

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

\_\_\_\_\_ )  
 UNITED STATES SECURITIES )  
 AND EXCHANGE COMMISSION, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 KIRK KOSKELLA, O. JAY NEELEY )  
 and ELTC LIMITED, )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

1:01-CV-6227

Hon. William J. Hibbler

DOCKETED  
JAN 29 2002

JUDGMENT AS TO DEFENDANT  
O. JAY NEELEY

Plaintiff Securities and Exchange Commission ("Commission") has filed a Complaint for Permanent Injunction and Other Equitable Relief ("Complaint") in this matter, and Defendant O. Jay Neeley ("Defendant Neeley") has, in the Consent and Stipulation attached hereto and incorporated herein, acknowledged receipt of the Complaint, admitted the jurisdiction of this Court over him and over the subject matter thereof, and without admitting or denying the allegations of the Complaint, except as to jurisdiction, and without trial, argument or adjudication of any facts or law herein, consented to the entry of this Order of Permanent Injunction ("Order"). The Commission and Defendant have waived the entry of findings of fact and conclusions of law, as provided by Rule 52 of the Federal Rules of Civil Procedure. The Court having jurisdiction over the parties and the subject matter hereof, and being fully advised in the premises:



I.

IT IS HEREBY ORDERED that Defendant Neeley, his officers, agents, servants, employees, attorneys and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and are hereby permanently restrained and enjoined from, in the offer or sale of any securities, by the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails, directly or indirectly, employing any device, scheme or artifice to defraud, in violation of Section 17(a)(1) of the Securities Act of 1933 [15 U.S.C. § 77q(a)(1)].

II.

IT IS FURTHER ORDERED that Defendant Neeley, his officers, agents, servants, employees, attorneys and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and are hereby permanently restrained and enjoined from, in the offer or sale of any securities by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly, engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser, in violation of Section 17(a)(3) of the Securities Act of 1933 [15 U.S.C. §§ 77q(a)(2) and 77q(a)(3)].

III.

IT IS FURTHER ORDERED that the imposition of civil penalties against Defendant Neeley may be appropriate. This Court will set the specific amount of the penalties in a separate hearing upon due notice and motion by the Commission. At that hearing, the issue will be limited to determining the amount of the civil penalties to be ordered and Defendant Neeley will be precluded from denying that he violated the federal securities laws as alleged in the

Complaint.

IV.

IT IS FURTHER ORDERED that the attached Consent and Stipulation of Defendant Neeley be, and is hereby, incorporated herein with the same force and effect as if fully set out herein.

V.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all purposes, including, but not limited to entertaining any applications for additional relief, and implementing and enforcing this Order.

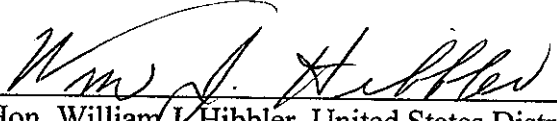
VI.

IT IS FURTHER ORDERED that the Commission is expressly authorized to continue to take discovery from Defendant Neeley, including, but not limited to, discovery for the purposes of determining the appropriate civil penalty, if any, that should be imposed against him.

VII.

IT IS FURTHER ORDERED that there being no just reason for delay, the Clerk of the Court is hereby directed to enter this Order of Permanent Injunction.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Hon. William J. Hibbler, United States District Court Judge  
United States District Court, Northern District of Illinois

Dated: January 15, 2002