

1 SANDRA J. HARRIS, Cal. Bar # 134153
NICOLAS MORGAN, Cal. Bar # 166441
2 RABIA A. CEBECI, Cal. Bar # 143634
3 Attorneys for Plaintiff
Securities and Exchange Commission
4 5670 Wilshire Boulevard, 11th Floor
Los Angeles, California 90036-3648
5 Phone: (323) 965-3998
Fax: (323) 965-3908

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FILED
OCT 22 2001
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

LODGED

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AUG 15 2001

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION AT SANTA ANA

11 SECURITIES AND EXCHANGE COMMISSION,

Case No. SACV 00-1131 AHS (EEx)

12 Plaintiff,

~~[PROPOSED]~~ FINAL JUDGMENT BY
DEFAULT OF PERMANENT INJUNCTION
AND OTHER RELIEF AGAINST
DEFENDANT SCOTT YOSHIZUMI

13 vs.

Courtroom of the Hon.
Alicemarie H. Stotler

14 CONCORD CAPITAL ENTERPRISE, dba
CONCORD CAPITAL INC. AND CONCORD
15 CAPITAL ENTERPRISES INC., SCOTT
YOSHIZUMI, ANN TA, AND DIONISIA
16 PAPPAS,

[Filed concurrently with
Declaration of Rabia Cebeci]

17 Defendants.

ENTERED
OCT 29 2001
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA OFFICE DEPUTY
BY *[Signature]*

ENTER ON ICMS
OCT 29 2001
[Signature]

- 28 Docketed
- Copies / NTC Sent
- JS - 5 / JS - 6
- JS - 2 / JS - 3
- CLSD

1 Plaintiff Securities and Exchange Commission ("Commission")
2 filed and served upon Defendant Scott Yoshizumi ("Yoshizumi") a
3 Summons and Complaint in this action. Defendant Yoshizumi failed to
4 file an Answer or otherwise respond to the Complaint.

5 On December 13, 2000, the Clerk of the Court entered the
6 Default of Defendant Yoshizumi pursuant to Fed. R. Civ. P. 55(a).
7 Thereafter, Plaintiff Commission moved for entry of a final judgment
8 by default by this Court pursuant to Fed. R. Civ. P. 55(b) with
9 supporting papers showing service of the Summons and Complaint upon
10 Defendant Yoshizumi and the subsequent failure of Defendant
11 Yoshizumi to answer or otherwise respond to the Complaint. Based
12 upon the memoranda, evidence and arguments presented with regard to
13 the Commission's motion for entry of default judgment:

14 I.

15 IT IS HEREBY ORDERED that the Commission's Motion for entry of
16 default judgment against Defendant Yoshizumi is GRANTED.

17 II.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
19 Yoshizumi and his agents, servants, employees and attorneys, and all
20 persons in active concert or participation with any of them who
21 receive actual notice of this Final Judgment by personal service or
22 otherwise, and each of them, are permanently restrained and enjoined
23 from, directly or indirectly, in the offer or sale of any
24 securities, by the use of any means or instruments of transportation
25 or communication in interstate commerce or by the use of the mails:

- 26 A. employing any device, scheme or artifice to defraud;
27 B. obtaining money or property by means of any untrue
28 statement of a material fact or any omission to state a

1 material fact necessary in order to make the statements
2 made, in the light of the circumstances under which they
3 were made, not misleading; or

4 C. engaging in any transaction, practice, or course of
5 business which operates or would operate as a fraud or
6 deceit upon the purchaser;

7 in violation of Section 17(a) of the Securities Act 15 U.S.C. §
8 77q(a).

9 III.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
11 Yoshizumi and his agents, servants, employees and attorneys, and all
12 persons in active concert or participation with any of them who
13 receive actual notice of this Final Judgment by personal service or
14 otherwise, and each of them, are permanently restrained and enjoined
15 from, directly or indirectly, in connection with the purchase or
16 sale of any security, by the use of any means or instrumentality of
17 interstate commerce, or of the mails, or of any facility of any
18 national securities exchange:

19 A. employing any device, scheme, or artifice to defraud;

20 B. making any untrue statement of a material fact or
21 omitting to state a material fact necessary in order to
22 make the statements made, in the light of the
23 circumstances under which they were made, not misleading;
24 or

25 C. engaging in any act, practice, or course of business
26 which operates or would operate as a fraud or deceit upon
27 any person;

28 in violation of Section 10(b) of the Securities Exchange Act of 1934

1 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder 17
2 C.F.R. § 240.10b-5.

3 IV.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
5 Yoshizumi shall pay disgorgement in the amount of \$15,068,300
6 representing his ill-gotten gains from the conduct alleged in the
7 Complaint, plus prejudgment interest thereon in the amount of
8 \$834,457.68, calculated pursuant to 28 U.S.C. § 1961. Defendant
9 Yoshizumi shall pay the disgorgement and prejudgment interest by
10 cashier's check, certified check or postal money order made payable
11 to the Securities and Exchange Commission and transmitted to the
12 Comptroller, Securities and Exchange Commission, Operations Center,
13 6432 General Green Way, Stop 0-3, Alexandria, Virginia, 22312, under
14 cover of a letter that identifies the defendant, the name and case
15 number of this litigation, and the court. A copy of the cover
16 letter and the check or money order shall be simultaneously
17 transmitted to counsel for the Commission at its Los Angeles office,
18 located at 5670 Wilshire Boulevard, 11th Floor, Los Angeles,
19 California 90036.

20 V.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
22 Yoshizumi shall pay civil penalties pursuant to Section 20(d) of the
23 Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the
24 Exchange Act, 15 U.S.C. § 78u(d)(3), in the amount of \$110,000.
25 Defendant Yoshizumi shall pay the civil penalties by cashier's
26 check, certified check or postal money order made payable to the
27 United States Treasury, and transmitted to the Comptroller,
28 Securities and Exchange Commission, Operations Center, 6432 General

1 Green Way, Stop 0-3, Alexandria, Virginia, 22312, under cover of a
2 letter that identifies the defendant, the name and case number of
3 this litigation, and the court. A copy of the cover letter and the
4 check or money order shall be simultaneously transmitted to counsel
5 for the Commission at its Los Angeles office, located at 5670
6 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036.

7 VI.

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Yoshizumi
9 shall provide all documents in his possession, custody or control to
10 the Commission and disclose under oath all information with respect
11 to his activities and the activities of others about which the
12 Commission or its staff may inquire or request. Such production of
13 documents and disclosure of information by Yoshizumi shall be made
14 upon reasonable notice in writing and without service of a subpoena
15 and subject only to the good faith assertion of any privileges
16 recognizable pursuant to the provisions of Rule 501 of the Federal
17 Rules of Evidence or the United States Constitution and amendments
18 thereto. Failure to comply with the foregoing will subject
19 Yoshizumi to the remedies and sanctions set forth in Rule 37 of the
20 Federal Rules of Civil Procedure and all other available remedies.

21
22 VII.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court
24 shall retain jurisdiction over this action for all purposes,
25 including to determine the liability of any remaining defendants in
26 this action, to implement and enforce the terms of this
27 Final Judgment and other orders and decrees which may be entered,
28 and to grant such other relief as this Court may deem necessary and

1 just.

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There being no just reason for delay, the Clerk of the Court is directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment.

DATED: *October 22, 2001*

Alicemarie H. Stotler

HONORABLE ALICEMARIE H. STOTLER
JUDGE
UNITED STATES DISTRICT COURT