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FILED
CLERK, U.S. DISTRICT COURT
JUL 26 2002
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION
RJP
BY DEPUTY

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

ROBERT N. ROOKS, JOHN W.
DUFFELL III, and CHARLES E. YOST II,

Defendants.

Case No. EDCV 01-846 VAP (SGLx)

[PROPOSED] FINAL JUDGMENT
OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST
DEFENDANT ROBERT N. ROOKS

ENTERED
JUL 29 2002
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION
BY [Signature] DEPUTY

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d).

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JS-2 / JS-3
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ENTER ON ICMS
JUL 29 2002
[PROPOSED] FINAL JUDGMENT OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST DEFENDANT ROBERT N. ROOKS

1 **TO ALL PARTIES AND THEIR ATTORNEYS OR RECORD:**

2 Pursuant to the Court's July 19, 2002 Order (1) Granting Commission's Motion
3 For Summary Judgment As To Defendant Rooks; (2) Denying Commission's Motion As
4 To Defendant Yost; And (3) Granting In Part And Denying In Part Commission's
5 Motion For Summary Judgment As To Defendant Duffell:

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Rooks
7 and all persons bound by this Final Judgment pursuant to Fed. R. Civ. P. 65(d) are
8 permanently restrained and enjoined from, directly or indirectly, in connection with the
9 purchase or sale of any security, by the use of any means or instrumentality of interstate
10 commerce, or of the mails, or of any facility of any national securities exchange:

11 A. employing any device, scheme, or artifice to defraud;
12 B. making any untrue statement of a material fact or omitting to state a
13 material fact necessary in order to make the statements made, in the light of
14 the circumstances under which they were made, not misleading; or
15 C. engaging in any act, practice, or course of business which operates or would
16 operate as a fraud or deceit upon any person;

17 in violation of Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. § 78j(b),
18 and Rule 10b-5, 17 C.F.R. § 240.10b-5.

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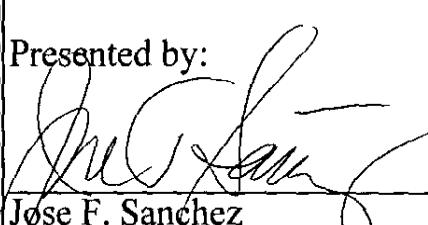
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
2 Rooks is assessed a third tier civil penalty in the amount of \$100,000 pursuant to Section
3 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d) of the Exchange Act,
4 15 U.S.C. § 78(u)(d)(3). Rooks shall pay the penalty within thirty days of the entry of
5 this Order. Payment shall be made by cashier's check, certified check or postal money
6 order made payable to the Securities and Exchange Commission, and shall be transmitted
7 to the Comptroller, Securities and Exchange Commission, Operations Center, 6432
8 General Green Way, Stop 0-3, Alexandria, Virginia 22312, under cover of a letter that
9 identifies the defendant, the name and case number of this litigation and the name of the
10 Court. A copy of the letter and the check or money order shall be simultaneously
11 transmitted to counsel for the Commission at its Los Angeles office located at 5670
12 Wilshire Boulevard, 11th Floor, Los Angeles, CA 90036.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall
14 retain jurisdiction over Defendant Rooks for all purposes, including to implement,
15 enforce, and carry out the terms of this Final Judgment and all orders and decrees which
16 have been entered or may be entered herein, and to grant such other relief as the Court
17 may deem necessary and just.

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19 Dated: July 26, 2002

20 
21 HONORABLE VIRGINIA A. PHILLIPS
22 UNITED STATES DISTRICT JUDGE

23 Presented by:
24 
25 Jose F. Sanchez
26 Attorney for Plaintiff
27 Securities and Exchange Commission
28

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

[X] U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998, Facsimile No. (323) 965-3908.

On July 24, 2002, I served the document entitled **[PROPOSED] FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST DEFENDANT ROBERT N. ROOKS** upon the parties to this action addressed as stated on the attached service list:

[X] **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business

[] **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

[] **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

[] **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee.

[] **FEDERAL EXPRESS BY AGREEMENT OF ALL PARTIES:** By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California

[] **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list

[] **FAX (BY AGREEMENT ONLY):** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

[X] **(Federal)** I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made. I declare under penalty of perjury that the foregoing is true and correct

Date: July 24, 2002

Magnolia M. Marcel
MAGNOLIA M. MARCELO

SEC v. ROBERT N. ROOKS, et al.
United States District Court - Central District of California
Case No. EDCV 01-846 VAP (SGLx)
(LA-844)

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