

1 BRIANE NELSON MITCHELL, Cal. Bar No. 116037
E-mail: mitchellbn@sec.gov
2 LORRAINE B. ECHAVARRIA, Cal. Bar No. 191860
E-mail: echavarria@sec.gov
3 WILLIAM G. BERRY, Cal. Bar No. 206348
E-mail: berryw@sec.gov

SEND
ENTER

SCANNED

4 Attorneys for Plaintiff
5 Securities and Exchange Commission
6 Randall R. Lee, Regional Director
7 Michele Wein Layne, Associate Regional Director
8 Andrew G. Petillon, Associate Regional Director
9 5670 Wilshire Boulevard, 11th Floor
10 Los Angeles, California 90036-3648
11 Telephone: (323) 965-3998
12 Facsimile: (323) 965-3908

FILED
CLERK, U.S. DISTRICT COURT
APR 4 2007
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

ENTERED
CLERK, U.S. DISTRICT COURT
APR 16 2007
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

LOGGED

2007 APR -2 PM 12:
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV-07-2144

RGK

(AGRx)

14 SECURITIES AND EXCHANGE
15 COMMISSION,

Case No.

16 Plaintiff,

[PROPOSED] FINAL JUDGMENT
AS TO DEFENDANT RAYMOND L.
MATHIASSEN

17 vs.

18
19 TENET HEALTHCARE
20 CORPORATION, et al.,

21 Defendants.

22
23
24
25
26
27 THIS CONSTITUTES NOTICE OF ENTRY
28 AS REQUIRED BY FRCP, RULE 77(d)

7

SCANNED

FINAL JUDGMENT AS TO DEFENDANT RAYMOND L. MATHIASSEN

The Securities and Exchange Commission (the "Commission") having filed a Complaint and Defendant Raymond L. Mathiasen having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

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

SCANNED

1 in active concert or participation with them who receive actual notice of this Final
2 Judgment by personal service or otherwise are permanently restrained and enjoined
3 from violating Section 17(a) of the Securities Act of 1933 (the "Securities Act")
4 [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or
5 instruments of transportation or communication in interstate commerce or by use
6 of the mails, directly or indirectly:

- 7 (a) to employ any device, scheme, or artifice to defraud;
- 8 (b) to obtain money or property by means of any untrue statement of a
9 material fact or any omission of a material fact necessary in order to
10 make the statements made, in light of the circumstances under which
11 they were made, not misleading; or
- 12 (c) to engage in any transaction, practice, or course of business which
13 operates or would operate as a fraud or deceit upon the purchaser.

14 III.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
16 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
17 in active concert or participation with them who receive actual notice of this Final
18 Judgment by personal service or otherwise are permanently restrained and enjoined
19 from aiding and abetting an issuer's filing of quarterly and annual reports with the
20 Commission on Forms 10-Q and Forms 10-K that fail to contain material
21 information necessary to make the required statements in the Forms 10-Q and
22 Forms 10-K, in light of the circumstances in which they are made, not misleading,
23 in violation of Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)], and Rules
24 12b-20, 13a-1, and 13a-13 thereunder [17 C.F.R. §§ 240.12b-20, 240.13a-1, and
25 240.13a-13].

26 IV.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
28 Defendant and Defendant's agents, servants, employees, attorneys, and all persons

1 in active concert or participation with them who receive actual notice of this Final
2 Judgment by personal service or otherwise are permanently restrained and enjoined
3 from aiding and abetting any violation of Section 13(b)(2)(A) of the Exchange Act
4 [15 U.S.C. § 78m(b)(2)(A)] by knowingly providing substantial assistance to an
5 issuer in failing to make and keep books, records, and accounts, which, in
6 reasonable detail, accurately and fairly reflect the transactions and disposition of
7 the assets of the issuer.

