

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

HENRY T. PIETRASZEK,

Defendant.

JUDGE JOAN H. LEFKOW

Case No. 01C 4047

MAGISTRATE JUDGE ROSEMOND

DOCKETED
JUN 05 2001

**FINAL JUDGMENT AND ORDER OF PERMANENT INJUNCTION,
CIVIL PENALTIES, AND OTHER EQUITABLE RELIEF**

Plaintiff Securities and Exchange Commission ("Commission"), having filed a Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief ("Complaint") in this matter and Defendant Henry T. Pietraszek ("Pietraszek"), having in his Consent and Stipulation ("Consent"), attached hereto and incorporated herein, acknowledged receipt of the Complaint and admitted to the jurisdiction of this Court over him and over the subject matter hereof, and without admitting or denying the allegations of the Complaint, except as to jurisdiction, and without trial, argument or adjudication of any issue of fact or law herein, having consented to the entry of this Final Judgment and Order of Permanent Injunction, Civil Penalties and Other Equitable Relief ("Final Judgment"), and both the Commission and Pietraszek having waived the entry of Findings of Fact and Conclusions of Law in this matter as provided by Rule 52 of the Federal Rules of Civil Procedure, and it further appearing that the Court has jurisdiction

over the parties and subject matter hereof, and the Court being fully advised in the premises:

I.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Pietraszek, his agents, servants, employees, attorneys 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, be and hereby are permanently restrained and enjoined from, directly or indirectly, in the offer or sale of securities, or any other security, by the use of the means or instruments of transportation or communication in interstate commerce or by the use of the mails:

- A. employing devices, schemes or artifices to defraud;
 - B. obtaining money or property by means of untrue statements of material facts or omissions of material facts 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 transactions, practices or courses of business which operate or would operate as a fraud or deceit upon purchasers of promissory notes, or any other security,
- in violation of Sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Securities Act [15 U.S.C. §77q(a)(1), §77q(a)(2), and §77q(a)(3)].

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Pietraszek, his agents, servants, employees, attorneys 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, be and hereby are permanently restrained and enjoined from, directly or indirectly, in connection with the purchase and 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; or
- B. making any untrue statement of 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, in violation of Section 10(b) of the Exchange Act [15 U.S.C. §78(b)] and Rule 10b-5 [17 C.F.R. 240.10b-5] promulgated thereunder.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Pietraszek shall, within sixty (60) days of entry if this Final Judgment, pay disgorgement in the amount of \$563,875.20, plus prejudgment interest of \$32,586.88, for a total of \$596,462.08, representing certain realized and unrealized gains from the conduct alleged in the Complaint. Such payment shall be: (A) made into the Registry of the Court for the United States District Court, Northern District of Illinois, by United States Postal money order, certified check, bank cashier's check or bank money order; and (B) submitted under cover letter that identifies Pietraszek as the Defendant in this action, the caption and case number of this action, and the name of this Court. Copies of such check and accompanying cover letter shall be simultaneously submitted to Helen A. Contos,

Division of Enforcement, Securities and Exchange Commission, Midwest Regional Office, 500 West Madison Street, Suite 1400, Chicago, Illinois 60661.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 21A of the Exchange Act [15 U.S.C. §78u-1], within sixty (60) days of the entry of this Final Judgment, Pietraszek shall pay to the United States Treasury a civil money penalty in the amount of \$563,875.20. Such payment shall be: (A) made by United States Postal money order, certified check, bank cashier's check or bank money order; (B) made payable to the Securities and Exchange Commission; (C) hand-delivered or mailed to the Comptroller, Securities and Exchange Commission Operations Center, 6432 General Green Way, Stop 0-3, Alexandria, VA 22312; and (D) submitted under cover letter that identifies Pietraszek as the Defendant in this action, the caption and case number of this action, and the name of this Court. Copies of such check and accompanying cover letter shall be simultaneously submitted to Helen A. Contos, Division of Enforcement, Securities and Exchange Commission, Midwest Regional Office, 500 West Madison Street, Suite 1400, Chicago, Illinois 60661.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the attached Consent of Pietraszek be and hereby is incorporated herein with the same force and effect as if fully set forth herein.

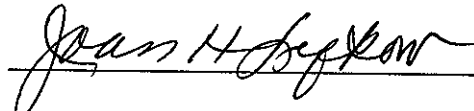
VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this action for all purposes, including enforcement of the Final

Judgment and Pietraszek's Consent attached hereto and incorporated herein as if fully set forth herein.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that there being no just reason for delay, the Clerk of the Court is hereby directed to enter this Final Judgment.



UNITED STATES DISTRICT JUDGE

DATED: 6-4-01