

MHN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

_____)		
SECURITIES AND EXCHANGE)		
COMMISSION,)		
)	
)	
)	Civil Action No. 10 cv 3877
)	
v.)		Honorable Judge Joan B. Gottschall
)	
)	
ANTHONY T. BANAS,)		Magistrate Judge Sheila Finnegan
)	
Defendant.)		
_____)		

FINAL JUDGMENT

The Plaintiff Securities and Exchange Commission (“the SEC”) having filed a Complaint and Defendant Anthony T. Banas (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over the Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

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

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

II.

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

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

III.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$975,548.25, representing profits gained in the redemption of Canopy Financial, Inc. common stock as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$32,910.45 and a civil penalty, in an amount to be determined, pursuant to Section 20(d) of the Securities Act and Section 21(d)(3) of the Exchange Act. If Defendant agrees to forfeit \$1,008,458.70, that he previously surrendered to the U.S. Marshal's Service in the criminal action U.S. v. Anthony T. Banas, 1:09-cr-00976-2(N.D. Ill.), that amount shall be credited dollar for dollar against his disgorgement and prejudgment interest obligation. If Defendant does not agree to forfeit the \$1,008,458.70, the full amount of disgorgement and prejudgment interest remain due and Defendant shall satisfy the remaining total obligation by paying \$1,008,458.70 within ten (10) business days after a Court orders Defendant's compliance with 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 Anthony T. Banas 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 letter also shall be provided to counsel for the Commission. 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.

IV.

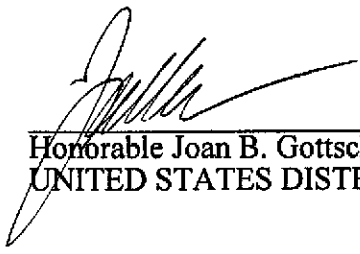
IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that the Defendant's Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

V.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final Judgment.

VI.

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



Honorable Joan B. Gottschall
UNITED STATES DISTRICT JUDGE

Dated: July 14, 2010