

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

FILED  
U.S. DISTRICT COURT  
2006 OCT -3 P 2:07

SECURITIES AND EXCHANGE COMMISSION :  
 :  
 Plaintiff, :  
 :  
 vs. :  
 :  
 ANTHONY J. MARINO, GREGORY :  
 JOHNSON, RICHARD AMES HIGGINS, :  
 MOUSA INTERNATIONAL, AJM GLOBAL :  
 and CONSORTIO INTRANACIONAL, :  
 :  
 Defendants. :

Case No. 2:99-CV-258G  
AMENDED FINAL  
JUDGMENT OF  
PERMANENT  
INJUNCTION AND OTHER  
RELIEF AS TO RICHARD  
AMES HIGGINS

Plaintiff, the Securities and Exchange Commission ("Commission"), has duly commenced this action by filing a Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") in this matter. Defendant Richard Ames Higgins ("Higgins") has admitted the jurisdiction of this Court over him and the subject matter of this action, has waived a trial on the merits of the Complaint, has waived the entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, and without admitting or denying the allegations of the Complaint except as to the jurisdiction of the Court, has consented in the Consent annexed hereto and incorporated herein to the entry of this Judgment of Permanent Injunction ("Judgment") against him, as requested in the Complaint, permanently restraining and enjoining him from engaging in acts and practices which constitute and will constitute violations of Sections 5(a), 5(c), and 17(a)(1), (2), or (3) of the Securities Act of 1933, as amended [15 U.S.C. §§ 77e(a), 77e(c), and 77q(a)(1), (2), and (3)], or violations of Section 10(b) of the

Securities Exchange Act of 1934, as amended [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]. It appearing that the Court has jurisdiction over the Defendant and the subject matter and being fully advised in the premises and there being no just reason for delay:

I.

IT IS HEREBY ORDERED, ADJUSTED AND DECREED that Defendant Higgins is permanently restrained from, directly or indirectly, singly or in concert:

- A. making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell the securities of any issuer, through the use of medium of any prospectus or otherwise, unless and until a registration statement is in effect as to such securities;
- B. carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or for delivery after sale, the securities of any issuer, unless and until a registration statement is in effect as to such securities; and,
- C. making use of any mans or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use of medium of any prospectus or otherwise, the securities of any issuer, unless and until a registration statement has been filed with the Commission as to such securities, or while a registration statement as to such securities 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 of 1933, as amended [15 U.S.C. § 77h]; in violation of Sections 5(a) or 5(c) of the Securities Act of 1933, as amended {15 U.S.C. §§ 77e(a) or 77e(c)}; provided, however, that nothing in Part 1 of this Order shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act [15 U.S.C. § 77e].

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Higgins is permanently restrained and enjoined from, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, in connection with the purchase, offer or sale of securities of any issuer whatsoever, employing any device, scheme or artifice to defraud, making any untrue statement of material fact or omitting to state any material fact necessary in order to make the statement made, in light of the circumstances under which they were made, not misleading, obtaining money or property by means of any untrue statement of material fact or any omission to state any material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, or engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person or other conduct of similar purport and object, in violation of Section 17(a)(1), (2), or (3) of the Securities Act of 1933 [15 U.S.C. § 77q(a)(1), (2), and (3)], or Section 10(b) of the

Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b.5].

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that Defendant Higgins disgorge \$367,458, plus prejudgment interest in the amount of \$27,690.69, representing the ill-gotten gains he has received in this matter as described in the Commission's Complaint. Higgins, having submitted to the Commission a Sworn Statement of Financial Condition representing his financial condition, and the payment of \$289,117.45 funds transferred from frozen bank accounts, and \$31,881.07, sums originally held in Account No. 33692, Euro Bank, located in Grand Cayman, Cayman Islands, having already been received by the Court, payment of \$74,220.17, the balance of the disgorgement is waived, contingent on the truthfulness of the material representations in his Sworn Statement of Financial Condition. Disgorgement sums ordered herein shall be made to the State of Utah in partial satisfaction of restitution ordered in State of Utah v. Richard Ames Higgins, Fourth Judicial District Court, State of Utah, Case No. 991402886FS as set forth herein.

Payment of any penalties that may have been imposed is also waived. The Commission may, at any time following the entry of this Judgment, petition the Court for a hearing to reconsider the inability of Higgins to pay the balance of the disgorgement sums or the imposition of a penalty if the Commission obtains information from any source that the Sworn Statement of Financial Condition of Higgins was inaccurate or incomplete in any material respect. In connection with any such petition, Higgins will not contest the allegations set forth in the Complaint dated April 20, 1999, or the

imposition of penalties or disgorgement, and the Court may consider all available remedies, including but not limited to, ordering defendant to pay the balance of the disgorgement sum and the imposition of penalties or sanctions for contempt of this Court's Judgment. Notwithstanding the foregoing, Higgins shall have the right to present evidence regarding his ability to pay amounts of either disgorgement or penalties and evidence regarding the amount of such disgorgement or penalties. Payment of the disgorgement shall be from the funds frozen by Order of this Court, and other funds, and shall be made payable to Adult Probation and Parole, State of Utah, within 30 days of the entry of this Judgment. Such payment shall be made by certified check, bank cashier's check or bank money order; made payable to Adult Probation and Parole, State of Utah; and a copy of which check or money order shall be sent to Kenneth D. Israel, District Administrator, 50 South Main, Suite 500, Salt Lake City, Utah 84144, together with a cover letter identifying Richard A. Higgins, the Case Number and the date of payment.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent of Higgins be, and the same hereby, <sup>د ٢٦</sup> <sub>١٠/٣/٠٦</sub> incorporated herein with the same force and effect as if fully set forth herein.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that this Court shall retain jurisdiction over this action for all other purposes.

VI.

There being no just reason for delay, the Clerk of the Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure to enter this judgment forthwith and without further notice, in the total amount of \$394,848.69.

DATED this 3<sup>rd</sup>, day of October, 2006.

J. Thomas Greene  
United States District Court Judge

Presented by:

/s/ Thomas M. Melton  
Thomas M. Melton  
Securities and Exchange Commission