewald ("Judgment") without admitting or denying the
5 allegations in the Complaint, except as specifically set forth in the Consent Of Tor
6 Ewald To Entry Of Judgment Of Permanent Injunction ("Consent"); no notice of
7 hearing upon the entry of this Judgment being necessary; and this Court being
8 fully advised:

9 I.

10 IT IS ORDERED, ADJUDGED AND DECREED that Ewald and his
11 agents, servants, employees and attorneys, and all persons in active concert or
12 participation with any of them, who receive actual notice of this Judgment by
13 personal service or otherwise, and each of them, are permanently restrained and
14 enjoined from, directly or indirectly, in connection with the purchase or sale of any
15 security, by the use of any means or instrumentality of interstate commerce, or of
16 the mails, or of any facility of any national securities exchange:

- 17 A. employing any device, scheme, or artifice to defraud;
18 B. making any untrue statement of a material fact or omitting to state a
19 material fact necessary in order to make the statements made, in the light of the
20 circumstances under which they were made, not misleading; or
21 C. engaging in any act, practice, or course of business which operates or
22 would operate as a fraud or deceit upon any person; in violation of Section 10(b)
23 of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b) (the "Exchange Act"),
24 and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

25 II.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Ewald
27 shall provide all documents in his possession, custody or control to the
28

1 Commission and disclose under oath all information with respect to his activities
2 and the activities of others about which the Commission or his staff may inquire or
3 request. Such production of documents and disclosure of information by Ewald
4 shall be made upon reasonable notice in writing and without the service of a
5 subpoena and subject only to the good faith assertion of any privileges
6 recognizable pursuant to the provisions of Rule 501 of the Federal Rules of
7 Evidence or the United States Constitution and amendments thereto. Failure to
8 comply with the foregoing will subject Ewald to the remedies and sanctions set
9 forth in Rule 37 of the Federal Rules of Civil Procedure and all other available
10 remedies.

11 III.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Ewald
13 shall pay disgorgement, if any, plus prejudgment interest thereon, in an amount
14 subsequently to be determined by the Court. In connection with any hearing to
15 determine the appropriate amount of disgorgement, Ewald shall not raise as a
16 defense that he is not liable for the payment of such disgorgement because he did
17 not violate one or more of the provisions of the Exchange Act and rules thereunder
18 set forth in the Judgment.

19 IV.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this
21 Court shall retain jurisdiction over this action for purposes of determining whether
22 civil penalties will be assessed against Ewald pursuant to Section 21(d)(3) of the
23 Exchange Act [15 U.S.C. § 78u(d)(3)] as appropriate. In connection with any
24 hearing to determine the appropriate amount of civil penalties, Ewald shall not
25 raise as a defense that he is not liable for the payment of such civil penalties
26 because he did not violate one or more of the provisions of the Exchange Act and
27 rules thereunder set forth in the Judgment.

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V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the provisions of the Consent filed concurrently with this Judgment are incorporated herein with the same force and effect as if fully set forth herein and that Ewald shall comply with his Consent.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this action for all purposes, including to determine the liability of any remaining defendants in this action, to implement and enforce the terms of this Judgment and other orders and decrees which may be entered, to resolve the Commission's pending claims for disgorgement and civil penalties as appropriate, and to grant such other relief as this Court may deem necessary and just.

VII.

There being no just reason for delay, the Clerk of the Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Judgment.

DATED: February 11, 2002

Margaret M. Mason
UNITED STATES DISTRICT JUDGE

Submitted By:

Thomas A. Zaccaro
Thomas A. Zaccaro
Attorney for Plaintiff
Securities and Exchange Commission

PROOF OF SERVICE

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I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648.

Telephone: (323) 965-3998; Fax: (323) 965-3908

On February 7, 2002, I caused to be served the document entitled **JUDGMENT OF PERMANENT INJUNCTION AGAINST TOR EWALD** upon the parties to this action addressed as stated on the attached service list:

OFFICE MAIL: By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

PERSONAL DEPOSIT IN MAIL: By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

EXPRESS U.S. MAIL: Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

PERSONAL SERVICE: I caused to be personally delivered each such envelope by hand to the office of the addressee in the attached service list.

FEDERAL EXPRESS: By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

FAX (BY AGREEMENT ONLY): By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

(Federal) I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct

Date: February 7, 2002

Magnolia M. Marcelo
MAGNOLIA M. MARCELO

SEC v. NEW ENERGY CORPORATION., et al.
United States District Court - Central District of California
Case No. CV02-0989 MMM (CWx)
(LA-2553)

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02

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