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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF UTAH

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SEP 14 2000

U.S. DISTRICT COURT

OFFICE OF JUDGE
J. THOMAS GREENE
SECURITIES AND EXCHANGE COMMISSION,

DISTRICT OF UTAH

BY: [Signature]
CLERK

Civil Action No
2:99 CV 0258G

Plaintiff,

v.

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

**ORDER
GRANTING
MOTION FOR
SUMMARY JUDGMENT
AND JUDGMENT
OF PERMANENT
INJUNCTION AND
OTHER RELIEF**

Defendants.

This matter came on for hearing on the Motion of the plaintiff Securities and Exchange Commission ("Commission") for summary judgment on August 18, 2000. Appearing on behalf of the Commission was Thomas M. Melton. Appearing specially on behalf the Defendant Anthony J. Marino ("Marino") was Max Wheeler. No appearances were entered on behalf of the defendants Mousa International ("Mousa"), AJM Global ("AJM") and Consortio Intranacional ("Consortio"). The Court, had previously issued an asset freeze, preliminary injunction against the defendants Marino, Mousa International, AJM and Consortio. The Court had also issued a bench warrant for the arrest of Marino, which warrant remains outstanding.

The Court, having examined the pleadings and attached documents filed by the Commission and Marino, and after hearing oral arguments, and the Court being fully advised in the premises, the Court finds that Judgment of Permanent Injunction and other relief should issue.

Entered on docket
10/10/00 by:
[Signature]
Deputy Clerk

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In support of the entry of a Judgment of Permanent Injunction and Other Relief, the Court makes the following findings:

1. This Court has jurisdiction over the subject matter of this action and over Defendants Marino, Mousa, AJM and Consortio.
2. The defendants Marino, Mousa, AJM and Consortio have engaged in the offer and sale of securities in the form of investments contracts for trading programs in various “prime bank instruments.” These defendants have used the mails and interstate commerce in connection with the offer and sale of these securities.
3. Commencing in or about 1995, Marino began to offer and sell interests in prime bank instruments. Marino, through various corporate entities, obtained money from investors by representing to them that they would receive between 16 and 20 percent return per month.
4. Marino made false representations regarding the investments contracts. Marino falsely represented that the prime bank instruments existed and that the investor funds would be used as leverage to purchase discounted instruments from the world’s top banks and then be resold at a smaller discount.
5. Marino was convicted of one count of conspiracy to commit securities fraud in the State of Nevada on November 13, 1998.
6. Marino was ordered to cease and desist from the fraudulent sale of securities by the State of New Mexico on or about May 21, 1998.

7. Marino did not disclose to investors that he had been convicted of conspiracy to commit securities fraud or that he had been ordered to cease and desist from the fraudulent sale of securities by the State of New Mexico.
8. Marino acted knowingly and with scienter in making false statements to investors. Marino's representations to investors were made after he had been ordered to cease and desist from similar activity by the State of New Mexico. There is substantial and readily available information from the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, the Office of the Comptroller of the Currency and the Office of Thrift Supervision which alerted to the investing public to the existence of scheme to defraud using non-existent "prime bank" type financial instruments. In addition the Securities and Exchange Commission issued a press release regarding the non-existence of "prime bank" instruments.
9. The staff of the Securities and Exchange Commission deposed Marino in San Jose, Costa Rica, on February 9, 2000. Notice of that deposition was given to all parties. Marino was represented at the deposition by two Costa Rican attorneys. No motion to suppress or quash the deposition or the testimony given at the deposition had been filed as of the date of the hearing on the Commission's Motion for Summary Judgment.
10. Marino obtained at least \$28 million from investors.

11. There is sufficient evidence to demonstrate that the Commission has made a proper showing that Marino is likely to violate the federal securities laws in the future, unless permanently enjoined from doing so. Marino has obtained large sums of money through the fraudulent sale of unregistered securities, knowingly made false statements to investors to induce them to invest funds with him, and has not demonstrated any recognition of his wrongful conduct.
12. On May 10, 2000, the Court held Marino in civil contempt for failure to comply with the terms of the Court's Orders entered in this action. Marino has not taken the steps necessary to purge himself of the contempt.

