

ORIGINAL

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ENT-JS6  
FILED  
CLERK, U.S. DISTRICT COURT  
OCT 30 2000  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
BY *M. B...*

ENTERED  
CLERK, U.S. DISTRICT COURT  
NOV - 1 2000  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
BY *[Signature]*

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13 WESTERN DIVISION

Civil Action No. 99-11280  
(CAS) (AJWx)

14 SECURITIES AND EXCHANGE COMMISSION, :  
15 :  
16 Plaintiff, :  
17 v. :  
18 YES ENTERTAINMENT, LLC, YES :  
19 ENTERTAINMENT NETWORK, LLC, YES :  
20 ENTERTAINMENT NETWORK, INC., :  
21 RONALD T. MULHALL, and EUGENE M. :  
22 CARRIERE a/k/a Gene Carrier :  
23 Defendants. :

24 ~~PROPOSED~~ REVISED  
25 FINAL JUDGMENT OF  
26 PERMANENT INJUNCTION  
27 AND OTHER RELIEF  
28 AGAINST ALL DEFENDANTS  
JUDGMENT BASED UPON  
DEFAULT  
Date: Oct. 30, 2000  
Time: 1:30 p.m.  
Place: Courtroom of  
Judge Snyder

✓ Docketed  
✓ Copies / :  
✓ JS - 5 JS  
✓ JS - 2 / JS  
✓ CLSD

CV  
ENTERED ON ICMS  
NOV - 1 2000  
*[Signature]*

21 On January 20, 2000 the Clerk entered the Default of  
22 Defendants Yes Entertainment, LLC, Yes Entertainment Network,  
23 LLC, and Yes Entertainment Network, Inc. (jointly "Yes  
24 Entertainment" or "Yes Entities"). On May 16, 2000, the Clerk  
25 entered a Default against Defendant Eugene M. Carriere aka Gene  
26 Carrier ("Carriere"). On September 29, 2000, this Court adopted  
27 the Report and Recommendation of Magistrate Wistrich and entered  
28 a Judgment of Default against Defendant Ronald T. Mulhall ("Mulhall").

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2000 OCT 23 PM 2:09  
CLERK, U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY

1 The Plaintiff Commission has moved for Entry of Judgment by  
2 Default against all Defendants with supporting papers showing  
3 service of the Summons and Complaint upon all Defendants and  
4 failure of the Yes Entities and Defendant Carriere to Answer or  
5 otherwise respond to the Complaint. A Default has been entered  
6 against Defendant Mulhall for failure to provide discovery to  
7 Plaintiff.

8 The Court being fully advised in the premises; and there  
9 being no just reason for delay now enters Judgment by Default  
10 against all the Defendants

11 NOW THEREFORE,

12 I.

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants  
14 Yes Entities, Carriere and Mulhall and their agents, servants,  
15 employees, and attorneys, and all persons acting in active  
16 concert or participation with any of them, who receive actual  
17 notice of this Final Judgment by personal service or otherwise,  
18 and each of them, are permanently restrained and enjoined from,  
19 directly or indirectly:

- 20 A. making use of any means or instruments of  
21 transportation or communication in interstate commerce  
22 or of the mails to sell the securities of any issuer,  
23 through the use or medium of any prospectus or  
24 otherwise, unless and until a registration is in effect  
25 as to such securities;
- 26 B. carrying or causing to be carried through the mails or  
27 in interstate commerce, by any means or instruments of  
28 transportation, for the purpose of sale or for delivery

1 after sale, the securities of any issuer, unless and  
2 until a registration statement is in effect as to such  
3 securities; and

4 C. making use of any means or instruments of  
5 transportation or communication in interstate commerce  
6 or of the mails to offer to sell or offer to buy,  
7 through the use or medium of any prospectus or  
8 otherwise, the securities of any issuer, unless and  
9 until a registration statement has been filed with the  
10 Commission as to such securities, or while a  
11 registration statement as to such securities is the  
12 subject of a refusal order or stop order or (prior to  
13 the effective date of the registration statement) any  
14 public proceeding or examination under Section 8 of the  
15 Securities Act of 1933 [15 U.S.C. § 77h];  
16 in violation of Sections 5(a) and 5(c) of the Securities Act of  
17 1933 ("Securities Act") [15 U.S.C. §§ 77e(a) & 77e(c)].

