

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

LARRY F. SMATH, GREGORY R. SALVAGE,
JOSEPH T. FALCONE, PETER L. COHEN,
SETH J. GLASER, and FRANK J. ZANGARA,

Defendants.

CV-99-523 (TCP)

**FINAL JUDGMENT
OF PERMANENT
INJUNCTION
BY CONSENT
AGAINST FRANK J.
ZANGARA**

The Securities and Exchange Commission having filed a Complaint and Defendant Frank J. Zangara having entered a general appearance and having executed the annexed Consent of Frank J. Zangara in which he consents to the Court's jurisdiction over Defendant and the subject matter of this action; consent to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waives findings of fact and conclusions of law; and waives any right to appeal from this Final Judgment:

I.

IT IS ORDERED, ADJUDGED, AND DECREED that Zangara be and hereby is permanently enjoined and restrained from violating Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by, directly or indirectly, singly or in concert, 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 of any facility of any national securities exchange:

- (A) employing any device, scheme, or artifice to defraud;
- (B) making any untrue statement of a material fact or omitting 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) engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the annexed Consent be and the same hereby is incorporated in this Final Judgment with the same force and effect as if fully set forth herein.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for all purposes.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Federal Rule of Civil Procedure 65(d), this Final Judgment is binding on Zangara, his agents, servants, employees, and attorneys, and upon those persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise.

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

Dated: March 26, 2004

W.D. Esq.