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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

GERALD HAROLD LEVINE, MARIE A. LEVINE,
MARY ANN METZ, DARIN SCOTT METZ, ALAN
BRUCE COPELAND, ISAAC BARRETT MORLEY,
BRUCE CHET ROTHENBERG and NU STAR
HOLDINGS, INC.,

Defendants,

and

WIRE TO WIRE, INC., PUBLIC HIGHWAY, INC.,
THE 1975 TRUST and GLOBAL ENVIRONMENTAL
SYSTEMS, INC.,

Relief Defendants.

2:07-CV-00506-LDG/RJJ

ORDER

**FINAL JUDGMENT AS TO DEFENDANTS GERALD H. LEVINE, MARIE
A. LEVINE, ALAN B. COPELAND AND NU STAR HOLDINGS, INC.**

This matter comes before the Court on Plaintiff Securities and Exchange Commission’s (the “SEC”) Motion for Summary Judgment against defendants Gerald Levine, Marie Levine, Alan Copeland and Nu Star Holdings, Inc (“Nu Star”). The Court GRANTS the SEC’s Motion for Summary Judgment against each of these defendants and enters an Order of Final Judgment.

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Gerald Levine, Marie Levine, Alan Copeland, Nu Star and their respective agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined

1 from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the
2 “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R.
3 § 240.10b-5], by using any means or instrumentality of interstate commerce, or of the mails, or of
4 any facility of any national securities exchange, in connection with the purchase or sale of any
5 security:

- 6 (a) to employ any device, scheme, or artifice to defraud;
- 7 (b) to make any untrue statement of a material fact or to omit to state a material fact
8 necessary in order to make the statements made, in the light of the circumstances
9 under which they were made, not misleading; or
- 10 (c) to engage in any act, practice, or course of business which operates or would
11 operate as a fraud or deceit upon any person.

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14 **II.**

15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Gerald
16 Levine, Marie Levine, Alan Copeland, Nu Star and their respective agents, servants, employees,
17 attorneys, and all persons in active concert or participation with them who receive actual notice of
18 this Final Judgment by personal service or otherwise are permanently restrained and enjoined
19 from violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. §
20 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation
21 or communication in interstate commerce or by use of the mails, directly or indirectly:

- 22 (a) to employ any device, scheme, or artifice to defraud;
 - 23 (b) to obtain money or property by means of any untrue statement of a material fact
24 or any omission of a material fact necessary in order to make the statements
25 made, in light of the circumstances under which they were made, not misleading;
26 or
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- 1 (c) to engage in any transaction, practice, or course of business which operates or
2 would operate as a fraud or deceit upon the purchaser.
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5 **III.**

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Gerald
7 Levine, Marie Levine, Nu Star and their respective agents, servants, employees, attorneys, and all
8 persons in active concert or participation with them who receive actual notice of this Final
9 Judgment by personal service or otherwise are permanently restrained and enjoined from violating
10 Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any
11 applicable exemption:
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- 13 (a) Unless a registration statement is in effect as to a security, making use of any
14 means or instruments of transportation or communication in interstate commerce or
15 of the mails to sell such security through the use or medium of any prospectus or
16 otherwise;
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18 (b) Unless a registration statement is in effect as to a security, carrying or causing to be
19 carried through the mails or in interstate commerce, by any means or instruments of
20 transportation, any such security for the purpose of sale or for delivery after sale; or
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22 (c) Making use of any means or instruments of transportation or communication in
23 interstate commerce or of the mails to offer to sell or offer to buy through the use
24 or medium of any prospectus or otherwise any security, unless a registration
25 statement has been filed with the Commission as to such security, or while the
26 registration statement is the subject of a refusal order or stop order or (prior to the
27 effective date of the registration statement) any public proceeding or examination
28 under Section 8 of the Securities Act [15 U.S.C. § 77h].

IV.

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2 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Gerald
3 Levine and Marie Levine and their respective agents, servants, employees, attorneys, and all
4 persons in active concert or participation with them who receive actual notice of this Final
5 Judgment by personal service or otherwise are permanently restrained and enjoined from
6 violating, directly or indirectly, Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)] by using
7 the mails or any means or instrumentality of interstate commerce to effect any transactions in, or
8 to induce or attempt to induce the purchase or sale of, any security (other than an exempted
9 security or commercial paper, bankers' acceptances or commercial bills) unless registered as a
10 broker or dealer under Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)], or associated with
11 a broker or dealer registered under Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)].
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V.

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15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section
16 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] and Section 20(e) of the Securities Act [15
17 U.S.C. § 77t(e)], Defendants Gerald Levine and Marie Levine are prohibited from acting as an
18 officer or director of any issuer that has a class of securities registered pursuant to Section 12 of
19 the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of
20 the Exchange Act [15 U.S.C. § 78o(d)].
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VI.

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24 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendants
25 Gerald Levine, Marie Levine, and Alan Copeland are permanently barred from participating in an
26 offering of penny stock, including engaging in activities with a broker, dealer, or issuer for
27 purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny
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1 stock. A penny stock is any equity security that has a price of less than five dollars, except as
2 provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. § 240.3a51-1].

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4 **VII.**

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants Gerald
6 Levine, Marie Levine, Alan Copeland and Nu Star are jointly and severally liable for
7 disgorgement of \$3,381,689, representing profits gained as a result of the conduct alleged in the
8 Complaint in the amount of \$2,593,712, together with prejudgment interest thereon in the amount
9 of \$787,977. Further, Defendants Nu Star, Gerald Levine, Marie Levine and Alan Copeland shall
10 be liable for civil penalties pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)]
11 and Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)] in the amount of \$120,000
12 each. Each Defendant shall satisfy this obligation by paying the disgorgement and penalty within
13 ten business days after entry of this Final Judgment by certified check, bank cashier's check, or
14 United States postal money order payable to the Securities and Exchange Commission. Each
15 Defendant's payment shall be delivered or mailed to the Office of Financial Management,
16 Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-
17 3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying the Defendant
18 making the payment as a defendant in this action; setting forth the title and civil action number of
19 this action and the name of this Court; and specifying that payment is made pursuant to this Final
20 Judgment. Each Defendant shall pay post-judgment interest on any delinquent amounts pursuant
21 to 28 U.S.C. § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the
22 United States Treasury.
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26 Dated: 7 April, 2010

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28 United States District Judge