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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE COMMISSION, Civil Action No. C-01-21072-JW

Plaintiff,

vs.

EVAN KONG LAU,

Defendant.

~~PROPOSED~~ FINAL JUDGMENT OF
PERMANENT INJUNCTION AND LEGAL
AND OTHER EQUITABLE RELIEF
AGAINST EVAN KONG LAU

Plaintiff Securities and Exchange Commission (“Commission”) has filed its Complaint for Permanent Injunction and Legal and Other Equitable Relief (“Complaint”) in this action. Defendant Evan Kong Lau (“Lau”) has submitted a Consent to the Entry of Permanent Injunction and Legal and Other Equitable Relief (“Consent”), which was filed simultaneously with this Final Judgment of Permanent Injunction and Legal and Other Equitable Relief (“Final Judgment”) and incorporated herein by reference. In the Consent, Lau waived service of the Summons and Complaint, admitted the jurisdiction of this Court over him and over the subject matter of this action, admitted that he was fully advised and informed of the right to a judicial determination of this matter, waived findings of fact and conclusions of law as provided by Rule

~~PROPOSED~~ FINAL JUDGMENT AGAINST EVAN KONG LAU
C-01-21072-JW

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2 52 of the Federal Rules of Civil Procedure, consented to the entry of this Final Judgment, without
3 admitting or denying any of the allegations in the Complaint except as set forth in the Consent,
4 and waived notice of hearing upon the entry of this Final Judgment. Good cause appearing, the
5 court orders as follows:

6 I.

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Lau, his agents,
8 servants, employees, attorneys, and all persons acting in concert or participation with him, who
9 receive actual notice of this Final Judgment, by personal service or otherwise, and each of them,
10 are permanently enjoined and restrained from, directly or indirectly, violating Section 10(b) of
11 the Securities and Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5
12 thereunder [17 C.F.R. § 240.10b-5] by:

13 A. employing any device, scheme, or artifice to defraud;

14 B. making any untrue statement of material fact or omitting to state a material fact
15 necessary in order to make the statements made, in the light of the circumstances under which
16 they were made, not misleading; or

17 C. engaging in any transaction, practice, or course of business which operates or
18 would operate as a fraud or deceit upon any person, in connection with the purchase or sale of the
19 securities of any issuer, by the use of any means or instrumentality of interstate commerce, or of
20 the mails, or of any facility of any national securities exchange.

21 II.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Lau disgorge profits
23 from his securities purchase that is the subject of this action in the amount of \$10,058.75, plus
24 prejudgment interest in the amount of \$424.34. Payment of the disgorged amount and interest
25 shall be made by cashier's check, certified check or postal money order payable to the United
26 States Treasury within thirty (30) days of the entry of the Final Judgment. Such payment shall be
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2 sent by certified mail to: Comptroller, Securities Exchange Commission, Operations Center,
3 6432 General Green Way, Alexandria, VA 22312-0003, under cover of a letter which identifies
4 the defendant, the caption and civil action number of this matter, this Court, and the
5 Commission's internal case number (SF-2366-A). Copies of each of the cover letters shall be
6 simultaneously transmitted to the attention of Helane Morrison, District Administrator, at the
7 Commission's San Francisco District Office, 44 Montgomery Street, Suite 1100, San Francisco,
8 CA 94104.

9
10 III.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Lau pay a civil penalty
12 pursuant to Section 21A(a)(1)(A) of the Exchange Act [15 U.S.C. § 78u-1(a)(1)(A)] in the
13 amount of \$10,058.75. Payment of the penalty shall be made by cashier's check, certified check
14 or postal money order payable to the United States Treasury within ninety (90) days of the entry
15 of the Final Judgment. Lau shall pay postjudgment interest, as calculated pursuant to 28 U.S.C. §
16 1961, on any amount of the \$10,058.75 penalty that remains outstanding ninety (90) days after
17 the entry of this Final Judgment. All payments shall be made by cashier's check, certified check
18 or postal money order, payable to the United States Treasury. Such payments shall be sent by
19 certified mail to: Comptroller, Securities Exchange Commission, Operations Center, 6432
20 General Green Way, Alexandria, VA 22312-0003, under cover of a letter which identifies the
21 defendant, the caption and civil action number of this matter, this Court, and the Commission's
22 internal case number (SF-2366-A). Copies of each of the cover letters shall be simultaneously
23 transmitted to the attention of the District Administrator at the Commission's San Francisco
24 District Office, 44 Montgomery Street, Suite 1100, San Francisco, CA 94104.

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26 IV.

27 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the attached Consent
28 of Lau, filed concurrently with this Final Judgment, is incorporated herein with the same force

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2 and effect as if fully set forth herein and that Lau shall fully comply with all of the undertakings
3 and agreements incorporated in both documents.

4 V.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain
6 jurisdiction over this action for the purpose of implementing and carrying out the terms of all
7 orders and decrees which may be entered herein and to entertain any suitable application or
8 motion for additional relief within the jurisdiction of this Court.

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

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12 Dated: OCT. 11., 2002

/s/ JAMES WARE
United States District Court Judge

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14 APPROVED AS TO FORM:

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22 SUBMITTED BY:

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