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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Securities and Exchange Commission,

NO. C 07-06122 JW

Plaintiff,

**AMENDED JUDGMENT AND
INJUNCTION**

v.

Carl W. Jasper,

Defendant.

_____ /
This case was tried to a jury, District Judge James Ware presiding. Attorneys Mark P. Fickes, Erin E. Schneider, and Marc J. Fagel, represented Plaintiff Securities and Exchange Commission (“SEC”). Attorneys Steven M. Bauer and Margaret Tough represented Defendant Carl W. Jasper.

The case was submitted to the jury for decision on eleven claims, as follows:

The First Claim was by Plaintiff against Defendant for Fraud in Connection with the Purchase or Sale of Securities.

The Second Claim was by Plaintiff against Defendant for Use of Instrumentalities in Interstate Commerce to Commit Securities Fraud.

The Third Claim was by Plaintiff against Defendant for Obtaining Money or Property by Means of Securities Fraud.

The Fourth Claim was by Plaintiff against Defendant for False Periodic Reports–Aiding and Abetting.

1 The Fifth Claim was by Plaintiff against Defendant for False Books and Records–Aiding and
2 Abetting.

3 The Sixth Claim was by Plaintiff against Defendant for Inadequate Internal Accounting
4 Controls–Aiding and Abetting.

5 The Seventh Claim was by Plaintiff against Defendant for Circumventing Internal
6 Accounting Controls.

7 The Eighth Claim was by Plaintiff against Defendant for Falsifying Books and Records.

8 The Ninth Claim was by Plaintiff against Defendant for False Statements of Omissions to
9 Accountants and Auditors.

10 The Tenth Claim was by Plaintiff against Defendant for False Certifications.

11 The Eleventh Claim was by Plaintiff against Defendant for False Proxy Statements.

12 The Verdict form required the jury to state its finding with respect to each claim by
13 answering written interrogatories. On April 23, 2010, the jury returned a unanimous verdict on each
14 interrogatory submitted to it. Pursuant to the jury verdict, judgment is entered in favor of Plaintiff
15 on Plaintiff’s First, Second, Fourth, Fifth, Sixth, Eight, Ninth and Tenth Claims. Judgment is
16 entered in favor of Defendant on Plaintiff’s Third, Seventh, and Eleventh Claims.

17 Defendant Carl W. Jasper shall pay a civil penalty in the amount of \$360,000 within sixty
18 (60) business days after entry of this Amended Judgment. The payment shall be made by certified
19 check, bank cashier’s check, or United States postal money order payable to the Securities and
20 Exchange Commission and shall be delivered or mailed to the Office of Financial Management,
21 Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3,
22 Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Carl W. Jasper as
23 Defendant in this action; setting forth the title and civil action number of this action and the name of
24 this Court; and specifying that payment is made pursuant to this Amended Judgment. Defendant
25 shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The
26 Commission shall remit the funds as paid as a civil penalty pursuant to this paragraph to the United
27 States Treasury.

1 Defendant shall pay \$1,869,639 as forfeiture of bonuses and stock-sale profits within ninety
2 (90) business days after entry of this Amended Judgment. The payment shall be made by certified
3 check, bank cashier's check, or United States postal money order payable to Maxim Integrated
4 Products, Inc., c/o Patrick C. Doolittle, Esq., Quinn Emanuel Urqart & Sullivan, LLP, 50 California
5 Street, 22nd Floor, San Francisco, California 94111, and shall be accompanied by a letter (with a
6 copy of the letter and check, or money order, to the Commission's counsel in this action: Mark P.
7 Fickes, Securities and Exchange Commission, 44 Montgomery Street, Suite 2600, San Francisco,
8 CA 94104) identifying Carl W. Jasper as Defendant in this action; setting forth the title and civil
9 action number of this action and the name of this Court; and specifying that payment is made
10 pursuant to this Amended Judgment. Defendant shall pay post-judgment interest on any delinquent
11 amounts pursuant to 28 U.S.C. § 1961. Defendant Jasper and his agents, servants, employees,
12 attorneys-in-fact, and all persons in active concert or participation with any of them, who receive
13 actual notice of this Amended Judgment, by personal service or otherwise, and each of them, are
14 permanently enjoined and restrained from, directly or indirectly, violating Section 10(b) of the
15 Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. §
16 240.10b-5, by:

- 17 (1) employing any device, scheme, or artifice to defraud;
 - 18 (2) making any untrue statement of a material fact or omitting to state a material fact
19 necessary in order to make the statements made, in the light of the circumstances under
20 which they were made, not misleading; or
 - 21 (3) engaging in any act, practice, or course of business which operates or would operate as
22 a fraud or deceit upon any person,
- 23 in connection with the purchase or sale of the securities of any issuer, by the use of any means or
24 instrumentality of interstate commerce, or of the mails, or of any facility of any national securities
25 exchange.

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1 Defendant Jasper and his agents, servants, employees, attorneys-in-fact, and all persons in
2 active concert or participation with any of them, who receive actual notice of this Amended
3 Judgment, by personal service or otherwise, and each of them, are permanently enjoined and
4 restrained from, directly or indirectly, violating Section 17(a)(1) of the Securities Act of 1933
5 (“Securities Act”), 15 U.S.C. § 77q(a)(1), by employing any device, scheme, or artifice to defraud,
6 in the offer or sale of any securities by the use of any means or instrumentality of interstate
7 commerce, or of the mails. Defendant Jasper and his agents, servants, employees, attorneys-in-fact,
8 and all persons in active concert or participation with any of them, who receive actual notice of this
9 Amended Judgment, by personal service or otherwise, and each of them, are permanently enjoined
10 and restrained from aiding and abetting any violation of Section 13(a) of the Exchange Act, 15
11 U.S.C. § 78m(a), and Rules 12b-20, 13a-1, 13a-11, and 13a-13, 17 C.F.R. §§ 240.12b-20, 240.13a-1,
12 240.13a-11 & 240.13a-13, by knowingly providing substantial assistance to any issuer which has a
13 class of securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, or Section
14 15(d) of the Exchange Act, 15 U.S.C. § 78o, in failing to file with the Commission such accurate
15 and complete information, reports, and documents as are required to be filed with the Commission
16 pursuant to Section 13(a) of the Exchange Act, 15 U.S.C. § 78m(a), and the Commission’s Rules,
17 including annual reports on Form 10-K and quarterly reports on Form 10-Q.