18 II.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants  
20 Yes Entities, Carriere and Mulhall and their agents, servants,  
21 employees, and attorneys, and all persons acting in active  
22 concert or participation with any of them, who receive actual  
23 notice of this Final Judgment by personal service or otherwise,  
24 and each of them, are permanently restrained and enjoined from,  
25 directly or indirectly, in the offer or sale of the securities of  
26 any issuer, by the use of any means or instruments of  
27 transportation or communication in interstate commerce or by the  
28 use of the mails:

- 1 A. employing any device, scheme, or artifice to defraud;
- 2 B. obtaining money or property by means of any untrue
- 3 statement of a material fact or any omission to state a
- 4 material fact necessary in order to make the statements
- 5 made, in the light of the circumstances under which
- 6 they were made, not misleading; or
- 7 C. engaging in any transaction, practice, or course of
- 8 business which operates or would operate as a fraud
- 9 or deceit upon the purchaser;

10 in violation of Section 17(a) of the Securities Act [15 U.S.C. §  
11 77q(a)].

12 III.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants  
14 Yes Entities, Carriere and Mulhall and their agents, servants,  
15 employees, and attorneys, and all persons acting in active  
16 concert or participation with any of them, who receive actual  
17 notice of this Final Judgment by personal service or otherwise,  
18 and each of them, are permanently restrained and enjoined from,  
19 directly or indirectly, in connection with the purchase or sale  
20 of the securities of any issuer, by the use of any means or  
21 instrumentality of interstate commerce, or of the mails, or of  
22 any facility of any national securities exchange:

- 23 A. employing any device, scheme, or artifice to defraud;
- 24 B. making any untrue statement of a material fact or
- 25 omitting to state a material fact necessary in order
- 26 to make the statements made, in the light of the
- 27 circumstances under which they were made, not
- 28 misleading; or

1 C. engaging in any act, practice, or course of business  
2 which operates or would operate as a fraud or deceit  
3 upon any person;

4 in violation of Section 10(b) of the Securities Exchange Act of  
5 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5  
6 thereunder [17 C.F.R. § 240.10b-5].

7 IV.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants  
9 Yes Entities, Carriere, and Mulhall shall pay disgorgement in the  
10 amount of \$13,794,265.00 plus prejudgment interest in the amount  
11 of \$752,542.54 for a total of \$14,546,807.54 representing the  
12 gains of these Defendants from the conduct alleged in the  
13 Complaint, calculated as of October 30, 2000. The liability for  
14 this disgorgement and prejudgment interest is imposed on Yes  
15 Entities, Carriere, and Mulhall jointly and severally. These  
16 Defendants shall make the payment of disgorgement and prejudgment  
17 interest, by cashier's check, certified check or postal money  
18 order within thirty days of entry of this Final Judgment. The  
19 disgorgement and prejudgment interest shall be payable to the  
20 Clerk, Registry of the Court, United States District Court, 312  
21 N. Spring Street, Los Angeles, California 90012 under cover of a  
22 letter that identifies the defendant, the name and case number of  
23 this litigation, and the Court. A copy of such cover letter and  
24 a photocopy of the check shall be simultaneously transmitted to  
25 Counsel for the Commission in this action at its Los Angeles  
26 Office.

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28 ////

V.

