

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 02-80770-CIV-HURLEY/LYNCH

| | |
|-------------------------------------|---|
| SECURITIES AND EXCHANGE COMMISSION, |) |
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| UNCOMMON MEDIA GROUP, INC., |) |
| A FLORIDA CORPORATION, |) |
| LAWRENCE GALLO, and |) |
| DOUGLAS RASBERRY, |) |
| |) |
| Defendants. |) |

FILED by *[Signature]* D.C.
 OCT 11 2005
 CLARENCE MADDOX
 CLERK U.S. DIST. CT.
 S.D. OF FLA. - W.P.B.

**ORDER *GRANTING* PLAINTIFF SECURITIES AND EXCHANGE
 COMMISSION'S MOTION FOR ENTRY OF DEFAULT JUDGMENT ~~OF~~ *ENTERING*
 PERMANENT INJUNCTION AND OTHER RELIEF AS
 TO DEFENDANTS LAWRENCE GALLO AND DOUGLAS RASBERRY**

THIS CAUSE comes before the Court upon Plaintiff Securities and Exchange Commission's ("SEC") Motion for Entry of a Default Judgment of Permanent Injunction and Other Relief ("Motion for Default") Against Defendants Lawrence Gallo ("Gallo") and Douglas Rasberry ("Rasberry") and Supporting Memorandum of Law.

On August 15, 2002, the SEC commenced this action by filing its Complaint against, among others, Defendants Gallo and Rasberry ("Individual Defendants"). In its Complaint, the SEC sought, among other things, a permanent injunction to prohibit: (1) Defendant Rasberry from further violating Sections 10(b), 13(d) and 16(a) of the Securities Exchange Act of 1934 ("Exchange Act"), and Rules 10b-5, 13d-1 and 16a-3(a) thereunder, and from aiding and abetting or causing violations of Section 13(a) of the Exchange Act and Rules 13a-1 and 12b-20 thereunder; and (2) Defendant Gallo from

[Handwritten signature]

further violating Section 10(b) of the Exchange Act, and Rule 10b-5 thereunder, and from aiding and abetting or causing violations of Section 13(a) of the Exchange Act and Rules 13a-1 and 12b-20 thereunder.

Notice of this action was personally served upon Gallo and Rasberry, pursuant to Rule 4(1) of the Fed.R.Civ.P. [DE 11-12]. On May 16, 2005, a Clerk's Default was entered against the Individual Defendants for their failure to appear, answer or otherwise plead to the complaint. [DE 14]. To date, neither Gallo nor Rasberry have appeared in this action, have filed an answer, or other pleading or motion responsive to the SEC's Complaint.

This Court having the authority to enter this injunction, jurisdiction over Gallo and Rasberry and the subject matter hereof, and the Court being fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED that the SEC's Motion for Default is **GRANTED** and this Judgment of Permanent Injunction and Other Relief ("Judgment") is entered as follows:

I.

**FRAUD IN VIOLATION OF SECTION 10(b) OF
THE EXCHANGE ACT AND RULE 10b-5 THEREUNDER**

IT IS ORDERED AND ADJUDGED that the Individual Defendants, their officers, agents, servants, employees, attorneys in fact, and all persons in active concert or participation with them, and each of them, directly or indirectly, who receive actual notice of this Judgment, by personal service or otherwise, be and they hereby are, permanently restrained and enjoined from, knowingly and willfully, directly or indirectly, singly or in concert, as aiders and abettors or otherwise, 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:

- (a) employing any device, scheme or artifice to defraud;
- (b) making any untrue statements of material fact or omitting 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) engaging in any act, 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, 17 C.F.R. § 240.10b-5 thereunder.

II.

VIOLATION OF SECTIONS 13(d) AND 16(a) OF THE EXCHANGE ACT AND RULES 13d-1 AND 16a-3(a) THEREUNDER

IT IS FURTHER ORDERED AND ADJUDGED that Douglas Rasberry, his officers, agents, servants, employees, attorneys in fact, and all persons in active concert or participation with him, and each of them, directly or indirectly, who receive actual notice of this Judgment, by personal service or otherwise, be and they hereby are, permanently restrained and enjoined from violating Sections 13(d) and 16(a) of the Exchange Act and Rules 13d-1 and 16a-3(a) thereunder, which require any person, after acquiring a 5% and 10% beneficial ownership interest, respectively, in the equity securities issued by a company registered with the SEC pursuant to Section 12 of the Exchange Act, to file a statement with the SEC containing such information as prescribed by Sections 13(d) and 16(a), and the Rules 13d-1 and 16a-3(a) thereunder.

III.

**AIDING AND ABETTING
VIOLATION OF SECTION 13(a) OF THE EXCHANGE ACT
AND RULES 12b-20 AND 13A-1 THEREUNDER**

IT IS FURTHER ORDERED AND ADJUDGED that the Individual Defendants, their officers, agents, servants, employees, representatives, and all persons in active concert or participation with them, and each of them, directly or indirectly, who receive actual notice of this Judgment, by personal service or otherwise, be and they hereby are, permanently restrained and enjoined from, aiding and abetting any violation of Section 13(a) of the Exchange Act [15 U.S.C. § 78m], and Rules 13a-1 and 12b-20 [17 C.F.R. § 240.13a-1 and 240.12b-20], by knowingly providing substantial assistance to an issuer that fails to file reports with the SEC that accurately reflect its financial performance.

IV.

RETENTION OF JURISDICTION TO IMPOSE A CIVIL MONEY PENALTY

IT IS FURTHER ORDERED AND ADJUDGED that the Court reserves jurisdiction to determine a specific civil money penalty against the Individual Defendants upon the SEC's motion, which it will file within ninety (90) days of the entry of this Judgment.

V.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED AND ADJUDGED that this Court will retain jurisdiction over this matter and the Individual Defendants in order to implement and carry out the terms of this Judgment and all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of

this Court, and will order other relief that this Court deems appropriate under the circumstances.


VI.

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 Judgment forthwith and without further notice.

DONE AND ORDERED on this 7th day of Oct, 2005 in chambers at

West Palm Beach Florida.


HONORABLE DANIEL T.K. HURLEY
UNITED STATES DISTRICT JUDGE

cc. Christopher Martin,
Esq (SEC)

Alfred Greco, Esq.
720 Fifth Avenue, Suite 1301
New York, NY 10019
(212) 246-3030
Counsel for Defendant Uncommon Media Group, Inc.

Lawrence Gallo, *pro se*
Reg # 69153-053
FDC
P.O. Box 19120
Miami, FL 33101-9120

Bruce Fleisher, Esq.
Bayview Plaza
3225 Aviation Avenue
Suite 300
Coconut Grove, FL 33133
(305) 859-7999
*Pending Order Regarding Motion to Withdraw as
Counsel of Record for Defendant Douglas Raspberry*

Douglas Raspberry, *pro se*
131 Mt. Norquay Park
SE Calgary
Alberta, Canada T2Z2R3