

Thomas M. Melton (4999)
Attorney for Plaintiff
Securities and Exchange Commission
50 South Main, Suite 500
Salt Lake City, UT 84144
(801) 524-5796

FILED
DISTRICT OF UTAH
NOV 03 PM 2:14
BY:
DEPUTY CLERK

RECEIVED
NOV 17 2003
RECEIVED CLERK
U.S. DISTRICT COURT

CLERK OF JUDGE
J. THOMAS GREENE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

v.

ANTHONY J. MARINO, GREGORY C. JOHNSON,
RICHARD AMES HIGGINS, MOUSA
INTERNATIONAL, AJM GLOBAL, AND
CONSORTIO INTRANACIONAL,

Defendants.

Case No. 2:99CV-0258G

FINAL JUDGMENT OF
PERMANENT INJUNCTION
AND OTHER RELIEF AS TO
GREGORY C. JOHNSON

Plaintiff, the Securities and Exchange Commission ("Commission"), has duly
commenced this action by filing a Complaint for Permanent Injunction and Other Equitable
Relief ("Complaint") in this matter. Defendant Gregory C. Johnson ("Johnson") has admitted
the jurisdiction of this Court over it and the subject matter of this action, has waived a trial on the
merits of the Complaint, has waived the entry of findings of fact and conclusions of law under
Rule 52 of the Federal Rules of Civil Procedure, and without admitting or denying the
allegations of the Complaint except as to the jurisdiction of the Court, has consented in the
Consent annexed hereto and incorporated herein to the entry of this Judgment of Permanent
Injunction ("Judgment") against him, as requested in the Complaint, permanently restraining
and enjoining ("Judgment") against him, as requested in the Complaint, permanently restraining

113

and enjoining him from engaging in acts and practices which constitute and will constitute violations of Sections 5(a), 5(c), and 17(a)(1), (2), or (3) of the Securities Act of 1933, as amended [15 U.S.C. §§ 77e(a), 77e(c), and 77(q)(a)(1), (2), and (3)], or violations of Section 10(b) of the Securities Exchange Act of 1934, as amended [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5]. It appearing that the Court has jurisdiction over the Defendant and the subject matter and being fully advised in the premises and there being no just reason for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant Johnson is permanently restrained from, directly or indirectly, singly or in concert:

- A. making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell the securities of any issuer, through the use or medium of any prospectus or otherwise, unless and until a registration statement is in effect as to such securities;
- B. carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or for delivery after sale, the securities of any issuer, unless and until a registration statement is in effect as to such securities; and
- C. making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use or medium of any prospectus or otherwise, the securities of any issuer, unless and until a registration statement has been filed with the Commission as to such securities, or while a registration statement as to such securities is the subject of a

refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act of 1933, as amended [15 U.S.C. § 77h]; in violation of Sections 5(a) or 5(c) of the Securities Act of 1933, as amended [15 U.S.C. §§ 77e(a) or 77e(c)]; provided, however, that nothing in Part I of this Order shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act [15 U.S.C. § 77e].

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Johnson, is permanently restrained and enjoined from, directly or indirectly, by use of the mails or any means or instrumentality of interstate commerce, in connection with the purchase, offer or sale of securities of any issuer whatsoever, employing any device, scheme or artifice to defraud, making any untrue statement of material fact or omitting to state any material fact necessary in order to make the statement made, in light of the circumstances under which they were made, not misleading, obtaining money or property by means of any untrue statement of material fact or any omission to state any material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, or engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person or other conduct of similar purport and object, in violation of Section 17(a)(1), (2), or (3) of the Securities Act of 1933 [15 U.S.C. § 77q(a)(1), (2), and (3)], or Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Johnson disgorge all monies, if any, he has received in this matter as described in the Commission's Complaint, plus prejudgment interest. Johnson, having submitted to the Commission a Sworn Statement of Financial Condition representing his financial condition, the Court hereby orders that payment of the disgorgement and prejudgment interest ordered in this Judgment is hereby waived, contingent on the truthfulness of the representations in Johnson's Sworn Statement of Financial Condition.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent of Johnson be, and the same hereby is, incorporated herein with the same force and effect as if fully set forth herein.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that this Court shall retain jurisdiction over this action for all other purposes.

VI.

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 Judgment forthwith and without further notice.

DATED this 18<sup>th</sup> day of November, 2003.

J. Edward Green  
U.S. District Judge

AGREED AS TO FORM:

Barry N. Johnson

Barry N. Johnson, Esq.  
Attorney for Gregory C. Johnson

Presented By:

Thomas M. Melton

Thomas M. Melton, Esq.  
SECURITIES AND EXCHANGE COMMISSION

### CONSENT TO ENTRY OF INJUNCTION

Defendant Gregory C. Johnson ("Johnson") having read and understood the terms of the Final Judgment of Permanent Injunction ("Final Judgment") set forth above, appears and admits to the in personam jurisdiction of this Court and to the jurisdiction of the Court over the subject matter of this action, waives a trial on the merits and waives the entry of Findings of Fact and Conclusions of Law pursuant to Rule 52 of the Federal Rules of Civil Procedure and consents, without admitting or denying the allegations contained in the Complaint of plaintiff Securities and Exchange Commission ("Commission"), to the entry, without further notice, of the annexed Final Judgment.

