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CENTRAL DISTRICT OF CALIFORNIA

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11 SECURITIES AND EXCHANGE )  
12 COMMISSION, )  
13 Plaintiff, )  
14 v. )  
15 PACIFIC AIR TRANSPORT, INC, and )  
16 ROBERT B. HIRSCH, )  
17 Defendants. )

Case No. CV00-05854-CM (Mex)  
**FINAL JUDGMENT OF  
PERMANENT INJUNCTION AND  
OTHER EQUITABLE RELIEF AS  
TO ROBERT B. HIRSCH**

THIS CONSTITUTES NOTICE OF ENTRY  
AS REQUIRED BY FRCP, RULE 77(d).

18 Plaintiff Securities and Exchange Commission ("Commission"), having filed its  
19 Complaint for Injunctive and Other Equitable Relief in this matter, and Defendant Robert B.  
20 Hirsch ("Hirsch"), having admitted service of the Summons and Complaint in this matter,  
21 having admitted the jurisdiction of this Court over him and over the subject matter of this  
22 action, having waived the entry of findings of fact and conclusions of law pursuant to Rule  
23 52 of the Federal Rules of Civil Procedure, and without admitting or denying any of the  
24 allegations of the Complaint, except as set forth herein, and without trial, argument or  
25 adjudication of any issue of law or fact, having consented to the entry of this Final Judgment  
26 of Permanent Injunction and Other Equitable Relief as to Robert B. Hirsch ("Final

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1 matter of this action, it appearing that no further notice for the entry of this Final Judgment  
2 need be given, and the Court being fully advised in the premises:

3 I.

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Hirsch and  
5 his agents, servants, employees, attorneys, and all persons in active concert or participation  
6 with him who receive actual notice of this Final Judgment by personal service or otherwise,  
7 and each of them, are restrained and permanently enjoined from violating Section 17(a) of  
8 the Securities Act, 15 U.S.C. §77q(a)(1), from making use of any means or instrumentalities  
9 of interstate commerce, or of the mails or of any facility of a national securities exchange,  
10 directly or indirectly:

- 11 (a) to employ any device, scheme or artifice to defraud;
- 12 (b) obtaining money or property by means of any untrue statement of a material  
13 fact or any omission to state a material fact necessary in order to make the  
14 statement(s) made, in the light of the circumstances under which they were made,  
15 not misleading; or
- 16 (c) engaging in any transaction, practice or course of business which operates  
17 or would operate as a fraud or deceit upon the purchaser.

18 II.

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Hirsch  
20 and his agents, servants, employees, attorneys, and all persons in active concert or  
21 participation with him who receive actual notice of this Final Judgment by personal service  
22 or otherwise, and each of them, are restrained and permanently enjoined from violating  
23 Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. §78j(b), by, directly or  
24 indirectly, by the use of any means or instrumentality of interstate commerce, of the mails or  
25 of any facility of any national securities exchange, using or employing in connection with the  
26 purchase or sale of any security registered on a national securities exchange or any  
27 security not so registered any manipulative or deceptive device or contrivance in  
28

1     contravention or a rule or regulation prescribed by the Securities and Exchange  
2     Commission; and

3           (a)     violating Rule 10b-5 of the Securities and Exchange Commission, 17 C.F.R.  
4     §240.10b-5, directly or indirectly, by the use of any means or instrumentality of interstate  
5     commerce, of the mails or of any facility of any national securities exchange,

6           (b)     employing any device, scheme or artifice to defraud,

7           (c)     making any untrue statement of a material fact or omitting to state a material  
8     fact necessary in order to make the statement(s) made, in the light of the circumstances  
9     under which were made, not misleading, or

10           (d)    engaging in any act, practice or course of business which operates or would  
11     operate as a fraud or deceit upon any person.

12   III.

13           IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Hirsch  
14     and his agents, employees, servants, attorneys, and all persons in active concert or  
15     participation with them who receive actual notice of this Order by personal service or  
16     otherwise, and each of them, are restrained and permanently enjoined from violating  
17     sections 5(a) and 5(c) of the Securities Act of 1933, 15 U.S.C. §§77e(a), and 77e(c), by  
18     directly or indirectly;

19           (a)     making use of any means or instrument of transportation or communication  
20     in interstate commerce or of the mails to sell a security through the use or medium of any  
21     prospectus or otherwise;

22           (b)     carrying securities in the form of notes or any other security or causing them  
23     to be carried through the mails and in interstate commerce, by any means or instruments of  
24     transportation, for the purpose of sale or delivery after sale, unless and until a registration  
25     statement is in effect with the Commission as to such securities; or

26           (c)     making use of any means or instruments of transportation or communication  
27     in interstate commerce, or of the mails, to offer to sell, or to offer to buy, through the use or  
28     medium of any offering documents or otherwise, securities in the form of notes or any other

1 security, unless a registration statement has been filed with the Commission as to such  
2 securities, or while a registration statement filed with the Commission as to such securities  
3 is the subject of a refusal order or stop order or (prior to the effective date of the registration  
4 statement) any public proceeding of examination under Section 8 of the Securities Act [15  
5 U.S.C. § 77h]; provided, however, that nothing in paragraph 2 of this Order shall apply to any  
6 security or transaction which is exempt from the provisions of Section 5 of the Securities  
7 Act [15 U.S.C. § 77e].

8 IV.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED Robert B. Hirsch shall  
10 pay a civil penalty of \$20,000 pursuant to Section 20(d) of the Securities Act of 1933 and  
11 Section 21(d) of the Securities Exchange Act of 1934 within 120 days of the entry of this  
12 Final Judgment. Payment shall be made by (a) United States money order, certified check,  
13 bank cashier's check or bank money order, (b) made payable to the Securities and  
14 Exchange Commission, (c) mailed by certified mail (return receipt requested) to the  
15 Comptroller, United States Securities and Exchange Commission, 450 Fifth Street, N.W.,  
16 Mail Stop 0-3, Washington, D.C. 20549, and (d) submitted under cover letter identifying  
17 Robert B. Hirsch as the defendant in this action, the case number of this action, the name of  
18 the Court, and the Commission's file number (FW-2158-A), a copy of which cover letter and  
19 proof of payment shall be sent to J. Kevin Edmundson of the Division of Enforcement,  
20 Securities and Exchange Commission, 801 Cherry Street, Unit 18, Ft. Worth, Texas 76102.  
21 Robert B. Hirsch shall pay postjudgment interest, as calculated pursuant to 28 U.S.C. §  
22 1961, on any amount that remains outstanding more than 120 days after entry of this Final  
23 Judgment.

24 V.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Hirsch's  
26 Stipulation and Consent filed herewith be, and the same is hereby, incorporated herein with  
27 the same force and effect as if fully set forth herein, and therefore, a breach of the terms of  
28 the Stipulation and Consent shall constitute a breach of this Final Judgment.

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VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this matter and over Defendant Hirsch for purposes of enforcing the terms of this Final Judgment and for all other purposes.


VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Final Judgment may be served upon Defendant Hirsch in person or by mail either by the United States Marshall, the Clerk of the Court, or any member of the staff of the Commission.

VIII.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment of Permanent Injunction and Other Equitable Relief as to Robert B. Hirsch pursuant to Rule 54 of the Federal Rules of Civil Procedure.

Dated: 5/17/01

  
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CARLOS R. MORENO  
United States District Judge