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

SECURITIES AND EXCHANGE,
COMMISSION,

Plaintiff,

vs.

ROBERT A. KASIRER, ET AL.,
Defendants,

and

DEBRA S. KASIRER, ET AL.,
Relief Defendants.

Case No.: No. 2:05 CV-05-3059 RSWL

[REDACTED]

FINAL JUDGMENT AGAINST
DEFENDANT ROBERT A. KASIRER

The Securities and Exchange Commission having filed a Third Amended
Complaint and Defendant Robert A. Kasirer ("Defendant") having entered a
general appearance; consented to the Court's jurisdiction over him and the subject
matter of this action; consented to entry of this Final Judgment without admitting
or denying the allegations of the Complaint (except as to jurisdiction); waived

1 findings of fact and conclusions of law; and waived any right to appeal from this

2 Final Judgment:

3
4 I.

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
6 and his agents, servants, employees, attorneys, and all persons in active concert or
7 participation with them who receive actual notice of this Final Judgment by
8 personal service or otherwise are permanently restrained and enjoined from
9 violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of
10 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated
11 thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
12 interstate commerce, or of the mails, or of any facility of any national securities
13 exchange, in connection with the purchase or sale of any security:
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- 17 (a) to employ any device, scheme, or artifice to defraud;
- 18 (b) to make any untrue statement of a material fact or to omit to state a
19 material fact necessary in order to make the statements made, in the
20 light of the circumstances under which they were made, not
21 misleading; or
22
23 (c) to engage in any act, practice, or course of business which operates or
24 would operate as a fraud or deceit upon any person.
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27 II.
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1 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
2 that Defendant and his agents, servants, employees, attorneys, and all persons in
3 active concert or participation with them who receive actual notice of this Final
4 Judgment by personal service or otherwise are permanently restrained and enjoined
5 from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] in the offer
6 or sale of any security by the use of any means or instruments of transportation or
7 communication in interstate commerce or by use of the mails, directly or
8 indirectly:
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11 (a) to employ any device, scheme, or artifice to defraud;
12
13 (b) to obtain money or property by means of any untrue statement of a
14 material fact or any omission of a material fact necessary in order to
15 make the statements made, in light of the circumstances under which
16 they were made, not misleading; or
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18 (c) to engage in any transaction, practice, or course of business which
19 operates or would operate as a fraud or deceit upon the purchaser.
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22 III.

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24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED
25 that Defendant is liable for disgorgement and prejudgment interest in the total
26 amount of \$4,991,434.00. Defendant shall satisfy this obligation by paying
27 \$4,991,434.00 within ten days of entry of this Final Judgment to the Clerk of this
28

1 Court, together with a cover letter identifying Defendant as a defendant in this
2 action; setting forth the title and civil action number of this action and the name of
3 this Court; and specifying that payment is made pursuant to this Final Judgment.
4 Defendant shall simultaneously transmit photocopies of such payment and letter to
5 the Commission's counsel in this action. By making this payment, Defendant
6 relinquishes all legal and equitable right, title, and interest in such funds, and no
7 part of the funds shall be returned to Defendant. Defendant shall pay post-
8 judgment interest on any delinquent amounts pursuant to 28 USC § 1961.
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12 The Clerk shall deposit the funds into an interest bearing account with the
13 Court Registry Investment System ("CRIS") or any other type of interest bearing
14 account that is utilized by the Court. These funds, together with any interest and
15 income earned thereon (collectively, the "Fund"), shall be held in the interest
16 bearing account until further order of the Court. In accordance with 28 U.S.C.
17 § 1914 and the guidelines set by the Director of the Administrative Office of the
18 United States Courts, the Clerk is directed, without further order of this Court, to
19 deduct from the income earned on the money in the Fund a fee equal to ten percent
20 of the income earned on the Fund. Such fee shall not exceed that authorized by the
21 Judicial Conference of the United States.
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25 The Commission may by motion propose a plan to distribute the Fund
26 subject to the Court's approval. Such a plan may provide that Fund shall be
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1 distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-
2 Oxley Act of 2002.

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4 IV.

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

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11 V.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this
13 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms
14 of this Final Judgment.

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16 VI.

17 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
18 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment
19 forthwith and without further notice.

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22 Dated: Oct 31, 2007

23 RONALD S.W. LEW

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25 UNITED STATES DISTRICT JUDGE
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