

LOG ORIGINAL

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Rev. of 08/11/98

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FILED
CLERK, U.S. DISTRICT COURT
FEB 18 2000
CENTRAL DISTRICT OF CALIFORNIA
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9 UNITED STATES DISTRICT COURT

10 CENTRAL DISTRICT OF CALIFORNIA

11 WESTERN DIVISION

Priority
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 JS-5/JS-6
 JS-2/JS-3

12 _____ : Case No. CV 97-9150 CAS
13 SECURITIES AND EXCHANGE COMMISSION, : (CTx)

14 Plaintiff :

15 v. :

16 MICROWEST INDUSTRIES, INC., :
17 MICROWEST INCOME FUND, :
18 MICROWEST MICROSYSTEMS, INC., :
19 STEVEN P. HEVELL, :
20 JOSEPH G. OBEY, :
21 ALLAN T. MATZAT, :
22 ELLSWORTH L. BROUILLETTE, :
23 NEAL C. HARPER, :
24 DWIGHT H. STEPHENS, :
25 JIM D. JAMES, :
26 BLAKE T. WARD, :
27 THOMAS J. PERKINS, and :
28 ANTHONY F. MOSS, :

Defendants. :

FINAL JUDGMENT OF
PERMANENT INJUNCTION AND
OTHER RELIEF AGAINST
DEFENDANT JIM D. JAMES

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

Docketed
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 JS - 2 / JS - 3
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ENTERED ON ICMS
FEB 22 2000
CV *ea*

25 Plaintiff Securities and Exchange Commission ("Commission"),
26 having filed and served upon Defendant JIM D. JAMES ("James") a
27 Summons and Complaint in this action and Defendant James having
28 admitted service upon him of the Summons and Complaint in this

FEB 22 2000

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1 action and the jurisdiction of this Court over him and over the
2 subject matter of this action; having been fully advised and
3 informed of his right to a judicial determination of this action;
4 having waived the entry of findings of fact and conclusions of
5 law as provided by Rule 52 of the Federal Rules of Civil
6 Procedure; having consented to the entry of this Final Judgment
7 of Permanent Injunction and Other Relief Against Defendant Jim D.
8 James ("Final Judgment") without admitting or denying any of the
9 allegations in the Complaint, except as specifically set forth in
10 the Consent of Defendant Jim D. James To Entry of Final Judgment
11 of Permanent Injunction and Other Relief ("Consent"); it
12 appearing that no notice of hearing upon the entry of this Final
13 Judgment being necessary; and the Court being fully advised in
14 the premises; and there being no just reason for delay:

15 I.

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant
17 James, and his agents, servants, employees, and attorneys, and
18 all persons in active concert or participation with any of them,
19 who receive actual notice of this Final Judgment by personal
20 service or otherwise, and each of them, are permanently
21 restrained and enjoined from, directly or indirectly:

22 A. making use of any means or instruments of
23 transportation or communication in interstate commerce
24 or of the mails to sell the securities of any issuer,
25 through the use or medium of any prospectus or
26 otherwise, unless and until a registration is in effect
27 as to such securities;

28 B. carrying or causing to be carried through the mails or

1 in interstate commerce, by any means or instruments of
2 transportation, for the purpose of sale or for delivery
3 after sale, the securities of any issuer, unless and
4 until a registration statement is in effect as to such
5 securities; and

6 C. making use of any means or instruments of
7 transportation or communication in interstate commerce
8 or of the mails to offer to sell or offer to buy,
9 through the use or medium of any prospectus or
10 otherwise, the securities of any issuer, unless and
11 until a registration statement has been filed with the
12 Commission as to such securities, or while a
13 registration statement as to such securities is the
14 subject of a refusal order or stop order or (prior to
15 the effective date of the registration statement) any
16 public proceeding or examination under Section 8 of the
17 Securities Act of 1933 [15 U.S.C. § 77h];

18 in violation of Sections 5(a) and 5(c) of the Securities Act of
19 1933 ("Securities Act") [15 U.S.C. §§ 77e(a) & 77e(c)]; provided,
20 however, that nothing in Part I of this Final Judgment shall
21 apply to any security or transaction that is exempt from the
22 provisions of Section 5 of the Securities Act [15 U.S.C. § 77e].

