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JAN 12 2004
CENTRAL DISTRICT OF CALIFORNIA
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION

11 SECURITIES AND EXCHANGE
12 COMMISSION,

13 Plaintiff,

14 v.

15 AMERICAN GROWTH CAPITAL
16 CORP.; AMERICAN GROWTH
17 FUND I, LP; GROWTH CAPITAL
18 RESOURCES CORP.; CAPITAL
19 GROWTH FUND I, LP; DONNA L.
20 SNYDER; CHARLES E.
21 DUQUETTE; ROBERT K. KELLY;
22 HUGO V. CIANCIULLI; WILLIAM
M. McNARY; EMANUEL B.
23 NEDWICK; JEROME L. GLAZOV;
24 and CHRISTOPHER A. PAULICK,

25 Defendants.

Case No. CV 97-5993 RJK (JWJx)

~~PROPOSED~~ FINAL JUDGMENT
OF PERMANENT INJUNCTION
AGAINST DEFENDANT
CHRISTOPHER A. PAULICK

23 This action having come before the Court on Plaintiff Securities and
24 Exchange Commission's ("Commission") motion for summary judgment
25 seeking a permanent injunction against Defendant Christopher A. Paulick
26 ("Paulick"), and the Court having issued an Order Granting Motion For
27 Summary Judgment By Plaintiff Securities And Exchange Commission
28 Against Defendant Christopher A. Paulick:

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I.

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant Paulick and his agents, servants, employees and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are permanently restrained and enjoined from, directly or indirectly, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell, to offer to sell or to offer to buy any security; or carrying or causing to be carried through the mails or in interstate commerce, by any means of transportation, any security for the purpose of sale or for delivery after sale, unless a registration statement is in effect as to such security, in violation of Sections 5(a) and 5(c) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. §§ 77(e)(a) & 77(e)(c).

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Paulick and his agents, servants, employees and attorneys, and all persons in active concert or participation with any of them, who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are permanently restrained and enjoined from, directly or indirectly, 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:

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

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

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

5 III.

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

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

15 B. making any untrue statement of a material fact or omitting to
16 state a material fact necessary in order to make the statements
17 made, in the light of the circumstances under which they were
18 made, not misleading; or

19 C. engaging in any act, practice, or course of business which
20 operates or would operate as a fraud or deceit upon any
21 person;

22 in violation of Section 10(b) of the Securities Exchange Act of 1934
23 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17
24 C.F.R. § 240.10b-5.

25 IV.

26 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
27 Defendant Paulick and his agents, servants, employees and attorneys, and
28 all persons in active concert or participation with any of them, who receive

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1 actual notice of this Final Judgment by personal service or otherwise, and
2 each of them, are permanently restrained and enjoined from making use of
3 the mails or any means or instrumentality of interstate commerce to effect
4 any transactions in, or to induce or attempt to induce the purchase or sale
5 of, any security without being registered as a broker or dealer pursuant to
6 Section 15(b) of the Exchange Act, 15 U.S.C. § 78o(b), in violation of
7 Section 15(a)(1) of the Exchange Act, 15 U.S.C. § 78o(a)(1).


8 V.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this
10 Court shall retain jurisdiction over this action for all purposes, including to
11 implement and enforce the terms of this Final Judgment and other orders
12 and decrees which have been or may be entered, and to grant such other
13 relief as this Court may deem necessary and just.

14 * * * * *

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

18
19 DATED: 2004 JAN 12 2004


HONORABLE ROBERT J. KELLEHER
UNITED STATES DISTRICT JUDGE