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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,	:	00 Civ. 6024 (JG)
	:	
Plaintiff,	:	FINAL JUDGMENT
	:	OF PERMANENT
- against -	:	INJUNCTION AND
	:	OTHER RELIEF
	:	AGAINST
	:	<u>ELLIOT M. LAVIGNE</u>
ELLIOT M. LAVIGNE,	:	
	:	
Defendant.	:	
	:	

Plaintiff Securities and Exchange Commission (the "Commission"), having commenced this action on November 2, 2000 against Elliot M. Lavigne ("Lavigne") for injunctive and other equitable relief ("Complaint"), charging Lavigne with violations of Section 17(a) of the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. § 77q(a), and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b) and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5; and defendant Lavigne, having executed the Consent and Undertakings of Elliot M. Lavigne ("Consent"), dated August 1, 2001, having admitted to the service of the Summons and Complaint on him, having admitted to the in personam of this Court

over him and over the subject matter jurisdiction of this action, having waived the filing of an answer and the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and without admitting or denying the allegations of the Commission's Complaint (except as to jurisdiction which are admitted), and having consented to the entry of the Partial Judgment of Permanent Injunction And Other Relief By Consent Against Elliot M. Lavigne ("Partial Judgment") signed by the Court and entered on the docket on August 2, 2001; and the parties having stipulated to the entry of this Final Judgment of Permanent Injunction And Other Relief Against Elliot M. Lavigne ("Final Judgment"), without further notice:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Lavigne be and hereby is permanently enjoined from, directly or indirectly, singly or in concert, 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:

- (1) employing any device, scheme or artifice to defraud; or
- (2) obtaining money or property by means of an untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (3) 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) of the Securities Act, 15 U.S.C. § 77q(a).

II.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Lavigne hereby is permanently enjoined and restrained from, directly or indirectly, singly or in concert, in

connection with the purchase or sale of any security, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

- (1) employing any device, scheme, or artifice to defraud;
- (2) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it was made, not misleading; and
- (3) engaging in any act, transaction, practice or course of business which operates or would operate as a fraud or deceit upon any person,

in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Lavigne hereby is enjoined and restrained from, directly or indirectly, singly or in concert, acting as a director or officer of any issuer having a class of securities registered with the Commission pursuant to Section 12 of the Exchange Act 15 U.S.C. § 78l or that is required to file reports pursuant to Section 15(d) of the Exchange Act 15 U.S.C. § 78o(d) for a period of seven years commencing on August 2, 2001.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Lavigne shall pay a civil penalty of \$100,000.00 pursuant to Section 20(a) of the Securities Act, 15 U.S.C. § 77t(a), and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Payment of this civil penalty shall be made in the manner described in Paragraph V. below.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the payment of the civil penalty described in Paragraph IV. shall be made by U.S. postal money order, certified check, bank cashier's check, or bank money order payable to the order of the "United States Securities and Exchange Commission." This payment shall be transmitted to the Comptroller, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, under cover of a letter that identifies the defendant, the name and civil action number of this litigation, and the court in which it was brought. The cover letter also shall contain the investigation name (*In the Matter of Elliot Lavigne*) and the case number assigned by the Commission staff (NY-6756), and shall identify the payment as a civil penalty under Section 20(d) of the Securities Act and Section 21(d) of the Exchange Act. A copy of the cover letter and of any money orders or checks, front and back, shall be transmitted simultaneously to Doria G. Bachenheimer, Esq., Securities and Exchange Commission, 233 Broadway, New York, New York, 10279.

VI.

IT IS FURTHER ORDERED that the Consent be, and hereby is, incorporated herein with the same force and effect as if fully set forth herein.

VII.

IT IS FURTHER ORDERED that Lavigne shall comply with the undertakings set forth in the Consent.

VIII.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this matter for all purposes, including, but not limited to, implementing and enforcing the terms and conditions of this Final Judgment.

IX.

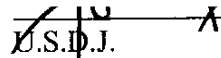
IT IS FURTHER ORDERED that the Court expressly determines that there is no just reason for delay in the entry of this Final Judgment. The Clerk of the Court is hereby directed pursuant to Rule 54(b) of the Federal Rules of Civil Procedure to enter this Final Judgment forthwith.

X.

IT IS FURTHER ORDERED that pursuant to Rule 65(d) of the Federal Rules of Civil Procedure, this Final Judgment is binding upon defendant Lavigne, his agents, servants, employees, partners, and attorneys, and those persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise.

Dated: Brooklyn, New York
June , 2003

SO ORDERED:



U.S.D.J.

6-4-03