

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, :

v. :

BIO-TECH INDUSTRIES, INC., ET AL., :

Defendants. :

98 Civ. 2298 (GK)

FILED

DEC 14 1999

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

FINAL JUDGMENT AS TO JOEY WRITTER DAVIS

Plaintiff Securities and Exchange Commission ("Commission"), having filed a Complaint, and defendant Joey Davis ("Davis"), in his Consent and Undertakings ("Consent"), filed herewith, having entered a general appearance, having acknowledged receipt of the Complaint, having admitted the jurisdiction of the Court over him and the subject matter of this action, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and, solely for the purpose of this action, without admitting or denying the allegations of the Complaint (except as to personal and subject matter jurisdiction), having consented to the entry of this Final Judgment as to Joey Davis ("Final Judgment"); and it appearing that this Court has jurisdiction over Davis and the subject matter hereof, and the Court being fully advised in the premises, **IT IS HEREBY:**

I.

ORDERED, ADJUDGED AND DECREED that Davis and his agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with them, and

each of them, who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], by:

directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange,

- (1) employing any device, scheme, or artifice to defraud;
- (2) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (3) engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in connection with the purchase or sale of any security.

II.

FURTHER ORDERED, ADJUDGED AND DECREED that Davis pay a civil penalty in the amount of \$25,000 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].

III.

FURTHER ORDERED, ADJUDGED AND DECREED that defendant Davis shall deliver within ten (10) business days of the entry of the Final Judgment a certified check or money order in the amount of \$5,000, representing partial payment of the civil penalty described in paragraph II, above. Defendant Davis shall pay the remaining \$20,000 of the civil penalty, described in paragraph II, above, in six (6) consecutive monthly payments of \$3,333.33. The first monthly installment shall be delivered within (30) days of the entry of the Final Judgment. Each of the remaining five (5) monthly installments shall be made on or before sixty (60), ninety (90), one hundred twenty (120), one hundred fifty (150), and one hundred eighty (180) days, respectively, of the entry of the Final Judgment.

IV.

FURTHER ORDERED, ADJUDGED AND DECREED that the payment of the \$25,000 civil penalty pursuant to paragraphs II and III, above, shall be made by delivering certified checks, cashiers checks, or postal money orders in the required amounts to: The Office of the Comptroller, Securities and Exchange Commission, 450 Fifth Street, NW, Mail-Stop 0-3, Washington, DC 20549-0003. The checks or money orders shall be made payable to the "SECURITIES AND EXCHANGE COMMISSION" and bear on their face the caption "SEC v. BIO-TECH INDUSTRIES, INC." Defendant Davis shall notify the SEC of each payment he makes pursuant to the Final Judgment by sending a copy of each check or money order to: Erich T. Schwartz, Assistant Director, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 7-6, Washington, D.C., 20549-0706. Thereafter the Office of the Comptroller shall distribute those funds to the United States Treasury.

V.

FURTHER ORDERED, ADJUDGED AND DECREED that Davis and his agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment by personal service or otherwise, are permanently enjoined for a period of three years from the date of this Final Judgment from destroying, mutilating, concealing, altering, or disposing of any items, including, but not limited to, any books, records, documents, contracts, agreements, assignments, obligations, tape recordings, computer media or other property, relating to the activities described in the Complaint.

VI.

FURTHER ORDERED, ADJUDGED AND DECREED that Davis shall comply with the annexed Consent which is incorporated herein with the same force as if fully set forth in this Final Judgment.

VII.

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.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Dated: Dec 14, 1999
Washington, D.C.

The Court has a clear recollection of signing this document at an earlier date, but is not sure of the precise date. Unfortunately, and the Court regrets this, the original can not be found.