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8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 SECURITIES AND EXCHANGE COMMISSION

Case No. C 98 21137 SW

12 Plaintiff,

FINAL JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AGAINST NINA VINH

13 vs.

14 HAHN TRUONG, HIEU TRUONG, HEN
TRUONG, NINA VINH, MIKE PIRBAZARI,
15 and CHRISTOPHER NGUYEN,

16 Defendants.

17
18 Plaintiff Securities and Exchange Commission ("Commission"),
19 having filed and served upon Defendant Nina Vinh ("Vinh") a Summons
20 and Complaint in this action; Vinh having admitted service upon her
21 of the Summons and Complaint in this action and the jurisdiction of
22 this Court over her and over the subject matter of this action;
23 having been fully advised and informed of her right to a judicial
24 determination of this matter; having waived the entry of findings of
25 fact and conclusions of law as provided by Rule 52 of the Federal
26 Rules of Civil Procedure; having consented to the entry of this
27 Final Judgment Of Permanent Injunction And Other Relief Against Nina
28 Vinh ("Final Judgment"), without admitting or denying the

1 | allegations in the Complaint except as specifically set forth in the
2 | Consent Of Nina Vinh To Entry Of Final Judgment Of Permanent
3 | Injunction And Other Relief ("Consent"); no notice of hearing upon
4 | the entry of this Final Judgment being necessary; and this Court
5 | being fully advised:

6 | I.

7 | IT IS ORDERED, ADJUDGED AND DECREED that Vinh and her agents,
8 | servants, employees and attorneys, and all persons in active concert
9 | or participation with any of them, who receive actual notice of this
10 | Final Judgment by personal service or otherwise, and each of them,
11 | are permanently restrained and enjoined from, directly or
12 | indirectly, in the offer or sale of securities, by the use of any
13 | means or instruments of transportation or communication in
14 | interstate commerce or by the use of the mails:

- 15 | A. employing any device, scheme or artifice to defraud;
- 16 | B. obtaining money or property by means of any untrue
17 | statement of a material fact or any omission to state a
18 | material fact necessary in order to make the
19 | statements made, in the light of the circumstances
20 | under which they were made, not misleading; or
- 21 | C. engaging in any transaction, practice or course of
22 | business which operates or would operate as a fraud
23 | or deceit upon the purchaser;

24 | in violation of Section 17(a) of the Securities Act of 1933 [15
25 | U.S.C. § 77q(a)].

26 | II.

27 | IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Vinh and her
28 | agents, servants, employees and attorneys, and all persons in active

1 concert or participation with any of them, who receive actual notice
2 of this Final Judgment by personal service or otherwise, and each of
3 them, are permanently restrained and enjoined from, directly or
4 indirectly, in connection with the purchase or sale of any security,
5 by the use of any means or instrumentality of interstate commerce,
6 or of the mails, or of any facility of any national securities
7 exchange:

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

17 in violation of Section 10(b) of the Securities Exchange Act of 1934
18 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R.
19 § 240.10b-5].

20 **III.**

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Vinh pay
22 disgorgement in the amount of \$15,250.00, plus pre-judgment interest
23 calculated pursuant to 28 U.S.C. § 1961 in the amount of \$3,351.26.
24 Vinh shall pay, by cashier's check, certified check or postal money
25 order, the \$18,601.26 in disgorgement within thirty (30) days of
26 entry of this Final Judgment. This disgorgement payment shall be
27 made payable to the United States Securities and Exchange
28 Commission, and shall be transmitted to the Comptroller, Securities

1 and Exchange Commission, Operations Center, 6432 General Green Way,
2 Stop 0-3, Alexandria, VA 22312, under cover of a letter that
3 identifies the defendant, the name and case number of this
4 litigation, and the court. A copy of each such cover letter shall
5 be simultaneously transmitted to counsel for the Commission in this
6 action at its Los Angeles Office.

7 IV.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Vinh is
9 assessed, and shall pay to the Commission for delivery to the United
10 States Treasury, civil penalties in the amount of \$15,250.00
11 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1].
12 Vinh shall pay the above penalty within thirty (30) days of entry of
13 this Final Judgment. This payment shall be made by cashier's check,
14 certified check or postal money order, payable to the United States
15 Treasury, and shall be transmitted to the Comptroller, Securities
16 and Exchange Commission, Operations Center, 6432 General Green Way,
17 Stop 0-3, Alexandria, VA 22312, under cover of a letter which
18 identifies the defendant, the name and case number of this
19 litigation and the name of the Court. A copy of the cover letter
20 shall be simultaneously transmitted to counsel for the Commission at
21 its Los Angeles office.

22 V.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the provisions
24 of the Consent filed concurrently with this Final Judgment are
25 incorporated by this reference, and that Vinh shall comply with the
26 Consent.

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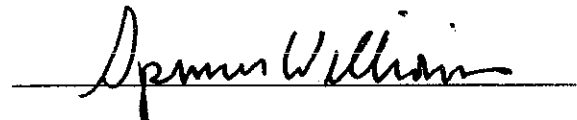
VI.

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

* * * * *

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

DATED: 2/23/99


UNITED STATES DISTRICT JUDGE

SPENCER WILLIAMS