18 Defendant Jasper and his agents, servants, employees, attorneys-in-fact, and all persons in
19 active concert or participation with any of them, who receive actual notice of this Amended
20 Judgment, by personal service or otherwise, and each of them, are permanently enjoined and
21 restrained from aiding and abetting any violation of Section 13(b)(2)(A) of the Exchange Act, 15
22 U.S.C. § 78m(b)(2)(A), by knowingly providing substantial assistance to any issuer which has a
23 class of securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, or Section
24 15(d) of the Exchange Act, 15 U.S.C. § 78o, in failing to make or keep books, records or accounts,
25 which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of the
26 assets of the issuer.

1 Defendant Jasper and his agents, servants, employees, attorneys-in-fact, and all persons in
2 active concert or participation with any of them, who receive actual notice of this Amended
3 Judgment, by personal service or otherwise, and each of them, are permanently enjoined and
4 restrained from aiding and abetting any violation of Section 13(b)(2)(B) of the Exchange Act, 15
5 U.S.C. § 78m(b)(2)(B), by knowingly providing substantial assistance to any issuer which has a
6 class of securities registered pursuant to Section 12 of the Exchange Act, 15 U.S.C. § 78l, or Section
7 15(d) of the Exchange Act, 15 U.S.C. § 78o, in failing to devise and maintain a system of internal
8 accounting controls sufficient to provide reasonable assurance that transactions are recorded as
9 necessary to permit preparation of financial statements in conformity with generally accepted
10 accounting principles or other applicable criteria, and to maintain accountability for assets.

11 Defendant Jasper and his agents, servants, employees, attorneys-in-fact, and all persons in
12 active concert or participation with any of them, who receive actual notice of this Amended
13 Judgment, by personal service or otherwise, and each of them, are permanently enjoined and
14 restrained from, directly or indirectly, violating Rule 13b2-1 of the Exchange Act, 17 C.F.R. §
15 240.13b2-1, by falsifying or causing to be falsified any book, record or account subject to Section
16 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A).

17 Defendant Jasper and his agents, servants, employees, attorneys-in-fact, and all persons in
18 active concert or participation with any of them, who receive actual notice of this Amended
19 Judgment, by personal service or otherwise, and each of them, are permanently enjoined and
20 restrained from, directly or indirectly, violating Rule 13b2-2 of the Exchange Act, 17 C.F.R. §
21 240.13b2-2, by making or causing to be made a materially false or misleading statement, or by
22 omitting to state or causing another person to omit to state, any material fact necessary in order to
23 make statements made, in light of the circumstances under which such statements were made, not
24 misleading, to an accountant in connection with (A) any audit or examination of the financial
25 statements of an issuer required to be made pursuant to the federal securities laws or (B) the
26 preparation or filing of any document or report required to be filed with the Commission pursuant to
27 the federal securities laws or otherwise.


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1 Defendant Jasper and his agents, servants, employees, attorneys-in-fact, and all persons in
2 active concert or participation with any of them, who receive actual notice of this Amended
3 Judgment, by personal service or otherwise, and each of them, are permanently enjoined and
4 restrained from violating Rule 13a-14 of the Exchange Act, 17 C.F.R. § 240.13a-14, as a principal
5 executive or principal financial officer of an issuer, or as a person performing similar functions, by
6 falsely certifying any report filed under 15 U.S.C. § 78m(a) (other than a report filed by an Asset-
7 Backed Issuer defined in 17 C.F.R. § 229.1101, or a report on Form 20-F under 17 C.F.R. §
8 240.13a-19), including reports filed on Forms 10-Q and Forms 10-K.

9 Defendant Jasper is prohibited for a period of two years beginning on the date of this Order
10 from acting as an officer or director of any issuer that has a class of securities registered pursuant to
11 Section 12 of the Exchange Act, 15 U.S.C. § 78l, or that is required to file reports pursuant to
12 Section 15(d) of the Exchange Act, 15 U.S.C. § 78o(d).

13 The Clerk shall close this file.

14
15 Dated: November 5, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Bill James Symes bsymes@foley.com
- 3 Christopher Benjamin Campbell christopher.campbell@lw.com
- 4 Christopher William Johnstone chris.johnstone@lw.com
- 5 Danielle Andrea Lackey danielle.lackey@lw.com
- 6 David Michael Friedman david.friedman@lw.com
- 7 Erin E. Schneider schneidere@sec.gov
- 8 Heather Lynn Thompson heather.thompson@lw.com
- 9 Judith L. Anderson andersonju@sec.gov
- 10 Marc J. Fagel fagelm@sec.gov
- 11 Margaret Tough margaret.tough@lw.com
- 12 Mark Philip Fickes fickesm@sec.gov
- 13 Risha Nickelle Jamison risha.jamison@lw.com
- 14 Robert Lootfi Tashjian tashjianr@sec.gov
- 15 Robert S. Leach leachr@sec.gov
- 16 Steven Mark Bauer steve.bauer@lw.com
- 17 Susan F. LaMarca lamarcas@sec.gov

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12 **Dated: November 5, 2010**

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy