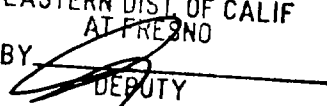


FILED

2003 FEB 10 P 3:17

CLERK, US DIST. COURT
EASTERN DIST. OF CALIF
AT FRESNO
BY:  DEPUTY

1 Carleasa A. Coates
2 Noel A. Gittens
3 Securities and Exchange Commission
4 450 Fifth Street, N.W.
5 Washington, D.C. 20549
6 Telephone: (202) 942-4514 (Coates)

7 LOCAL COUNSEL:
8 PAUL L. SEAVE
9 UNITED STATES ATTORNEY
10 E. ROBERT WRIGHT
11 ASSISTANT UNITED STATES ATTORNEY
12 3654 Federal Building
13 1130 "O" Street
14 Fresno, California 93721
15 Tel.: (559) 498-7272 (Wright)

CLOSED

DATE: 2.11.03

LODGED

FEB 7 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY:  DEPUTY CLERK
**UNITED STATES DISTRICT COURT
THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff

v.

**Civil Action No.
CV-F-99-6073 REC DLB**

**ALLIANCE INDUSTRIES,
PETER H. NORMAN, and
DONALD A. BAILLARGEON,**

Defendant

FINAL JUDGMENT AS TO DEFENDANT PETER H. NORMAN

The Securities and Exchange Commission ("Commission") having filed a Complaint and Defendant Peter H. Norman ("Defendant") having entered a general appearance; consented to the Court's jurisdiction over him and the subject matter of this action; consented to entry of this Final



1 Judgment without admitting or denying the allegations of the Complaint (except as to
2 jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from
3 this Final Judgment:
4

5 I.

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant,
7 Defendant's agents, servants, employees, attorneys, assigns, and all persons in active concert or
8 participation with them who receive actual notice of this Final Judgment by personal service or
9 otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section
10 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. § 78j(b)] and
11 Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5], by using any means or
12 instrumentality of interstate commerce, or of the mails, or of any facility of any national securities
13 exchange:
14

- 15 (a) to employ any device, scheme, or artifice to defraud;
16 (b) to make any untrue statement of a material fact or to omit to state a material fact
17 necessary in order to make the statements made, in the light of the circumstances
18 under which they were made, not misleading; or
19 (c) to engage in any act, practice, or course of business which operates or would
20 operate as a fraud or deceit upon any person,
21

22 in connection with the purchase or sale of any security.

23 II.

24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant,
25 Defendant's agents, servants, employees, attorneys, assigns, and all persons in active concert or
26 participation with them who receive actual notice of this Final Judgment by personal service or
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1 otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities
2 Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)] in the offer of any security by the use of
3 any means or instruments of transportation or communication interstate commerce or by use of
4 the mails, directly or indirectly:
5

6 (a) to employ any device, scheme, or artifice to defraud;

7 (b) to obtain money or property by means of any untrue statement of a material fact
8 or any omission of a material fact necessary in order to make the statements
9 made, in light of the circumstances under which they were made, not misleading;
10 or
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12 (c) to engage in any transaction, practice, or course of business which operates or
13 would operate as a fraud or deceit upon the purchaser.

14 III.

15 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant,
16 Defendant's agents, servants, employees, attorneys, assigns, and all persons in active concert or
17 participation with them who receive actual notice of this Final Judgment by personal service or
18 otherwise are permanently restrained and enjoined from violating Section 5 of the Securities Act
19 [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:
20

21 (a) Unless a registration statement is in effect as to a security, making use of any
22 means or instruments of transportation or communication in interstate commerce
23 or of the mails to sell such security through the use or medium of any prospectus
24 or otherwise;

25 (b) Unless a registration statement is in effect as to a security, carrying or causing to
26 be carried through the mails or in interstate commerce, by any means or
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1 instruments of transportation, any such security for the purpose of sale or for
2 delivery after sale; or

3 (c) Making use of any means or instruments of transportation or communication in
4 interstate commerce or of the mails to offer to sell or offer to buy through the use
5 or medium of any prospectus or otherwise any security, unless a registration
6 statement has been filed with the Commission as to such security, or while the
7 registration statement is the subject of a refusal order or stop order or (prior to the
8 effective date of the registration statement) any public proceeding of examination
9 under Section 8 of the Securities Act [15 U.S.C. § 77h].
10

