

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

00 Civ. 3596 (LDW)

v.

**UNIVERSE, INC., RICHARD FENNING, SUSAN
RICHARDS, JOHN RICHARDS,
LAWRENCE BLOCKER, JEFFREY BURTON,
THIRD TIER MARKETING, INC., ROBERT HASHO
LANDMARK CORP., HOWARD TOOMER,
H.E. TOOMER & ASSOCIATES, INC.,
DANOO NOOR, TORE C. LARSEN and
FIBERLINKS INTERNATIONAL, INC.**

Defendants.

**FINAL JUDGMENT
AGAINST DEFENDANT HOWARD TOOMER**

The Securities and Exchange Commission ("Commission") having filed a complaint ("Complaint") and defendant Howard Toomer ("Defendant" or "Toomer") having entered a general appearance; consented to the Court's jurisdiction over him and the subject matter of this action; consented, without admitting or denying the allegations of the complaint, to the entry of a Partial Judgment and Order on Consent Against Howard Toomer dated December 15, 2003 (the "Partial Judgment") that permanently restrained and enjoined Toomer from violating Sections 10(b) and 15(a) of the Securities Exchange Act of 1934 [15 U.S.C. §§ 78j(b) and 78o(a)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], and Sections 5 and 17(a) of the Securities Act of 1933 [15 U.S.C. §§ 77e and 77q(a)], the terms of which remain in effect and shall not be affected by the entry of this final judgment ("Final

MOVANT'S COUNSEL IS DIRECTED TO SERVE A COPY
OF THIS ORDER ON ALL PARTIES UPON RECEIPT.

Judgment"); waived his right to appeal the Partial Judgment; consented to the entry of this Final Judgment ("Consent") without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that in addition to the remedies ordered in the Partial Judgment, Defendant is liable for disgorgement of \$50,300 representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$62,236.28 for a total of \$112,536.28. Based on Defendant's sworn representations in his Statement of Financial Condition dated December 12, 2007, and other documents and information submitted to the Commission, however, the Court is not ordering Defendant to pay a civil penalty and payment of the disgorgement and pre-judgment interest thereon is waived. The determination not to impose a civil penalty and to waive disgorgement and pre-judgment interest is contingent upon the accuracy and completeness of Defendant's Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Defendant's representations to the Commission concerning his assets, income, liabilities or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to the Defendant, petition the Court for an order requiring Defendant to pay the disgorgement, pre-judgment and post-judgment interest thereon, and the maximum civil penalty allowable under the law. In connection with any such petition, the only issue

shall be whether the financial information provided by the Defendant was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Defendant to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also request additional discovery. Defendant may not, by way of defense to such petition: (1) challenge the validity of the Consent or of this Final Judgment; (2) contest the allegations in the Complaint filed by the Commission; (3) assert that payment of disgorgement, pre-judgment and post-judgment interest or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of limitations defense.

II.

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

III.

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

IV.

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 Final Judgment forthwith and without further notice.

SO ORDERED,

Central Islip, New York

Dated: 10/22/08



UNITED STATES DISTRICT JUDGE