

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

98 Civ. 2298 (GK)

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

FILED

Defendants.

MAY 10 1999

MAY 10 1999
MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

FINAL JUDGMENT AS TO GREGORY GILBERT

Plaintiff Securities and Exchange Commission ("Commission"), filed this action on September 24, 1998. Defendant Gregory Gilbert ("Gilbert") was served with a summons and complaint on September 30, 1998, and thereafter failed to respond to the complaint. Based on Gilbert's default and the Commission's Application for Entry of Final Judgment by Default as to defendant Gilbert and the supporting documentation, and it appearing that this Court has jurisdiction over Gilbert and the subject matter hereof, and the Court being fully advised in the premises, **IT IS HEREBY:**

I.

ORDERED, ADJUDGED AND DECREED that Gilbert 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)

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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 Gilbert shall be assessed and shall pay a civil penalty in the amount of \$100,000 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 Gilbert shall deliver within twenty (20) business days of the entry of the Final Judgment a cashier's check or certified check in the amount of \$100,000, representing civil penalties pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)], as described in paragraph II, above, to The Office of the Comptroller of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW,

Mail-Stop 0-3, Washington, DC 20549-0003. The check shall be made payable to the "SECURITIES AND EXCHANGE COMMISSION" and bear on its face the caption "SEC v. BIOTECH INDUSTRIES, INC." Defendant Gilbert shall also deliver a photocopy of the check within twenty business days of the entry of the Final Judgment in this action to Erich T. Schwartz, Esq., 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.

IV.

FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over defendant Gilbert in this matter for all purposes, including enforcement and implementation of this Final Judgment.

V.

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.

Charles F. Rossiter
UNITED STATES DISTRICT JUDGE

Dated: May 7, 1999
Washington, D.C.