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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **WESTERN DIVISION**

12 SECURITIES AND EXCHANGE
COMMISSION,

13 Plaintiff,

14 vs.

15 TENET HEALTHCARE
16 CORPORATION, a Nevada corporation,
DAVID L. DENNIS, THOMAS B.
17 MACKEY, CHRISTI R. SULZBACH,
and RAYMOND L. MATHIASSEN,

18 Defendants.
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Case No. CV 07-2144 RSWL (RZx)

**FINAL JUDGMENT AS TO
DEFENDANT CHRISTI R.
SULZBACH**

20
21 The Securities and Exchange Commission having filed a First Amended
22 Complaint (“Complaint”) and Defendant Christi R. Sulzbach having entered a
23 general appearance; consented to the Court’s jurisdiction over Defendant and the
24 subject matter of this action; consented to entry of this Final Judgment without
25 admitting or denying the allegations of the Complaint (except as to jurisdiction);
26 waived findings of fact and conclusions of law; and waived any right to appeal
27 from this Final Judgment:

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I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant and Defendant’s agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant and Defendant’s agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a

1 material fact or any omission of a material fact necessary in order to
2 make the statements made, in light of the circumstances under which
3 they were made, not misleading; or

- 4 (c) to engage in any transaction, practice, or course of business which
5 operates or would operate as a fraud or deceit upon the purchaser.

6 **III.**

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

8 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
9 in active concert or participation with them who receive actual notice of this Final
10 Judgment by personal service or otherwise are permanently restrained and enjoined
11 from aiding and abetting any violation of Section 13(a) of the Exchange Act, 15
12 U.S.C. § 78m(a), and Rules 12b-20, 13a-1 and 13a-13 thereunder, 17 C.F.R. §§
13 240.12b-20, 240.13a-1 & 240.13a-13, by knowingly providing substantial
14 assistance to an issuer that files annual reports with the Commission on Forms
15 10-K or quarterly reports with the Commission on Forms 10-Q that fail to contain
16 material information necessary to make the required statements in the Forms 10-K
17 or 10-Q, in light of the circumstances under which they are made, not misleading.

18 **IV.**

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

20 Defendant is liable for disgorgement of \$1, representing profits gained as a result
21 of the conduct alleged in the Complaint, and a civil penalty in the amount of
22 \$120,000 pursuant to under Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d),
23 and Section 21(d)(3) of the Exchange Act, 15 U.S.C. § 78u(d)(3). Defendant shall
24 satisfy this obligation by paying \$120,001 within ten business days to the Clerk of
25 this Court, together with a cover letter identifying Defendant as a defendant in this
26 action; setting forth the title and civil action number of this action and the name of
27 this Court; and specifying that payment is made pursuant to this Final Judgment.
28 Defendant shall simultaneously transmit photocopies of such payment and letter to

1 the Commission's counsel in this action. By making this payment, Defendant
2 relinquishes all legal and equitable right, title, and interest in such funds, and no
3 part of the funds shall be returned to Defendant. Defendant shall pay post-
4 judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961. The
5 Clerk shall deposit the funds into an interest bearing account pursuant to Fed. R.
6 Civ. P. 67(b). These funds, together with any interest and income earned thereon
7 (collectively, the "Fund"), shall be held in the interest-bearing account until further
8 order of the Court. In accordance with Local Rule 67-2, the Clerk is authorized
9 and directed, without further order of this Court, to deduct from the income earned
10 on the money in the Fund a registry fee not to exceed the amount prescribed by the
11 Judicial Conference of the United States. The Commission may by motion
12 propose a plan to distribute the Fund subject to the Court's approval. Such a plan
13 may provide that the Fund shall be distributed pursuant to the Fair Fund provisions
14 of Section 308(a) of the Sarbanes-Oxley Act of 2002. Regardless of whether any
15 such Fair Fund distribution is made, amounts ordered to be paid as civil penalties
16 pursuant to this Final Judgment shall be treated as penalties paid to the government
17 for all purposes, including all tax purposes. To preserve the deterrent effect of the
18 civil penalty, Defendant shall not, after offset or reduction of any award of
19 compensatory damages in any Related Investor Action based on Defendant's
20 payment of disgorgement in this action, argue that she is entitled to, nor shall she
21 further benefit by, offset or reduction of such compensatory damages award by the
22 amount of any part of Defendant's payment of a civil penalty in this action
23 ("Penalty Offset"). If the court in any Related Investor Action grants such a
24 Penalty Offset, Defendant shall, within 30 days after entry of a final order granting
25 the Penalty Offset, notify the Commission's counsel in this action and pay the
26 amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the
27 Commission directs. Such a payment shall not be deemed an additional civil
28 penalty and shall not be deemed to change the amount of the civil penalty imposed

1 in this Final Judgment. For purposes of this paragraph, a “Related Investor
2 Action” means a private damages action brought against Defendant by or on behalf
3 of one or more investors based on substantially the same facts as alleged in the
4 Complaint in this action.

5 **V.**

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the
7 Consent is incorporated herein with the same force and effect as if fully set forth
8 herein, and that Defendant shall comply with all of the undertakings and
9 agreements set forth therein.

10 **VI.**

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this
12 Court shall retain jurisdiction of this matter for the purposes of enforcing the terms
13 of this Final Judgment.

14 **VII.**

15 There being no just reason for delay, pursuant to Rule 54(b) of the Federal
16 Rules of Civil Procedure, the Clerk is ordered to enter this Final Judgment
17 forthwith and without further notice.

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20 Dated: June 18, 2009



21 HONORABLE RONALD S. W. LEW
22 SENIOR, U.S. DISTRICT COURT JUDGE
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