I.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that defendants Anthony J. Marino, Mousa International, AJM Global, and Consortio Intranacional, their agents, servants, employees and those persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from, directly or indirectly,

- 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 defendants Anthony J. Marino, Mousa International, AJM Global, and Consortio Intranacional, their agents, servants, employees and those persons in active concert or participation with him, who receive actual notice of this Order by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from, directly or indirectly, in the offer or sale of any security, by the use of the means or instruments of transportation or communication in interstate commerce or by the

use of the mails, employing devices, schemes or artifices to defraud; obtaining money or property by means of untrue statements of material facts or omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or engaging in transactions, practices or courses of business which operate or would operate as a fraud or deceit upon purchasers or prospective purchasers of any security, in violation of Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)].

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendants Anthony J. Marino, Mousa International, AJM Global, and Consortio Intranacional, their agents, servants, employees and those persons in active concert or participation with him, who receive actual notice of this Order by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from, directly or indirectly, as principals or aiders and abettors, in connection with the purchase or sale of any security, by the use of the means or instrumentalities of interstate commerce or of the mails, employing devices, schemes or artifices to defraud; making untrue statements of material facts or omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading; or engaging in acts, practices or courses of business which operated or will operate as a fraud or deceit upon purchasers or sellers or prospective purchasers or sellers of any security, in violation of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 CFR § 240.10b-5] promulgated thereunder.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants Anthony J. Marino, Mousa International, AJM Global, and Consortio Intranacional disgorge the sum of twenty eight million dollars, representing the ill-gotten gains he has received in this matter as described in the Commission's Complaint, plus prejudgment interest in the amount of \$3,480,098.33 for a total of \$31,480,098.33. The defendants shall, within 90 days of the entry of this Order and Judgment, pay the full amount of disgorgement and prejudgment interest thereon, totaling \$31,480,098.33 to the registry of this Court. Such payment shall be: (A) made by United States postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the United States District Court, District of Utah; and (C) submitted under cover letter that identifies the defendants in this civil action, and the docket number hereof, a copy of which cover letter and money order or check shall be sent to all parties in this action.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order and Judgment shall be stayed for a period of 30 days from the date hereof. At any time within the 30 days, an authorized representative of the defendant Anthony J. Marino, which representative shall be a duly admitted member of the bar of this Court, may petition this Court for reconsideration of the Commission's Motion for Summary Judgment. If no Motion for Reconsideration ^{is filed,} this Order and Judgment shall be ^{in full force and effect} ~~entered~~ without further action at the expiration of the 30-day period.

JTG
10/6/00

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Order and Judgment shall terminate the Order Freezing Assets entered by this Court on April 20, 1999 and April 29, 1999, which termination shall occur upon the entry of this Order and Judgment. The amount of \$100,000 which is currently held by the Court shall remain in the registry of the Court as payment against the disgorgement amount set forth in paragraph IV hereof; pending a further Motion by the Commission proposing a distribution of the funds held in the registry of the Court.

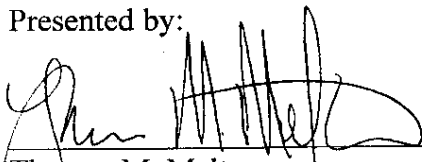
VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that this Court shall retain jurisdiction over this action for the purposes of implementing and carrying out the terms of all orders and decrees which may be entered herein and to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

DATED this 6th day of October ~~September~~ 2000.


UNITED STATES DISTRICT COURT JUDGE

Presented by:


Thomas M. Melton
Attorney for Plaintiff
Securities and Exchange Commission
50 South Main, Suite 500
Salt Lake City, UT 84144

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United States District Court
for the
District of Utah
October 10, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:99-cv-00258

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

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