

1 SANDRA J. HARRIS, Cal. Bar # 134153
JAMES A. HOWELL, Cal. Bar # 92721
2 KELLY BOWERS, Cal. Bar # 164007
MARTIN J. MURPHY, Cal. Bar # 130693
3 E. DAVID HWA, Cal. Bar # 131857
4 Attorneys for Plaintiff
Securities and Exchange Commission
5 Valerie Caproni, Regional Director
5670 Wilshire Boulevard, 11th Floor
6 Los Angeles, California 90036-3648
Telephone: (323) 965-3998
7 Facsimile: (323) 965-3908

Send
No JS-6
FILED
CLERK, U.S. DISTRICT COURT

SEP 13 1999

CENTRAL DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT

9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

ENTERED
CLERK, U.S. DISTRICT COURT
SEP 14 1999
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

10
11 SECURITIES AND EXCHANGE COMMISSION,

Case No. CV 99-06351 RSWL (VAPx)

12 Plaintiff,

FINAL JUDGMENT OF PERMANENT
INJUNCTION AND OTHER RELIEF
AGAINST DAVID D. TSANG

13 vs.

14 DAVID D. TSANG,
MAGGIE I. HSIN YU ZAHN and
15 ROBERT D. TSANG,

✓ DOCKETED
... MLD COPY PTYS
... MLD NOTICE PTYS

16 Defendants.

ENTERED ON ICMS
SEP 14 1999
CV

17
18
19 Plaintiff Securities and Exchange Commission ("Commission"), having
20 filed and served upon Defendant David D. Tsang ("Tsang") a Summons
21 and Complaint in this action; Tsang having admitted service upon him
22 of the Summons and Complaint in this action and the jurisdiction of
23 this Court over him and over the subject matter of this action;
24 having been fully advised and informed of his right to a judicial
25 determination of this matter; having waived the entry of findings of
26 fact and conclusions of law as provided by Rule 52 of the Federal
27 Rules of Civil Procedure; having consented to the entry of this
28 Final Judgment Of Permanent Injunction And Other Relief Against

SEP 14 1999

7

1 David D. Tsang ("Final Judgment"), without admitting or denying the
2 allegations in the Complaint except as specifically set forth in the
3 Consent Of David D. Tsang To Entry Of Final Judgment Of Permanent
4 Injunction And Other Relief ("Consent"); no notice of hearing upon
5 the entry of this Final Judgment being necessary; and this Court
6 being fully advised:

7 I.

8 IT IS ORDERED, ADJUDGED AND DECREED that Tsang and his agents,
9 servants, employees and attorneys, and all persons in active concert
10 or participation with any of them, who receive actual notice of this
11 Final Judgment by personal service or otherwise, and each of them,
12 are permanently restrained and enjoined from, directly or
13 indirectly, in connection with the purchase or sale of any security,
14 by the use of any means or instrumentality of interstate commerce,
15 or of the mails, or of any facility of any national securities
16 exchange:

- 17 A. employing any device, scheme, or artifice to defraud;
- 18 B. making any untrue statement of a material fact or
19 omitting to state a material fact necessary in order to
20 make the statements made, in the light of the
21 circumstances under which they were made, not misleading;
22 or
- 23 C. engaging in any act, practice, or course of business
24 which operates or would operate as a fraud or deceit upon
25 any person;
- 26 in violation of Section 10(b) of the Securities Exchange Act of 1934
27 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R.
28 § 240.10b-5].

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Tsang, jointly and severally with defendants Maggie I-Hsin Yu Zahn and Robert D. Tsang, pay disgorgement in the amount of \$283,000.00, plus pre-judgment interest calculated pursuant to 28 U.S.C. § 1961 in the amount of \$54,156.78. The \$337,156.78 in disgorgement shall be paid, by cashier's check, certified check or postal money order, within sixty (60) days of entry of this Final Judgment. This disgorgement payment shall be made payable to the United States Securities and Exchange Commission, and shall be transmitted to the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Stop 0-3, Alexandria, VA 22312, under cover of a letter that identifies the defendant, the name and case number of this litigation, and the court. A copy of each such cover letter shall be simultaneously transmitted to counsel for the Commission in this action at its Los Angeles Office.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Tsang is assessed, jointly and severally with defendants Maggie I-Hsin Yu Zahn and Robert D. Tsang, and shall pay to the Commission for delivery to the United States Treasury, civil penalties in the amount of \$283,000.00 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Tsang, jointly and severally with defendants Maggie I-Hsin Yu Zahn and Robert D. Tsang, shall pay the above penalty within sixty (60) days of entry of this Final Judgment. This payment shall be made by cashier's check, certified check or postal money order, payable to the United States Treasury, and shall be transmitted to the Comptroller, Securities and Exchange

1 Commission, Operations Center, 6432 General Green Way, Stop 0-3,
2 Alexandria, VA 22312, under cover of a letter which identifies the
3 defendant, the name and case number of this litigation and the name
4 of the Court. A copy of the cover letter shall be simultaneously
5 transmitted to counsel for the Commission at its Los Angeles office.

6 IV.

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the provisions
8 of the Consent filed concurrently with this Final Judgment are
9 incorporated by this reference, and that Tsang shall comply with the
10 Consent.

11 V.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court
13 shall retain jurisdiction over this action for all purposes,
14 including to determine the liability of any remaining defendants in
15 this action, to implement and enforce the terms of this Final
16 Judgment and other orders and decrees which may be entered, and to
17 grant such other relief as this Court may deem necessary and just.

18
19 DATED: SEP 13 1999

RONALD S W LEW
HONORABLE RONALD S. W. LEW
UNITED STATES DISTRICT JUDGE

20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California, United States of America. I am over the age of 18 and not a party to the within action. My business address is 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036.

On September 3, 1999, I served on the following interested parties at their last known address in this action the foregoing document described as:

(1) CONSENT OF DAVID D. TSANG TO ENTRY OF FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF; (2) CONSENT OF MAGGIE I-HSIN YU ZAHN TO FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF; (3) CONSENT OF ROBERT D. TSANG TO ENTRY OF FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST ROBERT D. TSANG; (4) FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST ROBERT D. TSANG; (5) FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST MAGGIE I-HSIN YU ZAHN; and (6) FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST ROBERT D. TSANG by placing a true and correct copy thereof in a sealed envelope with postage

*
*
*

1 thereon fully prepaid in the United States mail at Los Angeles,
2 California, addressed as set forth below.

3 David D. Tsang
4 Robert C. Friese, Esq.
5 Shartsis, Friese & Ginsburg LLP
6 One Maritime Plaza, 18th Floor
7 San Francisco, CA 94111

8 Maggie I. Hsin Yu Zahn
9 Robert D. Tsang
10 Irving M. Einhorn, Esq.
11 11900 Olympic Boulevard, Suite 510
12 Los Angeles, CA 90064-1151

13 I declare under penalty of perjury under the laws of the
14 United States of America that the foregoing is true and correct.
15 Executed on September 3, 1999 at Los Angeles, California.

16
17
18
19
20
21
22
23
24
25
26
27
28

Marylee Burton
Legal Technician