

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
(Tampa Division)

SECURITIES AND EXCHANGE COMMISSION,

) CASE NO.

Plaintiff,

) 8:03-CV-321-T-27 MTB

v.

ROBERT A. MAGNAN, INVESTMENT
RECOVERY NETWORK, INC., JOHN
DELPRINCE, and OLD DOMINION
SECURITIES, INC.,

Defendants.

**ORDER OF DEFAULT JUDGMENT OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST DEFENDANTS JOHN DELPRINCE
AND OLD DOMINION SECURITIES, INC.**

THIS MATTER is before the Court on the Securities and Exchange Commission's Motion for Entry of Default Permanent Injunction and Other Relief Against Defendants John DelPrince ("DelPrince") and Old Dominion Securities, Inc. ("Old Dominion"). Having considered the motion and the entire record, the Court hereby enters the following Judgment against DelPrince and Old Dominion in this cause.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Court has personal jurisdiction over DelPrince and Old Dominion and the subject matter of the action. Venue is proper in the Middle District of Florida.
2. DelPrince and Old Dominion were properly served with a summons and a copy of the Complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure. Thus, DelPrince and Old Dominion have proper notice of this action.

3. As of the date of this Order, DelPrince and Old Dominion have failed to answer or otherwise file a responsive pleading to the Complaint as required by the Federal Rules of Civil Procedure.

4. The Clerk of the Court entered defaults against DelPrince and Old Dominion on May 28, 2003. By virtue of the default and their failure to respond to the Complaint, DelPrince and Old Dominion are deemed to have admitted the allegations of the Complaint and liability is established against them. *Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987); *Miller v. Paradise of Port Richey, Inc.*, 75 F. Supp. 2d 1342, 1346 (M.D. Fla. 1999). Accordingly, the Court finds DelPrince and Old Dominion committed the violations alleged in the Complaint.

5. The Defendants are not infants or incompetent persons and have no guardian, committee, conservator or other such persons appearing on their behalf. Accordingly, it is:

I. JUDGMENT

ORDERED AND ADJUDGED that the Plaintiff's Motion for Entry of Default Permanent Injunction and Other Relief Against Defendants John DelPrince and Old Dominion Securities, Inc., is **GRANTED**.

II. PERMANENT INJUNCTION

IT IS FURTHER ORDERED AND ADJUDGED that DelPrince and Old Dominion, their directors, officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them, and each of them, who receive actual notice of this Judgment by personal service or otherwise, are permanently restrained and enjoined from permitting any person barred by the Commission from association with any broker or dealer without the consent of the Commission to become or remain associated with any broker or dealer without the consent

of the Commission, or from aiding and abetting any such association, in violation of Section 15(b)(6)(B)(ii) of the Securities Exchange Act of 1934 [15 U.S.C. § 78o(b)(6)(B)(ii)].

III. DISGORGEMENT

IT IS FURTHER ORDERED AND ADJUDGED that DelPrince and Old Dominion shall each pay disgorgement representing their gains from the conduct alleged in the Complaint, plus pre-judgment interest. The Court shall determine the amount of disgorgement upon the Commission's motion to set disgorgement and its submission of supporting evidence.

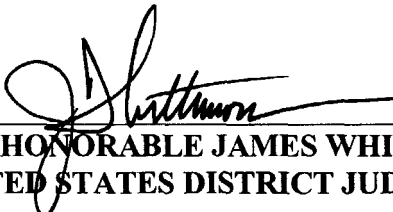
IV. CIVIL MONEY PENALTIES

IT IS FURTHER ORDERED AND ADJUDGED that DelPrince and Old Dominion shall pay a civil money penalty pursuant to Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3), based upon the conduct alleged in the Complaint. The Court shall determine the amount of the civil penalty upon the Commission's motion to set same.

V. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED AND ADJUDGED that this Court shall retain jurisdiction over this matter and DelPrince and Old Dominion in order to implement and carry out the terms of 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.

DONE AND ORDERED this 31st day of July, 2003 in Chambers in Tampa, Florida.



THE HONORABLE JAMES WHITTEMORE
UNITED STATES DISTRICT JUDGE

Copies to:

Robert K. Levenson, Esq.
Securities and Exchange Commission
801 Brickell Avenue, Suite 1800
Miami, Florida 33131

John E. Johnson, Esq.
Shannon C. Reese, Esq.
Trenam, Kemker, Scharf, Barkin,
Frye, O'Neill & Mullis, P.A.
101 East Kennedy Blvd., Suite 2700
Tampa, FL 33602

John DelPrince
2124 Nova Village Drive
Davie, FL 33317

Old Dominion Securities, Inc.,
c/o John Del Prince, Registered Agent
2124 Nova Village Drive
Davie, FL 33317

Date Printed: 08/04/2003

2 + 2

Notice sent to:

— Robert K. Levenson, Esq.
Securities & Exchange Commission
Miami Branch Office
801 Brickell Ave., Suite 1800
Miami, FL 33131

8:03-cv-00321 jlg

— Gary Klein, Esq.
Securities & Exchange Commission
Miami Branch Office
801 Brickell Ave., Suite 1800
Miami, FL 33131

8:03-cv-00321 jlg

— John Eamon Johnson, Esq.
Trenam, Kemker, Scharf, Barkin,
Frye, O'Neill & Mullis, P.A.
101 E. Kennedy Blvd., Suite 2700
P.O. Box 1102
Tampa, FL 33601-1102

8:03-cv-00321 jlg

— Shannon Reese, Esq.
Trenam, Kemker, Scharf, Barkin,
Frye, O'Neill & Mullis, P.A.
101 E. Kennedy Blvd., Suite 2700
P.O. Box 1102
Tampa, FL 33601-1102

8:03-cv-00321 jlg