

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
West Palm Beach Division

CASE NO.: 09-80581-CIV-RYSKAMP

SECURITIES AND EXCHANGE	:
COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	:
MICHAEL J. MUZIO,	:
	:
Defendant.	:

**ORDER GRANTING PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT
JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF
AGAINST DEFENDANT MICHAEL J. MUZIO**

THIS MATTER is before the Court on Plaintiff Securities and Exchange Commission’s Motion for Entry of Default Judgment of Permanent Injunction And Other Relief Against Defendant Michael J. Muzio. 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 Muzio.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over Muzio and the subject matter of this action. Venue is proper in the Southern District of Florida.
2. Muzio was properly served with a summons and a copy of the complaint pursuant to Rule 4 of the Federal Rules of Civil Procedure. Thus, Muzio has proper notice of this action.
3. As of the date of this Order, Muzio has 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 a default against Muzio on September 22, 2010. By virtue of the default and his failure to respond to the complaint, Muzio is deemed to have admitted the allegations of the complaint and liability is established against him. *Buchanan v. Bowman*, 820 F.2d 359, 361 (11th Cir. 1987). Accordingly, the Court finds Muzio committed the violations alleged in the complaint.

5. Muzio 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 Michael J. Muzio is **GRANTED**. Default Judgment is entered against Muzio as follows:

I. PERMANENT INJUNCTION

A. Section 17(a) of the Securities Act of 1933

IT IS ORDERED AND ADJUDGED that Muzio, his agents, servants, representatives, employees, and attorneys, and all persons in active concert or participation with him, and each of them, who receive actual notice of this Default Judgment by personal service or otherwise, are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a), in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of

the circumstances under which they were made, not misleading; or

- (c) to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

B. Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5

IT IS FURTHER ORDERED AND ADJUDGED that Muzio, his agents, servants, representatives, employees, and attorneys, and all persons in active concert or participation with him, and each of 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.

II. PENNY STOCK BAR


IT IS FURTHER ORDERED AND ADJUDGED that Muzio is permanently barred from participating in an offering of penny stock, including engaging 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 Exchange Act Rule 3a51-1, 17 C.F.R. 240.3a51-1.

III. RETENTION OF JURISDICTION

IT IS FURTHER ORDERED AND ADJUDGED that this Court will retain jurisdiction over this matter and Muzio 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 in Chambers at West Palm Beach, Florida, this 25 day of

, 2010.


KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Copies to counsel and parties of record