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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

GUSTAV GEORGE BUJKOVSKY,

Defendant,

and

BETTY D. HANSEN aka BETTY
BUJKOVSKY,

Relief Defendant.

Case No. 10CV1965 BEN (JMA)

**JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AGAINST GUSTAV G. BUJKOVSKY**

1 Plaintiff Securities and Exchange Commission ("Commission") having filed a Complaint
2 and Defendant Gustav G. Bujkovsky ("Bujkovsky") having entered a general appearance;
3 consented to the Court's jurisdiction over him and the subject matter of this action; consented to
4 entry of this Judgment of Permanent Injunction And other Relief ("Judgment") without admitting
5 or denying the allegations of the operative Complaint (except as to jurisdiction); waived findings
6 of fact and conclusions of law; and waived any right to appeal from this Judgment:

7 I.

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Bujkovsky and his
9 agents, servants, employees, attorneys, and all persons in active concert or participation with
10 them who receive actual notice of this Judgment by personal service or otherwise are
11 permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the
12 Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5
13 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of
14 interstate commerce, or of the mails, or of any facility of any national securities exchange, in
15 connection with the purchase or sale of any security:

- 16 (a) to employ any device, scheme, or artifice to defraud;
- 17 (b) to make any untrue statement of a material fact or to omit to state a material fact
18 necessary in order to make the statements made, in the light of the circumstances
19 under which they were made, not misleading; or
- 20 (c) to engage in any act, practice, or course of business which operates or would
21 operate as a fraud or deceit upon any person.

22 II.

23 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Bujkovsky
24 and his agents, servants, employees, attorneys, and all persons in active concert or participation
25 with them who receive actual notice of this Judgment by personal service or otherwise are
26 permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933
27 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any
28 means or instruments of transportation or communication in interstate commerce or by use of the

1 mails, directly or indirectly:

- 2 (a) to employ any device, scheme, or artifice to defraud;
- 3 (b) to obtain money or property by means of any untrue statement of a material fact
4 or any omission of a material fact necessary in order to make the statements
5 made, in light of the circumstances under which they were made, not misleading;
6 or
- 7 (c) to engage in any transaction, practice, or course of business which operates or
8 would operate as a fraud or deceit upon the purchaser.

9 III.

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Bujkovsky
11 and his agents, servants, employees, attorneys, and all persons in active concert or participation
12 with them who receive actual notice of this Final Judgment by personal service or otherwise are
13 permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. §
14 77e] by, directly or indirectly, in the absence of any applicable exemption:

- 15 (a) Unless a registration statement is in effect as to a security, making use of any
16 means or instruments of transportation or communication in interstate commerce
17 or of the mails to sell such security through the use or medium of any prospectus
18 or otherwise;
- 19 (b) Unless a registration statement is in effect as to a security, carrying or causing to
20 be carried through the mails or in interstate commerce, by any means or
21 instruments of transportation, any such security for the purpose of sale or for
22 delivery after sale; or
- 23 (c) Making use of any means or instruments of transportation or communication in
24 interstate commerce or of the mails to offer to sell or offer to buy through the use
25 or medium of any prospectus or otherwise any security, unless a registration
26 statement has been filed with the Commission as to such security, or while the
27 registration statement is the subject of a refusal order or stop order or (prior to the
28 effective date of the registration statement) any public proceeding or examination

1 under Section 8 of the Securities Act [15 U.S.C. § 77h].

2 IV.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Bujkovsky shall pay
4 disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty pursuant to
5 Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), Section 21(d)(3) of the Exchange Act, 15
6 U.S.C. § 78u(d)(3), and Section 209(e) of the Advisers Act, 15 U.S.C. § 80b-9(e). The Court
7 shall determine the amounts of the disgorgement and civil penalty upon motion of the
8 Commission. Prejudgment interest shall be calculated from April 11, 2009, based on the rate of
9 interest used by the Internal Revenue Service for the underpayment of federal income tax as set
10 forth in 26 U.S.C. § 6621(a)(2).

11 V.

12 In connection with the Commission's motion(s) for disgorgement and/or civil penalties
13 and at any hearing held on such motion: (a) Bujkovsky will be precluded from arguing that he
14 did not violate the federal securities laws as alleged in the Complaint; (b) Bujkovsky may not
15 challenge the validity of the Consent or this Judgment; (c) solely for the purposes of such
16 motion, the allegations of the Complaint shall be accepted as and deemed true by the Court; and
17 (d) the Court may determine the issues raised in the motion on the basis of affidavits,
18 declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence,
19 without regard to the standards for summary judgment contained in Rule 56(c) of the Federal
20 Rules of Civil Procedure. In connection with the Commission's motion for disgorgement and/or
21 civil penalties, the parties may take discovery, including discovery from appropriate non-parties.

22 VI.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is
24 incorporated herein with the same force and effect as if fully set forth herein, and that Bujkovsky
25 shall comply with all of the undertakings and agreements set forth therein.


26 VII.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain
28 jurisdiction of this matter for the purposes of enforcing the terms of this Judgment.

VIII.

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.

Dated: Nov 22, 2010


HONORABLE ROGER T. BENITEZ
UNITED STATES DISTRICT JUDGE

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