1. Defendant Johnson agrees that this Consent ("Consent") shall be incorporated by reference in and made part of the Final Judgment set forth above to be presented to the Court for signature, filing and entry contemporaneously herewith.
2. Defendant Johnson waives any right he may have to appeal from the Final Judgment set forth above.
3. Defendant Johnson enters into this Consent voluntarily and acknowledges that no tender, offer, promise or threat of any kind has been made by plaintiff Commission or any member, officer, agent or representative thereof, to induce him to enter into this Consent.
4. Johnson acknowledges that he has been informed that the settlement of the instant action is not a bar to any action brought by the Securities and Exchange Commission with respect to the acts and transactions of Johnson not described in the Complaint. Specifically, without limitation, Johnson acknowledges and agrees that settlement of the instant action shall not constitute a bar as to him or any other person to any action arising out of any other pending or future Commission investigation or inquiry unrelated to the acts and transactions described in

the Complaint. Johnson also understands that plaintiff and its attorneys and agents has not made and cannot make representations as to other actions, if any, which may be taken by other agencies or departments of the United States government against him based on the facts alleged in the Complaint.

5. Defendant Johnson acknowledges that a willful violation of any of the terms or provisions of the Final Judgment set forth above may place him in contempt of this Court and subject him to civil or criminal sanctions.

6. Defendant Johnson further consents that this Court shall retain jurisdiction over this matter for all purposes.

7. Defendant Johnson further acknowledges that this Consent embodies the entire understanding of the parties.

8. Defendant Johnson hereby consents and agrees that the Final Judgment set forth above may be presented by the Commission to the Court for signature and entry.

9. If the Commission obtains information from any source that his sworn Statement of Financial Condition was inaccurate or incomplete in any material respect as of the date it was provided, Johnson acknowledges and consents that the Commission may, at any time following entry of this Judgment, petition the Court for a hearing to reconsider his inability to disgorge funds or the imposition of a penalty. In connection with any such petition, Johnson will not contest the allegations set forth in the Complaint dated April 20, 1999, or the imposition of penalties or disgorgement, and the Court may consider all available remedies, including but not limited to, determining the appropriate amount of disgorgement, ordering the defendant to disgorge funds or assets, the imposition of penalties or sanctions for contempt of this Court's Judgment. Notwithstanding the foregoing, Johnson shall have the right to present evidence

regarding his ability to pay amounts of either disgorgement or penalties and evidence regarding the amount of such disgorgement or penalties.

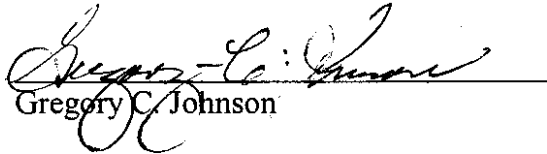
10. Defendant Johnson agrees to execute an "Affidavit of Receipt of Final Judgment" acknowledging notice of entry, service and receipt of a copy of the Final Judgment following entry by the Clerk of the Court. Such affidavit will be executed and furnished to counsel for plaintiff within twenty-one days of the entry of the Final Judgment by the Clerk.

11. Johnson understands and agrees to comply with the Commission's policy "not to permit a defendant or respondent to consent to a judgment or order that imposes a sanction while denying the allegations in the complaint or order for proceedings" (17 C.F.R. §202.5(e)). In compliance with this policy, Johnson agrees: (i) not to take any action or to make or permit to be made any public statement denying, directly or indirectly, any allegation in the Complaint or creating the impression that the Complaint is without factual basis; and (ii) that upon the filing of this Consent, Johnson hereby withdraws any papers filed in this action to the extent that they deny any allegation in the Complaint. If Johnson breaches this agreement, the Commission may



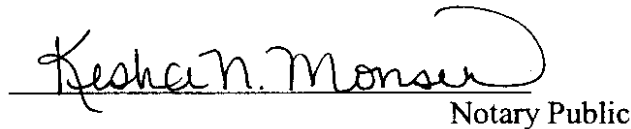
petition the Court to vacate the Final Judgment and restore this case to its active docket. Nothing in this provision affects Johnson's testimonial obligations or right to take legal positions in litigation in which the Commission is not a party.

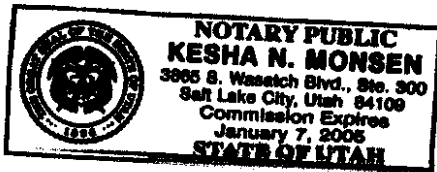
Dated: 7/28, 2001

  
Gregory C. Johnson

STATE OF )  
COUNTY OF )

On this 28<sup>th</sup> day of July, 2001, before me personally appeared Gregory C. Johnson to me known to be the person who executed the foregoing Consent.

  
Notary Public



United States District Court  
for the  
District of Utah  
November 21, 2003

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:99-cv-00258

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. John P Harrington, Esq.  
HOLLAND & HART  
60 E SOUTH TEMPLE STE 2000  
SALT LAKE CITY, UT 84111-1031  
EMAIL

Mr. Francis M Wikstrom, Esq.  
PARSONS BEHLE & LATIMER  
201 S MAIN ST STE 1800  
PO BOX 45898  
SALT LAKE CITY, UT 84145-0898  
EMAIL

Barry N. Johnson, Esq.  
BENNETT TUELLER JOHNSON & DEERE LLC  
3865 S WASATCH BLVD STE 300  
SALT LAKE CITY, UT 84109  
JFAX 9,2781541

Mr. Michael W Homer, Esq.  
SUITTER AXLAND  
PO BOX 45101  
175 S WEST TEMPLE #700  
SALT LAKE CITY, UT 84145-1480  
EMAIL

Mr. Max D Wheeler, Esq.  
SNOW CHRISTENSEN & MARTINEAU  
10 EXCHANGE PLACE  
PO BOX 45000  
SALT LAKE CITY, UT 84145-5000  
EMAIL

Mr. Thomas M Melton, Esq.  
SECURITIES AND EXCHANGE COMMISSION  
50 S MAIN STE 500  
SALT LAKE CITY, UT 84144-0402  
EMAIL