

ORIGINAL

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FILED

OCT 17 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
DEPUTY CLERK

LODGED

OCT 15 2003

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEPUTY CLERK

File by FAX

12 SECURITIES AND EXCHANGE COMMISSION,

13 Plaintiff,

14 vs.

15 JOEL M. HARRIS and ANNE H. LONG,

16 Defendants.

Civil Action No.

CIV.S-03-2169 MCE PAN

[PROPOSED] FINAL JUDGMENT OF
PERMANENT INJUNCTION AND OTHER
RELIEF AGAINST DEFENDANT JOEL M.
HARRIS

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19 Plaintiff Securities and Exchange Commission ("Commission") has filed its Complaint for
20 Permanent Injunction and Legal and Other Equitable Relief ("Complaint") in this action. Defendant
21 Joel M. Harris ("Harris"), who was represented by his counsel, has submitted a Consent of Joel M.
22 Harris to Entry of Final Judgment of Permanent Injunction and Other Relief ("Consent"), which was
23 filed simultaneously with this [Proposed] Final Judgment of Permanent Injunction and Other Relief
24 Against Defendant Joel M. Harris ("Final Judgment") and incorporated herein by reference. In the
25 Consent, without admitting or denying any of the allegations in the Complaint except as set forth in
26 the Consent, Harris acknowledged service of the Summons and the Complaint upon him, admitted the
27 jurisdiction of this Court over him and over the subject matter of this action, admitted that he was
28 fully advised and informed of the right to a judicial determination of this matter, waived entry of

[Proposed] Final Judgment of Permanent Injunction
and Other Relief Against Joel M. Harris

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1 III.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Harris, his
3 agents, servants, employees, attorneys, assigns, and all persons in active concert or participation with
4 them who receive actual notice of this Final Judgment by personal service or otherwise, and each of
5 them, are permanently restrained and enjoined from, directly or indirectly, knowingly providing
6 substantial assistance to another person in violation of Section 13(b)(2)(A) of the Exchange Act [15
7 U.S.C. § 78m(b)(2)(A)], by causing any issuer which has a class of securities registered pursuant to
8 Section 12 of the Exchange Act [15 U.S.C. § 78l] or Section 15(d) of the Exchange Act [15 U.S.C. §
9 78o] to fail to make and keep books, records, or accounts, which, in reasonable detail, accurately and
10 fairly reflect the transactions and dispositions of the assets of the issuer.

11 IV.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Harris shall pay a civil
13 penalty in the amount of \$60,000.00 pursuant to the provisions of Section 21(d)(3) of the Exchange
14 Act [15 U.S.C. § 78(u)(d)(3)]. Payment of the penalty shall be made in four separate installments of
15 \$15,000 by certified check, bank cashier's check, or United States postal money order payable to the
16 Securities and Exchange Commission. The first installment of \$15,000 shall be paid within eighty
17 (80) days of the entry of the Final Judgment, with installments paid every following ninety (90) days
18 thereafter until the entire penalty of \$60,000 has been paid. Harris shall pay postjudgment interest, as
19 calculated pursuant to 28 U.S.C. § 1961, on any amount of the penalty that remains outstanding after
20 the scheduled time of payment set forth above. The payments shall be delivered or mailed to the
21 Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432
22 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter
23 identifying Joel M. Harris as a defendant in this action; setting forth the title and civil action number
24 of this action and the name of this Court; and specifying that payment is made pursuant to this
25 Judgment. Defendant shall simultaneously transmit photocopies of such payments and letters to the
26 attention of Helene Morrison, District Administrator, at the Commission's San Francisco District
27 Office, 44 Montgomery Street, Suite 1100, San Francisco, CA 94104.

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V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the provisions of Harris's Consent filed concurrently with this Judgment are incorporated by this reference, that Harris shall comply with the Consent and that a breach of the terms of the Consent therefore shall constitute a failure to adhere to the terms of this Final Judgment.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this action for all purposes, including to implement and enforce the terms of this Final Judgment and other orders and decrees which may be entered, and to grant such other relief as this Court may deem necessary and just.

Dated October 16, 2003



United States District Judge
MORRISON C. ENGLAND, JR.

APPROVED AS TO FORM:



Zesara C. Chan, Esq.
Shartis, Friese and Ginsburg LLP
Eighteen Floor
One Maritime Plaza
San Francisco, CA 94111
415-421-6500 x 265
Counsel for Defendant Joel M. Harris

United States District Court
for the
Eastern District of California
October 17, 2003

* * CERTIFICATE OF SERVICE * *

2:03-cv-02169

Securities and Excha

v.

Harris

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 17, 2003, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office, or, pursuant to prior authorization by counsel, via facsimile.

Kathleen K Bisaccia
NOT EDCA ADMITTED
Securities and Exchange Commission
44 Montgomery Street, Suite 1100
San Francisco, CA 94104

AS/MCE

Robert Charles Friese
Shartsis Friese and Ginsburg
One Maritime Plaza, 18th Floor
18th Floor
San Francisco, CA 94111

William P Keane
Farella Braun and Martel
235 Montgomery Street, Suite 3000
San Francisco, CA 94104

Jack L. Wagner, Clerk

BY: 
Deputy Clerk

1 findings of fact and conclusions of law as provided by Rule 52 of the Federal Rules of Civil
2 Procedure, consented to the entry of this Final Judgment, and waived notice of hearing upon the entry
3 of this Final Judgment. The Court, being fully advised in the premises, orders as follows.

4 I.

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Harris, his
6 agents, servants, employees, attorneys, assigns, and all persons in active concert or participation with
7 them who receive actual notice of this order by personal service or otherwise, and each of them, are
8 permanently enjoined and restrained from violating Sections 13(b)(5) of the Securities Exchange Act
9 of 1934 ("Exchange Act") [15 U.S.C. § 78m(b)(5)] and Rules 13b2-1 and 13b2-2 thereunder [17
10 C.F.R. §§ 240.13b2-1 and 240.13b2-2] by, directly or indirectly, knowingly circumventing or failing
11 to implement a system of internal accounting controls or knowingly falsifying any book, record, or
12 account described therein, or, while an officer or director of an issuer, making or causing to be made a
13 materially false or misleading statement, or omitting or cause another person to omit to state any
14 material fact necessary in order to make statements made not misleading to an accountant in
15 connection with an audit or examination of financial statements of the issuer or the preparation or
16 filing of a report or document required to be filed with the Commission.

17 II.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Harris, his agents,
19 servants, employees, attorneys, assigns, and all persons in active concert or participation with them who
20 receive actual notice of this order by personal service or otherwise, and each of them, are permanently
21 restrained and enjoined from violating, directly or indirectly, Section 13(a) of the Exchange Act [15
22 U.S.C. § 78m(a)] and Rules 12b-20 and 13a-13 [17 C.F.R. §§ 240.12b-20 and 240.13a-13], by causing
23 any issuer that has securities registered pursuant to Section 12 of the Exchange Act or which is required
24 to file annual reports pursuant to Section 13 of the Exchange Act, to file with the Commission quarterly
25 reports on Forms 10-Q that contain untrue statements of material fact or omit to state material
26 information required to be stated therein or necessary in order to make the required statements made, in
27 light of the circumstances under which they were made, not misleading.

United States District Court
for the
Eastern District of California
October 17, 2003

* * CERTIFICATE OF SERVICE * *

2:03-cv-02169

Securities and Excha

v.

Harris

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Kathleen K Bisaccia
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Jack L. Wagner, Clerk

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Deputy Clerk