

FILED  
JUN 07 1999

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

SECURITIES AND EXCHANGE COMMISSION, )  
 )  
 **Plaintiff,** )  
 )  
 vs. )  
 )  
 Mitchell Cairo, )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

CASE NO. 99-6698-WPD

**FINAL JUDGMENT OF  
PERMANENT  
INJUNCTION  
AND OTHER RELIEF**

Plaintiff Securities and Exchange Commission ("Commission"), having filed its Complaint herein; defendant Mitchell Cairo ("Cairo") having admitted the in personam jurisdiction of this Court over him and the jurisdiction of this Court over the subject matter of the action; plaintiff Commission and defendant having waived entry of findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure and having agreed to the entry of this Final Judgment of Permanent Injunction ("Final Judgment"), without trial, argument, or adjudication of any issue of law or fact; it appearing that this Court has jurisdiction over the parties and the subject matter hereof; and the Court being fully advised in the premises:

**I.**

**PERMANENT INJUNCTIVE RELIEF –**

**SECTION 10(b) OF THE EXCHANGE ACT AND RULE 10b-5 THEREUNDER**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that defendant Cairo, his agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with

him who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, whether as principals or as aiders and abettors, in connection with the purchase or sale of any security by the use of any means or instrumentality of interstate commerce or of the mails or any facility of any national securities exchange be and hereby are permanently enjoined from, directly or indirectly:

1. employing any device, scheme, or artifice to defraud;
2. making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
3. engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person,

in violation of Section 10(b) of the Exchange Act [15 U.S.C. 78j(b)] and Rule 10b-5 [17 C.F.R. 240.10b-5] thereunder.

## **II.**

### **DISGORGEMENT**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the defendant Cairo shall pay within ten days of entry of this Final Judgment disgorgement of \$105,982, plus prejudgment interest thereon, calculated from January 1, 1997 through January 30, 1999, in the amount of \$14,248.

The amount to be disgorged and the prejudgment interest on that amount shall be paid into the United States Treasury.

**III.**

**PENALTIES**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, in addition to the relief ordered in paragraph II of this Final Judgment, the defendant Cairo shall pay within ten days of entry of this Final Judgment to the United States Treasury a civil penalty under Section 21A of the Exchange Act [15 U.S.C. 78u-1] in amount of \$105,982.

**IV.**

**PAYMENT INSTRUCTIONS**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, payment of disgorgement, prejudgment interest thereon, and civil penalty shall be: (1) made by United States postal money order, certified check, bank cashier's check, or bank money order; (2) made payable to the Securities and Exchange Commission; (3) transmitted to the Comptroller, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549; and (4) submitted under cover letter that specifies the defendant in this proceeding, and the Commission's case number (A-1565), a copy of which cover letter and money order or check shall be sent to Jennifer Byrne, Esq., Senior Counsel, Securities and Exchange Commission, Southeast Regional Office, 1401 Brickell Avenue, Suite 200, Miami, Florida 33131.

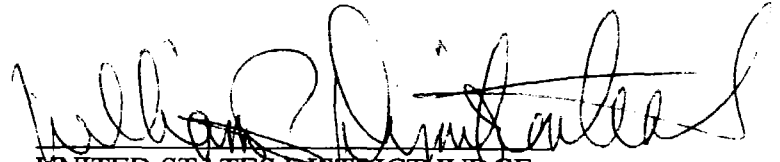
**V.**

**RETENTION OF JURISDICTION**

**IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED** that this Court shall retain jurisdiction over this matter and over defendant Cairo in order to implement and carry out

the terms of all Orders and Decrees that may be entered and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances *For statistical purposes, however, the clerk may close this case.*

Dated this 7 day of June, 1999.

  
UNITED STATES DISTRICT JUDGE

Copies to:

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