

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61517-CIV-GOLD/McALILEY

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| SECURITIES AND EXCHANGE |) |
| COMMISSION, |) |
| |) |
| Plaintiff, |) |
| v. |) |
| |) |
| VIDEO WITHOUT BOUNDARIES, INC., |) |
| d/b/a CHINA LOGISTICS GROUP, INC., |) |
| VERNON JEFFREY HARRELL, AND |) |
| DAVID J. AUBEL, |) |
| |) |
| Defendants. |) |

ORDER GRANTING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST DEFENDANT DAVID J. AUBEL AND ENTERING PERMANENT INJUNCTION;

closing case (NB)

THIS MATTER is before the Court on Plaintiff Securities and Exchange Commission's Motion for Entry of a Default Judgment of Permanent Injunction and Other Relief Against Defendant David J. Aubel. Having considered the motion and the entire record, the Court enters the following order granting the Plaintiff's motion, and imposing a Default Judgment of Permanent Injunction and Other Relief against Aubel:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over Aubel and the subject matter of this action. Venue is proper in the Southern District of Florida.
2. Aubel was properly served with a Summons and a copy of the Complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure, and he has filed an Answer to the Complaint.
3. On August 12, 2009, the Court granted the motion to withdraw filed by counsel

for Aubel and gave him until August 31, 2009 to secure counsel. No Notice of Appearance was filed, and no extension of time was requested.

4. By Order dated September 11, 2009, the Court *sua sponte* gave Aubel until September 25, 2009 to show cause why the Court should not hold him in default for failure to secure counsel.

5. Aubel did respond to the Order, and accordingly the Court, upon Plaintiff's motion, entered a default against him on October 10, 2009.

6. By virtue of the default and the failure to defend, Aubel is deemed to have admitted the allegations of the Complaint and liability is therefore established against him. *Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987). Accordingly, the Court finds Aubel committed the violations alleged in the Complaint.

7. Aubel is not an infant or an incompetent person and has no guardian, committee, conservator or other such persons appearing on his behalf. Accordingly, it is:

ORDERED AND ADJUDGED that Plaintiff's Motion for Entry of a Default Judgment of Permanent Injunction and Other Relief Against Defendant David J. Aubel is **GRANTED**. Default Judgment is entered against Aubel as follows:

PERMANENT INJUNCTION

I.

SECTIONS 5(A) AND 5(C) OF THE SECURITIES ACT OF 1933

IT IS FURTHER ORDERED AND ADJUDGED that Aubel, his agents, servants, representatives, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Default Judgment by personal service or otherwise, are

permanently restrained and enjoined from violating Section 5 of the Securities Act, 15 U.S.C. § 77e, by, directly or indirectly, in the absence of any applicable exemption:

- (a) Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- (b) Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- (c) Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act, 15 U.S.C. § 77h.

II.

**SECTION 10(B) OF THE SECURITIES EXCHANGE
ACT OF 1934 AND RULE 10B-5**

IT IS FURTHER ORDERED AND ADJUDGED that Aubel, his agents, servants, representatives, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Default Judgment by personal service or otherwise, are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the

Securities Exchange Act of 1934 (“Exchange Act”), 15 U.S.C. § 78j(b), and Exchange Act Rule 10b-5, 17 C.F.R. §240.10b-5, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit 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) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

III.

**SECTION 13(D) OF THE SECURITIES EXCHANGE
ACT OF 1934 AND RULE 13D-1 THEREUNDER**

IT IS FURTHER ORDERED AND ADJUDGED that Aubel, his agents, servants, representatives, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Default Judgment by personal service or otherwise, are permanently restrained and enjoined from violating, directly or indirectly, violating Section 13(d) of the Exchange Act [15 U.S.C. § 78m(d)] and Rule 13d-1, 17 C.F.R. § 240.13d-1, thereunder, by failing to file reports with the Commission that accurately and fairly reflect his beneficial ownership of any equity security of a class which is registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l.

IV.

**SECTION 16(A) OF THE SECURITIES EXCHANGE
ACT OF 1934 AND RULE 16A-3 THEREUNDER**

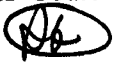
IT IS FURTHER ORDERED AND ADJUDGED that Aubel, his agents, servants, representatives, employees, and attorneys, and all persons in active concert or participation with them who receive actual notice of this Default Judgment by personal service or otherwise, are permanently restrained and enjoined from violating, directly or indirectly, violating Section 16(a) of the Exchange Act, 15 U.S.C. § 78p(a), and Rule 16a-3, 17 C.F.R. § 240.16a-3, thereunder, by failing to file reports with the Commission that accurately and fairly reflect his beneficial ownership of any equity security of a class which is registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, and any changes in such beneficial ownership.

PENNY STOCK BAR

IT IS FURTHER ORDERED AND ADJUDGED that, pursuant to Section 20(g) of the Securities Act, 15 U.S.C. § 77t(g), and Section 21(d) of the Exchange Act, 15 U.S.C. § 78u(d), Aubel is barred from participating in an offering of a penny stock, including acting as a promoter, finder, consultant, agent or other person who engages in activities with a broker, dealer or issuer for purposes of issuing, trading or inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act, 17 C.F.R. § 240.3a51-1.

RETENTION OF JURISDICTION

IT IS FURTHER ORDERED AND ADJUDGED that this Court will retain jurisdiction over this matter and Aubel 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. *This case is closed.* 

DONE AND ORDERED in Chambers at Miami, Florida, this 19 day of October 2009.



ALAN S. GOLD
UNITED STATES DISTRICT JUDGE

Copies to all counsel and parties of record.