

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

SECURITIES AND EXCHANGE COMMISSION

Plaintiff,

v.

MARIA IACOVELLI, et al.

Defendants.

CIVIL ACTION
NO. 01-

01 0344

FILED

MAR 20 2001

NANCY MAYER WHITTINGTON DEPT
U.S. DISTRICT COURT

FINAL JUDGMENT AS TO MARVIN KOGOD

Plaintiff Securities and Exchange Commission ("Commission"), having commenced this action by filing its Complaint for injunctive and other relief ("the Complaint"), and defendant Marvin Kogod ("Kogod"), in his Consent and Undertakings ("Consent"), filed herewith, having entered a general appearance, having acknowledged receipt of the Complaint, having admitted to the jurisdiction of the Court over him and the subject matter of this action, having waived the filing of an Answer pursuant to Rule 12 of the Federal Rules of Civil Procedure and the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and, solely for the purpose of this action, without admitting or denying the allegations of the Complaint (except as to personal and subject matter jurisdiction, which he admits), having consented to the entry of this Final Judgment as to Marvin Kogod ("Final Judgment"), having waived any right to appeal from this Final Judgment, and it further appearing that this Court has jurisdiction over Kogod and the subject matter hereof, and the Court being fully advised in the premises, **IT IS HEREBY:**

12

I.

ORDERED, ADJUDGED AND DECREED that Kogod and his agents, servants, employees, attorneys-in-fact, nominees and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are permanently restrained and enjoined from violating Sections 5(a) and 5(c) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. §§ 77e(a) and 77e(c)] by,

(a) Unless a registration statement is in effect as to a security, directly or indirectly --

(1) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise; or

(2) carrying or causing to be carried through the mails or interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale [as prohibited by Section 5(a)]; or

(b) Directly or indirectly, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed as to such security, or while a registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act. [as prohibited by Section 5(c)].

II.

FURTHER ORDERED, ADJUDGED AND DECREED that Kogod shall disgorge \$283,372, representing the profits that he derived from the conduct alleged in the Complaint.

III.

FURTHER ORDERED, ADJUDGED AND DECREED that Kogod shall deliver his disgorgement payment of \$283,372 to the Court-appointed Receiver (pursuant to Paragraph II of this Final Judgment) within thirty (30) days of the entry of the Final Judgment, or at such later time as directed by the Commission or by the Court-appointed Receiver. Kogod shall contemporaneously notify the Commission of this transfer or delivery by sending a copy of any check, money order, or wire transfer to: Erich T. Schwartz, Assistant Director, Division of Enforcement, Securities and Exchange Commission, 450 Fifth Street, N.W., Mail Stop 7-6, Washington, DC 20549-0706. Such payment shall thereafter be distributed pursuant to a plan for distribution of disgorgement funds, to be filed by the Commission or the Court-appointed Receiver with the Court, but in no event shall any of the funds, securities, or other things of value paid, transferred, assigned, or delivered to the Court-Appointed Receiver be returned, directly or indirectly, to Kogod or to his nominees.

IV.

FURTHER ORDERED, ADJUDGED AND DECREED that Kogod and his agents, servants, employees, attorneys-in-fact, nominees and those persons in active concert or participation with them, and each of them, who receive actual notice of this Final Judgment by personal service or otherwise, are permanently enjoined for a period of three years from the date of this Final Judgment from destroying, mutilating, concealing, altering, or disposing of any

items, including, but not limited to, any books, records, documents, contracts, agreements, assignments, obligations, tape recordings, computer media or other property, relating to the activities described in the Complaint.

V.

FURTHER ORDERED, ADJUDGED AND DECREED that Kogod has waived any rights he or his nominees may have to make any claim against any disgorgement fund established to compensate victims of the SOE fraud, including monies held by the Court-appointed Receiver or in the Registry of the Court.

VI.

FURTHER ORDERED, ADJUDGED AND DECREED that Kogod shall comply with the annexed Consent which is incorporated herein with the same force as if fully set forth in this Final Judgment.

VII.

There being no just reason for delay, 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.

SO ORDERED


UNITED STATES DISTRICT JUDGE

Dated: Feb. 15, 2001
~~January~~
Washington, D.C.