

5

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Priority —  
Send —  
Enter —  
Closed ✓  
JS-5/JS-6 —  
JS-2/JS-3 —  
Scan Only ✓

FILED  
CLERK, U.S. DISTRICT COURT  
FILED  
JAN 15 2002  
CENTRAL DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY

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

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

vs.

ROB NITE, et al.,

Defendants.

Case No. 97-6546 DDP (RZx)

~~[PROPOSED]~~ FINAL  
JUDGMENT AGAINST  
DEFENDANT ROB NITE

This matter came before the Court on the motion of Plaintiff Securities and Exchange Commission (the "Commission"), pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, to modify the final judgment against Defendant Rob Nite on November 27, 2000. The Court has considered the Commission's motion and all supporting and opposing memoranda, if any, and upon good cause shown has decided to grant the Commission's motion and modify the previously entered judgment.

///  
///

32/11 Docketed  
/// Copies / NTC Sent  
/// JS - 5 / JS - 6  
28 // JS - 2 / JS - 3  
— CLSD

ENTER ON 15/15  
JAN 16 2002  
[Signature]

[Signature]

1 NOW THEREFORE,

3 I.

4 IT IS ORDERED, ADJUDGED AND DECREED that Defendant Nite and  
5 his agents, servants, employees, and attorneys, and all persons in active concert or  
6 participation with any of them, who receive actual notice of this Final Judgment  
7 by personal service or otherwise, and each of them, are permanently restrained and  
8 enjoined from, directly or indirectly, in connection with the offer or sale of the  
9 security, by the use of any means or instruments of transportation or  
10 communication in interstate commerce or by the use of the mails:

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

18 in violation of Section 17(a) of the Securities Act of 1933 ("Securities Act"), 15  
19 U.S.C. § 77q(a).

20 II.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
22 Defendant Nite and his agents, servants, employees and attorneys, and all persons  
23 in active concert or participation with any of them, who receive actual notice of  
24 this Final Judgment by personal service or otherwise, and each of them, are  
25 permanently restrained and enjoined from, directly or indirectly, in connection  
26 with the purchase or sale of any security, by the use of any means or  
27 instrumentality of interstate commerce, or of the mails, or of any facility of any  
28 national securities exchange:



1 78(d)(3), in the amount of \$100,000. This penalty shall be paid within thirty (30)  
2 days of the entry of this Final Judgment. This payment shall be made by cashier's  
3 check, certified check or postal money order, payable to the United States  
4 Treasury, and shall be transmitted to the Comptroller, Securities and Exchange  
5 Commission, Operations Center, 6432 General Green Way, Stop 0-3, Alexandria,  
6 VA 22312, under cover of a letter that identifies the Defendant, the name and case  
7 number of this litigation, and the Court. A copy of the cover letter and a  
8 photocopy of the check shall be simultaneously transmitted to counsel for the  
9 Commission, in this action, at its Los Angeles, California office.

10 V.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this  
12 Court shall retain jurisdiction over this action for the purposes of determining,  
13 implementing and carrying out the terms of this Final Judgment and all other  
14 orders which may be entered herein and granting such other relief as the Court  
15 may deem necessary and just.

16 \* \* \* \* \*

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

20  
21 DATED: 1-14-02   
22 THE HONORABLE DEAN D. PREGERSON  
23 UNITED STATES DISTRICT JUDGE

24 Submitted by:

25   
26 THOMAS A. ZACCARO  
27 Attorneys for Plaintiff  
28 Securities and Exchange Commission