8 V.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
10 Defendant and Defendant's agents, servants, employees, attorneys, and all persons
11 in active concert or participation with them who receive actual notice of this Final
12 Judgment by personal service or otherwise are permanently restrained and enjoined
13 from violating Exchange Act Rule 13b2-1 thereunder [17 C.F.R. § 240.13b2-1] by,
14 directly or indirectly, falsifying or causing to be falsified, any book, record or
15 account subject to Section 13(b)(2)(A) of the Exchange Act [15 U.S.C. §
16 78m(b)(2)(A)].

17 VI.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant
19 to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Mathiasen is
20 prohibited from acting as an officer or director of any issuer that has a class of
21 securities registered pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l],
22 or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15
23 U.S.C. § 78o(d)] for a period of five years.

24 VII.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
26 Defendant is liable for disgorgement of \$1, representing profits gained as a result
27 of the conduct alleged in the Complaint, and a civil penalty in the amount of
28 \$240,000 pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)] and

1 Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. Defendant shall
2 satisfy this obligation by paying \$240,001 within ten business days of entry of this
3 Final Judgment to the Clerk of this Court, together with a cover letter identifying
4 Raymond L. Mathiasen as a defendant in this action; setting forth the title and civil
5 action number of this action and the name of this Court; and specifying that
6 payment is made pursuant to this Final Judgment. Defendant shall simultaneously
7 transmit photocopies of such payment and letter to the Commission's counsel in
8 this action. By making this payment, Defendant relinquishes all legal and
9 equitable right, title, and interest in such funds, and no part of the funds shall be
10 returned to Defendant. Defendant shall pay post-judgment interest on any
11 delinquent amounts pursuant to 28 USC § 1961.

12 The Clerk shall deposit the funds into the type of interest bearing account
13 that is utilized by the Court. These funds, together with any interest and income
14 earned thereon (collectively, the "Fund"), shall be held in the interest bearing
15 account until further order of the Court. In accordance with 28 U.S.C. § 1914 and
16 the guidelines set by the Director of the Administrative Office of the United States
17 Courts, the Clerk is directed, without further order of this Court, to deduct from the
18 income earned on the money in the Fund a fee equal to ten percent of the income
19 earned on the Fund. Such fee shall not exceed that authorized by the Judicial
20 Conference of the United States.

21 The Commission may by motion propose a plan to distribute the Fund
22 subject to the Court's approval. Such a plan may provide that the Fund shall be
23 distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-
24 Oxley Act of 2002. Regardless of whether any such Fair Fund distribution is
25 made, amounts ordered to be paid as civil penalties pursuant to this Final Judgment
26 shall be treated as penalties paid to the government for all purposes, including all
27 tax purposes. To preserve the deterrent effect of the civil penalty, Defendant shall
28 not, after offset or reduction of any award of compensatory damages in any

SCANNED

1 Related Investor Action based on Defendant’s payment of disgorgement in this
 2 action, argue that he is entitled to, nor shall he further benefit by, offset or
 3 reduction of such compensatory damages award by the amount of any part of
 4 Defendant’s payment of a civil penalty in this action (“Penalty Offset”). If the
 5 court in any Related Investor Action grants such a Penalty Offset, Defendant shall,
 6 within 30 days after entry of a final order granting the Penalty Offset, notify the
 7 Commission’s counsel in this action and pay the amount of the Penalty Offset to
 8 the United States Treasury or to a Fair Fund, as the Commission directs. Such a
 9 payment shall not be deemed an additional civil penalty and shall not be deemed to
 10 change the amount of the civil penalty imposed in this Final Judgment. For
 11 purposes of this paragraph, a “Related Investor Action” means a private damages
 12 action brought against Defendant by or on behalf of one or more investors based
 13 on substantially the same facts as alleged in the Complaint in this action.

VIII.

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

IX.

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

23 //
 24 //
 25 //
 26 //
 27 //
 28 //

SCANNED

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

X.

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

Dated: APR 14 2007

Jay Klaus
UNITED STATES DISTRICT JUDGE