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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 SECURITIES AND EXCHANGE COMMISSION,

Case No. C 06-5600 JCS

15 Plaintiff,

[PROPOSED] FINAL JUDGMENT AS TO
DEFENDANT DENI G. LEONARD

16 vs.

17 INDIGENOUS GLOBAL DEVELOPMENT
CORPORATION and DENI G. LEONARD,

18 Defendants,
19
20

21 **[PROPOSED] FINAL JUDGMENT AS TO DEFENDANT DENI G. LEONARD**
22

23 The motion by Plaintiff Securities and Exchange Commission (“Commission”) for summary
24 judgment against Defendant Deni G. Leonard (“Leonard”), pursuant to Rule 56 of the Federal Rules
25 of Civil Procedure, supported by the Declarations of Robert L Mitchell and the exhibits attached
26 thereto; the declaration of Ron Nicklas and exhibits attached thereto; and such other written and oral
27 arguments that were presented to the Court, was heard by the Court on May 30, 2008.
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1 By its motion, the Commission seeks summary judgment against Defendant Leonard on each
2 of the claims against him, including violation of the securities laws through fraud in the offer and sale
3 of securities, fraud in connection with the purchase or sale of a security, and knowingly providing
4 substantial assistance to an issuer in failing to file with the Commission such accurate and complete
5 information, reports, and documents as are required to be filed with the Commission, as set forth in
6 the Commission's complaint. The Commission also seeks remedial sanctions, including the entry of
7 an injunction, an order requiring Defendant Leonard to pay disgorgement plus prejudgment interest,
8 an order requiring Defendant Leonard to pay a civil monetary penalty, an order prohibiting Defendant
9 Leonard from acting as an officer or director of an issuer that has a class of securities registered
10 pursuant to Section 12 of the Exchange Act or required to file reports pursuant to Section 15 of the
11 Exchange Act, and an order prohibiting Defendant Leonard from participating in any offering of
12 penny stock.

13 The Court, having considered all of the papers and arguments of the parties concerning the
14 Commission's motion, finds that good cause appears therefrom and the Commission's motion is
15 granted. In particular, the Court finds that:

- 16 1) There are no genuine issues as to any material fact;
- 17 2) Defendant Leonard, directly or indirectly, by use of the means or instrumentalities of
18 interstate commerce, or of the mails, or of a national securities exchange, in connection
19 with the purchase or sale, and the offer or sale, of securities, employed a device, scheme or
20 artifice to defraud, made untrue statements of material fact or omitted to state material
21 facts necessary to make the statements made true, in light of the circumstances under
22 which they were made, in violation of Section 10(b) of the Securities Exchange Act of
23 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. §
24 240.10b-5, and in violation of Section 17(a) of the Securities Act of 1933 ("Securities
25 Act"), 15 U.S.C. § 77q(a);
- 26 3) Defendant Leonard aided and abetted violations of Section 13(a) of the Exchange Act [15
27 U.S.C. § 78m(a)] and Rules 12b-20, 13a-1, and 13a-13 promulgated thereunder [17 C.F.R.
28 §§ 240.12b-20, 240.13a-1, and 240.13a-13] by knowingly providing substantial assistance

1 to an issuer which has a class of securities registered pursuant to Section 12 of the
2 Exchange Act [15 U.S.C. § 78j] or Section 15(d) of the Exchange Act [15 U.S.C. § 78o] in
3 failing to file with the Commission such accurate and complete information, reports, and
4 documents as are required to be filed with the Commission pursuant to Section 13(a) of
5 the Exchange Act [15 U.S.C. § 78m(a)] and the Commission's rules thereunder, including
6 but not limited to, quarterly reports on Form 10-Q [17 C.F.R. § 249.308a] as prescribed by
7 Commission Rule 13a-13 [17 C.F.R. § 240.13a-13], and annual reports on Form 10-K [17
8 C.F.R. § 249.308] as prescribed by Commission Rule 13a-1 [17 C.F.R. § 240.13a-1], such
9 information and documents which are required to contain, in addition to such information
10 as is expressly required to be included in a statement or report to the Commission, such
11 further material information, if any, as may be necessary to make the required statements,
12 in the light of the circumstances under which they are made, not misleading, as prescribed
13 by Commission Rule 12b-20 [17 C.F.R. § 240.12b-20]; and

- 14 4) Defendant Leonard violated Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and
15 Rule 13a-14 of the Exchange Act [17 C.F.R. § 240.13a-14] by falsely certifying annual
16 and quarterly reports filed with the Commission under Section 13(a) of the Exchange Act.

17 Accordingly, pursuant to Rules 56 and 65(d) of the Federal Rules of Civil Procedure:

18 I.

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Leonard and his
20 agents, servants, employees, attorneys, and all persons in active concert or participation with them
21 who receive actual notice of this Final Judgment by personal service or otherwise are permanently
22 restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities
23 Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated
24 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of interstate commerce, or
25 of the mails, or of any facility of any national securities exchange, in connection with the purchase or
26 sale of any security:

- 27 (a) to employ any device, scheme, or artifice to defraud;

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1 (b) to make any untrue statement of a material fact or to omit to state a material fact
2 necessary in order to make the statements made, in the light of the circumstances
3 under which they were made, not misleading; or

4 (c) to engage in any act, practice, or course of business which operates or would
5 operate as a fraud or deceit upon any person.

