

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

v.

MICHAEL A. MOONEY,

Defendant.

CIVIL ACTION
FILE No. 99-1185
JMR/FLN

FINAL JUDGMENT AS TO DEFENDANT MICHAEL A. MOONEY

This cause coming to be heard on Plaintiff Securities and Exchange Commission's ("Commission") Motion for Summary Judgment Against Defendant Michael A. Mooney ("Mooney") (docket #55), as modified by Plaintiff's Motion For a Ruling On Its Motion For Summary Judgment Seeking the Imposition Of a Permanent Injunction Against Defendant Michael A. Mooney And The Dismissal of Plaintiff's Claims For Disgorgement, Prejudgment Interest and a Civil Penalty (docket #67); the Court having considered the papers filed by the parties and the evidence submitted in support thereof; the Court, being fully advised in the premises:

I.

GRANTS Plaintiff's Motion for Summary Judgment;

II.

ORDERS that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit 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
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

III.

FURTHER ORDERS that the Commission's claims for disgorgement, prejudgment interest and a civil penalty are dismissed with prejudice; and

IV.

FURTHER ORDERS that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

Dated: June 15, 2010

s/James M. Rosenbaum
JAMES M. ROSENBAUM
UNITED STATES DISTRICT JUDGE