1  
2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
3 Carriere is also ordered to pay a Civil Money Penalty pursuant to  
4 Section 20(d) of the Securities Act, 15 U.S.C. Section 77t(d),  
5 and Section 21(d)(3) of the Exchange Act, 15 U.S.C. Section  
6 78u(d)(3) in the amount of \$110,000.00. This civil money penalty:  
7 (1) shall be paid by United States Postal Money Order, Certified  
8 Check, bank cashier's check or bank money order; (2) shall be  
9 made payable to the **United States Treasury**; (3) shall be hand-  
10 delivered or Mailed to the Comptroller, Securities and Exchange  
11 Commission, Operations Center, 6432 General Green Way, Stop 0-3,  
12 Alexandria, VA 22312, and (4) shall be submitted under a cover  
13 letter that identifies Defendant Carriere as a Defendant in these  
14 proceedings, and states the file numbers of these proceedings, A  
15 copy of this cover letter and money order or shall be sent to  
16 Trial Counsel for the Commission at the Pacific Regional Office,  
17 Securities and Exchange Commission 5670 Wilshire Boulevard, 11th  
18 Floor, Los Angeles, California 90036.

19 VI.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
21 Mulhall is also ordered to pay a Civil Money Penalty pursuant to  
22 Section 20(d) of the Securities Act, 15 U.S.C. Section 77t(d),  
23 and Section 21(d)(3) of the Exchange Act, 15 U.S.C. Section  
24 78u(d)(3) in the amount of \$110,000.00. This civil money penalty:  
25 (1) shall be paid by United States Postal Money Order, Certified  
26 Check, bank cashier's check or bank money order; (2) shall be  
27 made payable to the **United States Treasury**; (3) shall be hand-  
28 delivered or Mailed to the Comptroller, Securities and Exchange

1 Commission, Operations Center, 6432 General Green Way, Stop 0-3,  
2 Alexandria, VA 22312, and (4) shall be submitted under a cover  
3 letter that identifies Defendant Carriere as a Defendant in these  
4 proceedings, and states the file numbers of these proceedings, A  
5 copy of this cover letter and money order or shall be sent to  
6 Trial Counsel for the Commission at the Pacific Regional Office,  
7 Securities and Exchange Commission 5670 Wilshire Boulevard, 11th  
8 Floor, Los Angeles, California 90036.

9 VI.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants  
11 Yes Entities, Carriere, and Mulhall, and each of them, shall  
12 transfer to the registry of this Court all assets, funds, and  
13 other property that is presently held in foreign locations in the  
14 name of Yes Entertainment, LLC, Yes Entertainment Network, LLC,  
15 Yes Entertainment Network, Inc., Carriere and/or Mulhall or was  
16 transferred from the accounts of the Yes Entities, Carriere or  
17 Mulhall or is held for the benefit of, or is under the control  
18 of, any of the Defendants, or over which any of them exercise  
19 actual investment or other authority, including signatory  
20 authority, either directly or indirectly, or through officers,  
21 agents, nominees, servants, employees and/or attorneys. Such  
22 monies shall be transferred to the Registry of this Court for  
23 deposit by the Clerk of this Court into an interest-bearing  
24 account, pursuant to Rule 67, Fed. R. Civ. P., and Local Rules  
25 22.2 and 22.5.

26 VII.

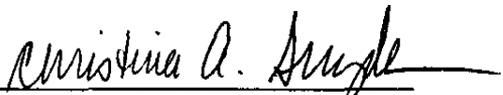
27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
28 shall retain jurisdiction over this action to distribute

1 previously frozen funds to investors and also to disburse to  
2 investors sums paid in disgorgement and to implement and to  
3 enforce the terms of this Final Judgment and all other orders and  
4 decrees that may be entered herein, and to grant such other  
5 relief as the Court may deem necessary and just.

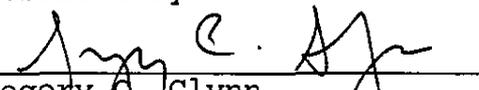
6 \* \* \* \* \*

7 There being no just reason for delay, the Clerk of the Court  
8 is hereby directed, pursuant to Rule 54(b) of the Federal Rules  
9 of Civil Procedure, to enter this Final Judgment forthwith.

