

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 22 2002

JAMES R. MANSPEAKER
CLERK

BY.....

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 00-B-1921 (PAC)

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**LEAH INDUSTRIES, INC., BIRTE BOOCK, and
IRWIN BOOCK,**

Defendants.

**FINAL CONSENT JUDGMENT OF PERMANENT INJUNCTION
AND OTHER RELIEF AS TO DEFENDANT IRWIN BOOCK**

Plaintiff Securities and Exchange Commission ("Commission"), having filed a Complaint for injunctive and other relief on September 28, 2000 ("Complaint") charging Defendant Irwin Boock, among other defendants, with violations of Section 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a), and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5, and Defendant Irwin Boock, having executed the annexed Consent of Irwin Boock ("Consent"), in which Irwin Boock withdrew his Answer and Jury Demand of Defendant Irwin Boock, admitted the jurisdiction of this Court over him and over the subject matter of this action, and waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and, without admitting or denying the allegations contained in the Complaint, except as to jurisdiction, which is admitted, consented to the entry of this Final Consent Judgment Of

Permanent Injunction And Other Relief As To Defendant Irwin Boock ("Final Judgment").

Therefore, without further notice:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Irwin Boock be and hereby is, permanently enjoined and restrained, 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).

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Irwin Boock be and hereby is, permanently enjoined and restrained, directly or indirectly, in connection with the purchase or sale of any security, by the use of any means or instrumentalities of interstate commerce or of the mails or of any facility of any national securities exchange, from:

- (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 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 thereunder, 17 C.F.R. § 240.10b-5.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Irwin Boock is liable for disgorgement of \$379,619, representing profits gained of \$323,443 as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$56,176, and a civil penalty of \$50,000 pursuant to Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the Exchange Act, 15 U.S.C. §78u(d)(3). Defendant shall satisfy this obligation by paying \$429,619 within 180 days to the Clerk of this Court, together with a cover letter identifying Irwin Boock 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. Defendant shall simultaneously transmit photocopies of such payment and letter to Kay L. Lackey, Esq., U.S. Securities and Exchange Commission, Northeast Regional Office, 233 Broadway, New York, NY 10279, under cover of a letter that identifies defendant Irwin Boock, the name and case number of this litigation, and the name of this Court. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds

shall be returned to Defendant. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS"). These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held by the CRIS until further order of the Court. In accordance with the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk 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 Commission may by motion propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that Fund shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.

V.

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

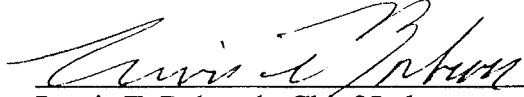
VII.

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

VIII.

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

Dated: Nov 21, 2002



Lewis T. Babcock, Chief Judge

ENTERED
ON THE DOCKET

NOV 22, 2002

JAMES R. MANSPEAKER
CLERK

BY _____

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF SERVICE

Civil Case No. 00-B-1921 (PAC)

The undersigned certifies that a copy of the foregoing Final Consent was
served on Nov. 22, 2002, by:

Judgment

(X) delivery to:

Magistrate Judge Patricia A. Coan

(X) depositing the same in the United States Mail, postage prepaid, addressed
to:

Paul G. Gizzi, Esq.
Craig Carpenito, Esq.
Securities & Exchange Commission
233 Broadway
New York, NY 10279

Birte and Irwin Boock
500 Hidden Trail
Toronto, Ontario M2R3R8

D. Jensen

Deputy Clerk