6 II.

7 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
8 Leonard and his agents, servants, employees, attorneys, and all persons in active concert or
9 participation with them who receive actual notice of this Final Judgment by personal service or
10 otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act
11 of 1933 ("Securities Act"), 15 U.S.C. § 77q(a), in the offer or sale of any security by the use of any
12 means or instruments of transportation or communication in interstate commerce or by use of the
13 mails, directly or indirectly:

14 (a) to employ any device, scheme, or artifice to defraud;

15 (b) to obtain money or property by means of any untrue statement of a material fact or any
16 omission of a material fact necessary in order to make the statements made, in light of
17 the circumstances under which they were made, not misleading; or

18 (c) to engage in any transaction, practice, or course of business which operates or would
19 operate as a fraud or deceit upon the purchaser.

20 III.

21 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Leonard and
22 his agents, servants, employees, attorneys, and all persons in active concert or participation with any
23 of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each
24 of them, are permanently enjoined and restrained from aiding and abetting any violation of Section
25 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and Rules 12b-20, 13a-1, and 13a-13 promulgated
26 thereunder [17 C.F.R. §§ 240.12b-20, 240.13a-1, and 240.13a-13] by knowingly providing
27 substantial assistance to an issuer which has a class of securities registered pursuant to Section 12 of
28 the Exchange Act [15 U.S.C. § 78l] or Section 15(d) of the Exchange Act [15 U.S.C. § 78o] in failing

1 to file with the Commission such accurate and complete information, reports, and documents as are
2 required to be filed with the Commission pursuant to Section 13(a) of the Exchange Act [15 U.S.C. §
3 78m(a)] and the Commission's rules thereunder, including but not limited to, quarterly reports on
4 Form 10-Q [17 C.F.R. § 249.308a] as prescribed by Commission Rule 13a-13 [17 C.F.R. § 240.13a-
5 13], and annual reports on Form 10-K [17 C.F.R. § 249.308] as prescribed by Commission Rule 13a-
6 1 [17 C.F.R. § 240.13a-1], such information and documents to contain, in addition to such
7 information as is expressly required to be included in a statement or report to the Commission, such
8 further material information, if any, as may be necessary to make the required statements, in the light
9 of the circumstances under which they are made, not misleading, as prescribed by Commission Rule
10 12b-20 [17 C.F.R. § 240.12b-20].

11 IV.

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Leonard and
13 his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation
14 with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise,
15 and each of them, are permanently enjoined and restrained from, directly or indirectly, violating
16 Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)] and Rule 13a-14 of the Exchange Act [17
17 C.F.R. § 240.13a-14] by falsely certifying annual and quarterly reports filed with the Commission
18 under Section 13(a) of the Exchange Act.

19 V.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
21 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] and Section 20(e) of the Securities Act [15
22 U.S.C. § 77t(e)], Defendant Leonard is prohibited from acting as an officer or director of any issuer
23 that has a class of securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l]
24 or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].
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VII.

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2 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant
3 Leonard is permanently barred from participating in an offering of penny stock, including engaging
4 in activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting
5 to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a
6 price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R.
7 240.3a51-1].
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VIII.

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10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Leonard is
11 liable for disgorgement of \$249,793.68, representing profits gained as a result of the conduct alleged
12 in the Complaint, together with prejudgment interest thereon in the amount of \$37,586.84. Defendant
13 shall satisfy this obligation by paying \$287,380.50 within ten (10) business days after entry of this
14 Final Judgment by certified check, bank cashier's check, or United States postal money order payable
15 to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office
16 of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General
17 Green Way, Mail Stop 0-3, Alexandria, Virginia, 22312, and shall be accompanied by a letter
18 identifying Deni G. Leonard as a defendant in this action; setting forth the title and civil action
19 number of this action and the name of this Court; and specifying that payment is made pursuant to
20 this Final Judgment. Defendant shall simultaneously transmit photocopies of such payment and letter
21 to the attention of Marc J. Fagel, Regional Administrator, San Francisco Regional Office, United
22 States Securities and Exchange Commission, 44 Montgomery Street, Suite 2600, San Francisco,
23 California 94104. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to
24 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the
25 United States Treasury.
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IX.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Leonard shall pay a civil penalty in the amount of \$249,793.68 pursuant to Section 20(d) of the Securities Act and Section 21(a) of the Exchange Act. Defendant shall make this payment within ten (10) business days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Deni G. Leonard 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. A copy of the cover letter and money order or check shall be sent to Marc J. Fagel, Regional Administrator, San Francisco Regional Office, United States Securities and Exchange Commission, 44 Montgomery Street, Suite 2600, San Francisco, California 94104. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

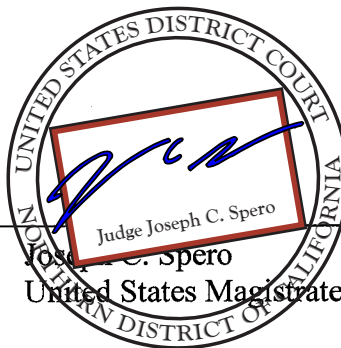
X.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purpose of enforcing the terms of this Order and for all other purposes.

XI.

There being no just reason for delay, the Clerk is hereby directed to enter this Final Judgment against Defendant forthwith and without delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

DATED: 7/21/08



Joseph C. Spero
United States Magistrate Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

INDIGENOUS GLOBAL DEVELOPMENT,
ET AL.,

Defendant.

Case Number: CV06-05600 JCS

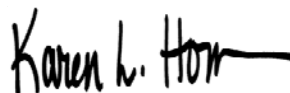
CERTIFICATE OF SERVICE

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

That on July 22, 2008, 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, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Deni G. Leonard
c/o Reverend Gregory Richardson
2451 Sacramento Street
Apartment 1009
San Francisco, CA 94115

Dated: July 21, 2008



Richard W. Wieking, Clerk
By: Karen Hom, Deputy Clerk