10 DATED: October 30, 2000

11   
12 CHRISTINA A. SNYDER, JUDGE  
13 UNITED STATES DISTRICT COURT

14 Presented by:

15   
16 Gregory C. Glynn  
17 Attorneys for Plaintiff  
18 Securities and Exchange Commission

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PROOF OF SERVICE

I, the undersigned, declare that I am over the age of 18 years and not a party to the action. I am employed in the County of Los Angeles, State of California, in which county the within-mentioned mailing occurred. My business address is 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036. I am familiar with the practice of the U.S. Securities and Exchange Commission of collecting and processing legal documents and correspondence for mailing. The Commission's practice is to deposit correspondence with the United States Postal Service on the same day that it is prepared for mailing in the ordinary course of business.

On October 23, 2000, I served the following document(s):

**[PROPOSED] REVISED FINAL JUDGMENT OF  
PERMANENT INJUNCTION AND OTHER RELIEF AGAINST  
ALL DEFENDANTS-JUDGMENT BASED UPON DEFAULT**

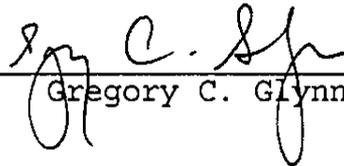
by placing a true and correct copy in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

See Attached  
**MASTER SERVICE LIST**

I then sealed the envelope with postage thereon fully prepaid and deposited it for collection and mailing via the United States Postal Service today in accordance with the ordinary business practices of the Commission at the Commission's address previously set forth.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the Bar of this Court at whose direction this service was made.

Executed on October 23, 2000, at Los Angeles, California.

  
\_\_\_\_\_  
Gregory C. Glynn

MASTER SERVICE LIST

Securities and Exchange Commission

v.

Yes Entertainment, LLC, Yes Entertainment

Network, LLC, Yes Entertainment Network, Inc.,

Ronald T. Mulhall and Eugene M. Carriere a/k/a Gene Carrier

United States District Court

Central District of California Western Division

Case No. CV 99-11280 (RAP) (AJWx)

1.  
Yes Entertainment, LLC,  
c/o Patricia Hartley,  
Designated Agent for Service of Process  
3642 Boulder Highway  
Suite 387  
Las Vegas, Nevada 89121

Designated Agent for Service of Process for  
Yes Entertainment, LLC.

2.  
Yes Entertainment Network, LLC  
c/o Patricia Hartley,  
Designated Agent for Service of Process  
3642 Boulder Highway  
Suite 387  
Las Vegas, Nevada 89121

Designated Agent for Service of Process for  
Yes Entertainment Network, LLC.

3.  
Yes Entertainment Network, Inc.  
c/o Patricia Hartley,  
Designated Agent for Service of Process  
3642 Boulder Highway  
Suite 387  
Las Vegas, Nevada 89121

Designated Agent for Service of Process for  
Yes Entertainment, Network, Inc.

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MASTER SERVICE LIST

Securities and Exchange Commission

v.

Yes Entertainment, LLC, Yes Entertainment  
Network, LLC, Yes Entertainment Network, Inc.,

Ronald T. Mulhall and Eugene M. Carriere a/k/a Gene Carrier  
United States District Court  
Central District of California Western Division  
Case No. CV 99-11280 (RAP) (AJWx)

4. Ronald T. Mulhall  
1101 Grand Avenue  
Apt. 8  
El Segundo, California 90245

5. Ronald T. Mulhall  
P.O. Box 1727  
El Segundo, California 90245-6727

6.. Eugene M. Carriere  
a/k/a Gene Carrier  
c/o Yes Entertainment  
1800 Century Park East  
Suite 600  
Los Angeles, California 90067

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