

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SECURITIES AND EXCHANGE	:		
COMMISSION,	:		
	:		
Plaintiff,	:	Civil Action No.:	07-0431 (RMU)
	:		
v.	:		
	:		
ONE OR MORE UNKNOWN TRADERS	:		
IN THE COMMON STOCK OF	:		
CERTAIN ISSUERS <i>et al.</i> ,	:		
	:		
Defendants.	:		

JUDGMENT

FINAL JUDGMENT BY DEFAULT AS TO DEFENDANT SERGEY KOVALEV

For the reasons stated in this court’s Memorandum Opinion separately and contemporaneously issued this 31st day of August 2010, it is hereby

ORDERED that the plaintiff’s motion for default judgment and a permanent injunction is **GRANTED**; and it is

FURTHER ORDERED that the defendant Sergey Kovalev is liable for disgorgement of \$368,378.16, representing profits gained as a result of the conduct alleged in the complaint, together with prejudgment interest thereon in the amount of \$85,284.36, and a civil penalty in the amount of \$368,378.16 pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Kovalev shall satisfy this obligation by paying \$822,040.68 within ten (10) business days to the Clerk of the Court, together with a cover letter identifying Sergey Kovalev as a defendant in this action, setting forth the title and civil action number of this action and the name of this court and specifying that payment is made pursuant to this final judgment. The defendant shall simultaneously transmit photocopies of such

payment and letter to the plaintiff's counsel in this action. By making this payment, the defendant relinquishes all legal and equitable right, title and interest in such funds, and no part of the funds shall be returned to the defendant. The defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961.

The Clerk of the Court shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by the court. These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held in the interest bearing account until further order of the court. In accordance with 28 U.S.C. § 1914 and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk of the Court is directed, without further order of this court, to deduct from the income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States.

The plaintiff may by motion propose a plan to distribute the Fund subject to the court's approval. Such a plan may provide that the Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties pursuant to this judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, the defendant shall not, after offset or reduction of any award of compensatory damages in any related investor action based on the defendant's payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of the defendant's payment of a civil penalty in this action ("penalty offset"). If the

court in any related investor action grants such a penalty offset, the defendant shall, within thirty days after entry of a final order granting the penalty offset, notify the plaintiff's counsel in this action and pay the amount of the penalty offset to the United States Treasury or to a Fair Fund, as the plaintiff directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this judgment. For purposes of this paragraph, a "related investor action" means a private damages action brought against the defendant by or on behalf of one or more investors based on substantially the same facts as alleged in the complaint in this action; and it is

ORDERED that the plaintiff may file a motion to compel the relief defendant JSC Parex Bank to satisfy Kovalev's judgment by paying \$822,040.68 to the Clerk of the Court, together with a cover letter identifying Sergey Kovalev as a defendant in this action, setting forth the title and civil action number of this action and the name of this court and specifying that payment is made pursuant to this final judgment; and it is

FURTHER ORDERED that Kovalev and his officers, directors, subsidiaries, affiliates, agents, servants, employees, attorneys-in-fact and those persons in active concert or participation with him who receive actual notice of this order by personal service or otherwise, and each of them, are enjoined and restrained from, directly or indirectly, in the offer or sale of any security by the use of any means or instruments of transportation, or communication in interstate commerce or by the use of the mails from:

- (1) employing any device, scheme or artifice to defraud;
- (2) obtaining money or property by means of any untrue statement of a material fact or any omission 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

(3) engaging in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon the purchaser in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a); and it is

ORDERED that the defendant Kovalev and his officers, directors, subsidiaries, affiliates, agents, servants, employees, attorneys-in-fact and those persons in active concert or participation with him who receive actual notice of this order by personal service or otherwise, and each of them, are enjoined and restrained from directly or indirectly, by the use of any means or instrumentality of interstate commerce, or of the mails or of any facility of any national securities exchange in connection with the purchase or sale of any security from:

(1) employing any device, scheme or artifice to defraud;

(2) making any untrue statement of a material fact or to omit 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

(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; and it is

FURTHER ORDERED that, pending further order of this court, the provision of the preliminary injunction issued by the court on March 23, 2007, that the relief defendant JSC Parex Bank and its officers, directors, subsidiaries, agents, servants, employees, attorneys, successors-in-interest and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, shall hold and retain within their control and prohibit the withdrawal, removal, transfer or other disposal of \$3,000,000 or other assets equal to such amount in such accounts shall remain in full force and effect; and it is

ORDERED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this final judgment; and it is

FURTHER ORDERED that there being no cause for delay, the Clerk of the Court is directed, pursuant to 55(b) of the Federal Rules of Civil Procedure, to enter the final judgment against Kovalev forthwith.

SO ORDERED.

RICARDO M. URBINA
United States District Judge