23 II.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
25 James and his agents, servants, employees, and attorneys, and all
26 persons in active concert or participation with any of them, who
27 receive actual notice of this Final Judgment by personal service
28 or otherwise, and each of them, are permanently restrained and

1 enjoined from, directly or indirectly, making use of the mails or
2 any means or instrumentality of interstate commerce to effect any
3 transaction in, or to induce or attempt to induce the purchase or
4 sale of, any security (other than an exempted security or
5 commercial paper, bankers' acceptances, or commercial bills)
6 unless and until becoming registered in accordance with Section
7 15(b) of the Exchange Act [15 U.S.C. § 78o(b)] in violation of
8 Section 15(a)(1) of the Exchange Act [15 U.S.C. § 78o(a)(1)].

9 III.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
11 James pay a civil penalty in the amount of \$5,000 pursuant to
12 Sections 20(d)(1) and 20(d)(2) of the Securities Act [15 U.S.C.
13 §§ 77t(d)(1) and 77t(d)(2)] and Section 21(d)(3) of the Exchange
14 Act [15 U.S.C. § 78u(d)(3)]. This civil money penalty: (1) shall
15 be paid by United States Postal Money Order, Certified Check,
16 bank cashier's check or bank money order; (2) shall be made
17 payable to the United States Treasury; (3) shall be hand-
18 delivered or Mailed to the Comptroller, Securities and Exchange
19 Commission, Operations Center, 6432 General Green Way, Stop 0-3,
20 Alexandria, VA 22312, and (4) shall be submitted under a cover
21 letter that identifies James as a Defendant in these proceedings,
22 and states the file numbers of these proceedings, A copy of this
23 cover letter and money order or shall be sent to Trial Counsel
24 for the Commission at the Pacific Regional Office, Securities and
25 Exchange Commission 5670 Wilshire Boulevard, 11th Floor, Los
26 Angeles, California 90036.

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IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the provisions of the Consent filed concurrently with this Final Judgment are incorporated herein with the same force and effect as if fully set forth herein and that Defendant shall comply with his Consent.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over this action to determine the liability of any remaining defendants in this action, to implement and to enforce the terms of this Final Judgment and all other orders and decrees that may be entered herein, and to grant such other relief as the Court may deem necessary and just.

* * * * *

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 Final Judgment forthwith.

DATED: 2-18-00

Christina A. Snyder
CHRISTINA A. SNYDER, JUDGE
UNITED STATES DISTRICT COURT

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PROOF OF SERVICE

I, the undersigned, declare that I am over the age of 18 years and not a party to the action. I am employed in the County of Los Angeles, State of California, in which county the within-mentioned mailing occurred. My business address is 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036. I am familiar with the practice of the U.S. Securities and Exchange Commission of collecting and processing legal documents and correspondence for mailing. The Commission's practice is to deposit correspondence with the United States Postal Service on the same day that it is prepared for mailing in the ordinary course of business.

On February 16, 2000, I served the following document(s):

**FINAL JUDGMENT OF PERMANENT INJUNCTION AND
OTHER RELIEF AGAINST DEFENDANT JIM D. JAMES**

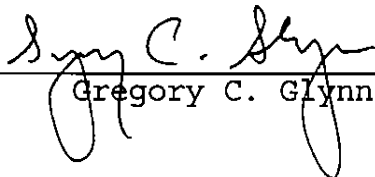
by placing a true and correct copy in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

See Attached
MASTER SERVICE LIST

I then sealed the envelope with postage thereon fully prepaid and deposited it for collection and mailing via the United States Postal Service today in accordance with the ordinary business practices of the Commission at the Commission's address previously set forth.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction this service was made.

Executed on February 16, 2000, at Los Angeles, California.



Gregory C. Glynn

MASTER SERVICE LIST
Securities and Exchange Commission
v.
Microwest Industries, Inc. et al.
United States District Court
Case No. CV 97-9150 (CAS) (CTX)

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MASTER SERVICE LIST
Securities and Exchange Commission
v.
Microwest Industries, Inc. et al.
United States District Court
Case No. CV 97-9150 (CAS) (CTX)

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