11
12 IV.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a
14 civil penalty in the amount of \$110,000 pursuant to Section 20(d)(2) of the Securities Act [15
15 U.S.C. § 77t(d)(2)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. The
16 Commission may enforce the Court's judgment for the civil penalty through any and all collection
17 procedures authorized by law at any time after ten days following entry of the judgment.
18

19 V.

20 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
21 is liable for disgorgement of \$1,372,572.01, representing profits gained as a result of the conduct
22 alleged in the Complaint, together with prejudgment interest thereon in the amount of
23 \$754,088.81, and the civil penalty of \$110,000 ordered in Section IV. above, for a total of
24 \$2,235,660.82. The Commission may enforce the Court's judgment for disgorgement and
25 prejudgment interest by moving for civil contempt (and/or through other collection procedures
26 authorized by law) at any time after ten days following entry of the judgment. In response to any
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1 such civil contempt motion by the Commission, the defendant may assert any legally permissible
2 defense, including a demonstration that compliance with the Court's order is impossible as a
3 consequence of the defendant's financial condition and that such condition was not self-created as
4 a means of avoiding compliance with the Court's order. The Commission may take discovery
5 concerning Defendant Norman's financial condition at any time if the defendant fails to make all
6 payments required by this Final Judgment, including post-judgment interest. Defendant Norman
7 shall make all payments required by this Final Judgment to the registry of this Court by bank
8 cashier's check, certified check, or United States postal money order payable to the order of
9 "Clerk, United States District Court, E.D.CA." Payment shall be accompanied by a cover letter
10 identifying Peter H. Norman as a defendant in this action; setting forth the title and civil action
11 number of this action and the name of this Court; the Commission's internal file number (HO-
12 3226). Defendant shall simultaneously transmit photocopies of such payment and letter to the
13 SEC's counsel in this action. At such time as such funds are paid to the court, Defendant Norman
14 relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds
15 shall be returned to Defendant. The Clerk shall deposit the funds into an interest bearing account
16 with the Court Registry Investment System ("CRIS"). These funds, together with any interest
17 and income earned thereon (collectively, the "Fund"), shall be held by the CRIS until further order
18 of the Court. In accordance with the guidelines set by the Director of the Administrative Office of
19 the United States Courts, the Clerk is directed, without further order of this Court, to deduct
20 from the income earned on the money in the Fund a fee equal to ten percent of the income earned
21 on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United
22 States. The Commission may by motion propose a plan to distribute the Fund subject to the
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1 Court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair
2 Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.

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4 VI.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall be
6 permanently barred from serving as an officer or director of any issuer having a class of securities
7 registered with the Commission pursuant to Section 12 of the Exchange Act [15 U.S.C. § 781],
8 any issuer required to file reports with the Commission pursuant to Section 15(d) of the Exchange
9 Act [15 U.S.C. § 78o(d)], or any issuer which has issued any security quoted on any inter-dealer
10 quotation system.

11
12 VII.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent is
14 incorporated herein with the same force and effect as if fully set forth herein, and that Defendant
15 shall comply with all of the undertakings and agreements set forth therein.

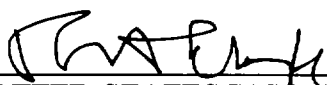
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17 VIII.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain
19 jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.
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IX.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment forthwith and without further notice.

Dated: Feb 7, 2003


UNITED STATES DISTRICT JUDGE

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United States District Court
for the
Eastern District of California
February 11, 2003

* * CERTIFICATE OF SERVICE * *
Entry on Civil Docket

1:99-cv-06073

US Securities

v.

Alliance Industries

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

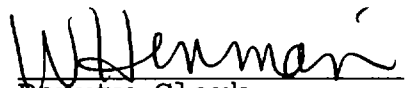
That on February 11, 2003, I SERVED and ENTERED on the civil docket a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the office of the Clerk, or, pursuant to prior authorization by counsel, via facsimile.

REC DLB

Carlessa A Coates
450 Fifth Street N W
Mail Stop 0808
Washington, DC 20549

Kirk Edward Sherriff
United States Attorney's Office
1130 O Street
Room 3654
Fresno, CA 93721

Jack L. Wagner, Clerk

BY: 
Deputy Clerk