

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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SECURITIES AND EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	98-CV-2406 DSD/JMM
	:	
THOMAS A. TOUSSAINT, MICHAEL C. SLAGLE	:	
and ERWIN K. GEIGLE,	:	
Defendants.	:	
	:	
	:	
	:	

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**FINAL JUDGMENT OF PERMANENT INJUNCTION  
AND OTHER EQUITABLE RELIEF AS TO THOMAS A. TOUSSAINT**

Plaintiff Securities and Exchange Commission ("Commission") having filed its Complaint, and Defendant Thomas A. Toussaint ("Toussaint"), in his attached Consent, having admitted the Court's jurisdiction over himself and over the subject matter of this action, having withdrawn his Answer to the Complaint, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, having waived his right to appeal, and, without admitting or denying the allegations of the Complaint, having consented to the entry of this Final Judgment of Permanent Injunction and Other Equitable Relief ("Final Judgment"), and it further appearing that this Court has jurisdiction over Defendant Thomas A. Toussaint and the subject matter hereof, and the Court being fully advised in the

FILED **AUG 10 2000**  
FRANCIS E. DOSAL, CLERK  
JUDGMENT ENTD \_\_\_\_\_  
DEPUTY CLERK \_\_\_\_\_

premises:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant Toussaint, his agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] promulgated thereunder by, directly or indirectly, through the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of a national securities exchange,

(a) employing any device, scheme, or artifice to defraud,

(b) making any 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

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

in connection with the purchase or sale of any security.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Toussaint shall, jointly and severally, with Defendants Michael C. Slagle and Erwin K. Geigle in this action whom separate

judgments are being entered herewith, pay disgorgement in the amount of \$133,294 plus prejudgment interest in the amount of \$71,372.61, for a total of \$204,666.61.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant Toussaint shall pay a penalty of \$41,230 pursuant to Section 21A(a) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-1(a).

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the amounts required to be paid by Defendant Toussaint under Paragraphs II and III of this Final Judgment shall be paid within ten (10) business days of the entry of this Final Judgment by cashier's check, certified check, or U.S. postal money order payable to the "SECURITIES AND EXCHANGE COMMISSION" and bearing on its face the caption "SEC v. TOUSSAINT et al./98-Civ.-2406." The payment of the disgorgement, penalty and prejudgment interest shall be delivered to the Office of the Comptroller, Securities and Exchange Commission, 6432 General Green Way, Mail Stop 0-3, Alexandria, VA 22312 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. Copies of the cover letter and payment shall be sent to Linda Chatman Thomsen, Associate Director, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0708. Defendant Toussaint shall also be jointly and severally liable with Defendants Slagle and Geigle for postjudgment interest, as calculated pursuant to 28 U.S.C. § 1961, on any amount that remains

outstanding after ten (10) business days from the entry of this Final Judgment. At such time as such funds are paid to the Commission, Defendant Toussaint shall relinquish all legal and equitable right, title and interest in those funds, and no part of such funds shall be returned to Defendant Toussaint or his successors or assigns.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon receipt of such funds, the Comptroller of the Securities and Exchange Commission shall promptly remit the funds to the United States Treasury.

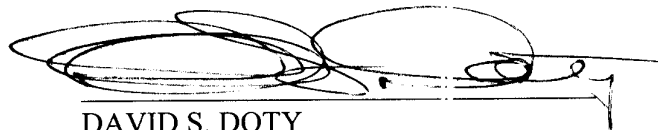
VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent be, and hereby is, incorporated herein with the same force as if fully set forth herein and that Defendant Toussaint shall fully comply with all of the undertakings and agreements incorporated herein.

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

Dated: 8/9/00



DAVID S. DOTY  
UNITED STATES DISTRICT JUDGE

# UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

## CIVIL NOTICE

The purpose of this notice is to summarize the time limits for filing with the District Court Clerk's Office a Notice of Appeal to the Eighth Circuit Court of Appeals from a final decision of the District Court in a civil case.

*This is a summary only. For specific information on the time limits for filing a Notice of Appeal, review the applicable federal civil and appellate procedure rules and statutes.*

Rule 4(a) of the Federal Rules of Appellate Procedure (Fed. R. App. P.) requires that a Notice of Appeal be filed within:

1. Thirty days (60 days if the United States is a party) after the date of "entry of the judgment or order appealed from;" or
2. Thirty days (60 days if the United States is a party) after the date of entry of an order denying a timely motion for a new trial under Fed. R. Civ. P. 59; or
3. Thirty days (60 days if the United States is a party) after the date of entry of an order granting or denying a timely motion for judgment under Fed. R. Civ. P. 50(b), to amend or make additional findings of fact under Fed. R. Civ. P. 52(b), and/or to alter or amend the judgment under Fed. R. Civ. P. 59; or
4. Fourteen days after the date on which a previously timely Notice of Appeal was filed.

If a Notice of Appeal is not timely filed, a party in a civil case can move the District Court pursuant to Fed. R. App. P. 4(a)(5) to extend the time for filing a Notice of Appeal. This motion must be filed no later than 30 days after the period for filing a Notice of Appeal expires. If the motion is filed after the period for filing a Notice of Appeal expires, the party bringing the motion must give the opposing parties notice of it. The District Court may grant the motion, but only if excusable neglect or good cause is shown for failing to file a timely Notice of Appeal.

## United States Court of Appeals FOR THE EIGHTH CIRCUIT

### Prehearing Conference Program

The United States Court of Appeals for the Eighth Circuit has established an early intervention Prehearing Conference Program. The purpose of the program is twofold: (1) to facilitate settlement discussions in civil cases by providing an impartial atmosphere for an open discussion of the case and alternative methods of disposition and (2) to promote the delineation of issues, early resolution of procedural problems, and effective administration of an appeal throughout the appellate process. See 8<sup>th</sup> Cir. R. 33A.

The program is directed by Mr. John Martin. Mr. Martin screens newly filed appeals based on information furnished by both appellants and appellees in the court's Appeal Information Forms A and B. Contact with counsel is by telephone and in personal conferences held in several cities throughout the Circuit. All communications with Mr. Martin are confidential. Counsel can openly discuss and evaluate the issues and explore alternatives in a non-adversarial setting without fear that the subsequent processing of the appeal or ultimate disposition of the case will be adversely affected by participation in the program.

Participation in the program is voluntary. However, the Court strongly encourages your participation and cooperation. Over the past twenty years, the program has enabled many appellate litigants to achieve mutually satisfactory resolution of certain issues or an overall settlement prior to progressing through all stages of the appellate process. Issue delineation enables counsel to focus only on those issues that need judicial resolution. The program has helped relieve the ever-increasing caseload confronting the Court, and it has also saved litigants and attorneys substantial amounts of time and money.

In order for the program to function effectively certain information must be provided at the initiation of the appeal. *Eighth Circuit Rule 3B directs each civil appellant to: (1) file a completed Appeal Information Form A with the Notice of Appeal at the time the Notice is filed with the District Court clerk and (2) forward a copy of the completed Form A and a copy of Appeal Information Form B to the appellee for completion.* Appellee may complete Form B and send it to the clerk of the Court of Appeals. If you have any questions about the Prehearing Conference Program or the Appeal Information Forms, please contact Mr. Martin at (314)-539-3669.

Forms A and B are available from the District Court clerk and the Court of Appeals clerk and can be found at the Court of Appeals' web site at: [www.ca8.uscourts.gov](http://www.ca8.uscourts.gov)

June 1, 2000

Forms/8thcircuitprehearingconf.wpd