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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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18 UNITED STATES DISTRICT COURT
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION

21 SECURITIES AND EXCHANGE COMMISSION,

Case No. C-98-21137-SW/WAI

22 Plaintiff,

FINAL JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AGAINST HANH TRUONG

23 vs.

24 HAHN TRUONG, HIEU TRUONG, HEN
25 TRUONG, NINA VINH, MIKE PIRBAZARI, and
26 CHRISTOPHER NGUYEN,

27 Defendants.
28

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FINAL JUDGMENT

1
2 This proceeding arises from the Complaint for Insider Trading in Violation of the
3 Federal Securities Laws (the "Complaint") filed by the plaintiff Securities and Exchange Commission
4 ("Commission") on November 16, 1998, against defendants Hanh Truong ("Hanh"), Hen Truong
5 ("Hen"), Hieu Truong ("Hieu"), Christopher Nguyen ("Nguyen"), Nina Vinh and Mike Pirbazari
6 for violations of Section 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a),
7 of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and
8 of Exchange Act Rule 10b-5, 17 C.F.R. 240.10b-5 (1997), in connection with sales and short sales of
9 Molecular Dynamics, Inc. ("Molecular") common stock in late March 1994.

10 On April 12, 2000, this Court issued a written order (the "April 12 Order") granting
11 summary judgment in favor of defendants Hieu and Nguyen and granting partial summary judgment
12 in favor of defendants Hanh and Hen with respect to any Molecular trading that occurred before
13 March 22, 1994. In the April 12 Order, the Court also denied summary judgment in favor of Hanh
14 and Hen with respect to Hen's short sale of 15,000 Molecular shares on March 23 and 24, 1994 in
15 his newly opened account at McLaughlin Capital (the "McLaughlin Account Short Sales").

16 The Court has considered the Consent to the Entry of Permanent Injunction and Other
17 Relief ("Consent") of defendant Hanh in which he: admits service upon him of the Summons and
18 Complaint in this action and the jurisdiction of this Court over him and over the subject matter of this
19 action; acknowledges having been fully advised and informed of his right to a judicial determination
20 of the Commission's allegations relating to the McLaughlin Account Short Sales; waives the entry of
21 findings of fact and conclusions of law as provided by Rule 52 of the Federal Rules of Civil
22 Procedure with respect to the McLaughlin Account Short Sales; agrees to neither admit nor deny the
23 allegations in the Complaint relating to the McLaughlin Account Short Sales; voluntarily consents to
24 the entry of this Final Judgment of Permanent Injunction and Other Relief ("Final Judgment"),
25 without admitting or denying the allegations relating to the McLaughlin Account Short Sales except
26 as specifically set forth in the Consent; and waives notice of hearing upon the entry of this Final
27 Judgment. The Court being fully advised and there being no just reason for delay hereby makes final
28 as to defendant Hanh its grant of partial summary judgment as to any Molecular trading before March

1 22, 1994 and denial summary judgment as to the McLaughl Account Short Sales in the April 12
2 Order. The Court furthermore enters as its Final Judgment that:

3 I.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant Hanh, his
5 officers, agents, servants, employees and attorneys, and all persons acting in concert or participation
6 with him, who receive actual notice of this Final Judgment by personal service or otherwise, and
7 each of them, are permanently restrained and enjoined from, directly or indirectly, violating Section
8 17(a) of the Securities Act [15 U.S.C. § 77q(a)] by, in the offer or sale of the securities of any
9 issuer, by the use of any means or instruments of transportation or communication in interstate
10 commerce or by the use of the mails:

11 A. employing any device, scheme or artifice to defraud;

12 B. obtaining money or property by means of any untrue statement of a material
13 fact or any omission to state a material fact necessary in order to make the statements made, in the
14 light of the circumstances under which they were made, not misleading; or

15 C. engaging in any transaction, practice, or course of business which operates or
16 would operate as a fraud or deceit upon the purchaser.

17 II.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Hanh,
19 his officers, agents, servants, employees and attorneys, and all persons acting in concert or
20 participation with him, who receive actual notice of this Final Judgment by personal service or
21 otherwise, and each of them, are permanently restrained and enjoined from, directly or indirectly,
22 violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17
23 C.F.R. § 240.10b-5] by the use of any means or instrumentality of interstate commerce, or of the
24 mails, or of any facility of any national securities exchange:

25 A. employing any device, scheme, or artifice to defraud;

26 B. making any untrue statement of a material fact or omitting to state a material
27 fact necessary in order to make the statements made, in the light of the circumstances under which
28 they were made, not misleading; or

1 C. engaging in any act, practice, or course of business which operates or would
2 operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security.

3 III.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon
5 Hanh's sworn representations in his Statement of Financial Condition dated October 2, 2000 and
6 submitted to the Commission, this Court is not ordering Hanh to pay a civil penalty pursuant to
7 Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. The determination not to assess a
8 civil penalty is contingent upon the accuracy and completeness of Hanh's Statement of Financial
9 Condition. If at any time following the entry of this Final Judgment the Commission obtains
10 information indicating that Hanh's representations to the Commission concerning his assets, income,
11 liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect
12 as of the time such representations were made, the Commission may, at its sole discretion and
13 without prior notice to Hanh, petition this Court for an order modifying this Final Judgment to
14 require Hanh to pay a civil penalty. In connection with any such petition, the only issues shall be
15 whether the financial information provided by Hanh was fraudulent, misleading, inaccurate, or
16 incomplete in any material respect as of the time such representations were made, and the amount of
17 the civil penalty to be imposed. In its petition, the Commission may move this Court to consider all
18 available remedies, including, but not limited to, ordering Hanh to pay funds or assets, directing the
19 surrender of any assets, or sanctions for contempt of this Final Judgment, and the Commission may
20 also require additional discovery. Hanh may not, by way of defense to such petition, challenge the
21 validity of his Consent or this Final Judgment, contest the
22 Commission's allegations with respect to the McLaughlin Account Short Sales, or assert that payment
23 of a civil penalty should not be ordered.

24 IV.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the provisions of
26 the Consent filed concurrently with this Final Judgment are incorporated herein by reference, and that
27 Hanh shall comply with all terms of his Consent.

28 * * *

V.

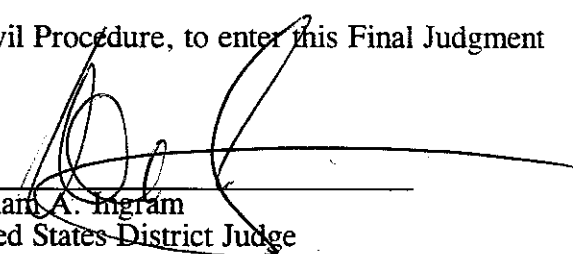
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this action for the purpose of implementing and carrying out the terms of the Consent and Final Judgment and to entertain any suitable application or motion, by the parties, within the jurisdiction of this Court.

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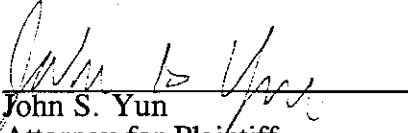
There being no just reason for delay, the Clerk of the Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

DATED: ~~May~~, 2001

Aug 3 01


William A. Ingram
United States District Judge

Presented by:


John S. Yun
Attorney for Plaintiff
Securities and Exchange Commission