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

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 vs.

16 FINBAR SECURITIES CORP., and
ROBERT TRINGHAM,

17 Defendants.

Case No. CV 09-2325 ODW(VBKx)

**NOTICE OF ENTRY OF JUDGMENT
OF PERMANENT INJUNCTION AND
OTHER RELIEF AGAINST
DEFENDANT FINBAR SECURITIES
CORP.**

18
19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 PLEASE TAKE NOTICE that on June 12, 2009, the United States District
21 Court for the Central District of California, the Honorable Otis D. Wright II, judge,
22 presiding, entered the Judgment of Permanent Injunction and Other Relief Against
23 Defendant Finbar Securities Corp., a copy of which is attached hereto as Exhibit 1.

24 DATED: June 15, 2009

Respectfully submitted,

25 John M. McCoy III

26 John M. McCoy III

27 David S. Brown

Attorney for Plaintiff

28 Securities and Exchange Commission

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

U.S. SECURITIES AND EXCHANGE COMMISSION, 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036-3648

Telephone No. (323) 965-3998; Facsimile No. (323) 965-3908.

On June 15, 2009, I caused to be served the document entitled **NOTICE OF ENTRY OF JUDGMENT OF PERMANENT INJUNCTION AND OTHER RELIEF AGAINST DEFENDANT FINBAR SECURITIES CORP.** on all the parties to this action addressed as stated on the attached service list:

OFFICE MAIL: By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

PERSONAL DEPOSIT IN MAIL: By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

EXPRESS U.S. MAIL: Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

HAND DELIVERY: I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

FEDERAL EXPRESS: By placing in sealed envelope(s) designated by Federal Express with delivery fees paid or provided for, which I deposited in a facility regularly maintained by Federal Express or delivered to a Federal Express courier, at Los Angeles, California.

ELECTRONIC MAIL: By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

FAX: By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

(Federal) I declare under penalty of perjury that I am a member of the bar of this Court and that the foregoing is true and correct.

Date: June 15, 2009

/s/ John M. McCoy III
John M. McCoy III

1 **SEC v. FINBAR SECURITIES CORP., et al.**
2 **United States District Court – Central District of California**
3 **Case No. CV 09-2325 ODW (VBKx)**
4 **(LA-3641)**

5 SERVICE LIST

6 Robb Evans
7 Robb Evans & Associates
8 11450 Sheldon Street
9 Sun Valley, CA 91352-1121
10 ***Court-Appointed Receiver for Defendant Finbar Securities Corp.***
11 *Via email: rea@robbevans.com*

12 Gary Owen Caris, Esq.
13 McKenna Long & Aldridge LLP
14 444 S. Flower Street, 8th Floor
15 Los Angeles, CA 90071
16 ***Attorney for Court-Appointed Receiver Robb Evans & Associates***
17 *Via email: gcaris@mckennalong.com*

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

FINBAR SECURITIES CORP., and
ROBERT TRINGHAM,

Defendants.

Case No. CV 09-2325 ODW (VBKx)

**JUDGMENT OF PERMANENT
INJUNCTION AND OTHER
RELIEF AGAINST DEFENDANT
FINBAR SECURITIES CORP.**

Plaintiff Securities and Exchange Commission ("Commission") having filed a Complaint and Defendants Finbar Securities Corp. ("Finbar") (collectively "Return Fund Relief Defendants")¹ having entered a general appearance; consented to the Court's jurisdiction over Finbar and the subject matter of this action; consented to entry of this 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 Judgment:

¹ On April 13, 2009, the Court appointed Robb Evans & Associates, LLC (the "Receiver") as Permanent Receiver for Defendant Finbar with full power and authority over this entity.

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Finbar and its agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment of Permanent Injunction and Other Relief (“Judgment”) by personal service or otherwise 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
- C. engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Finbar and its agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, violating in connection with the purchase or sale of any security, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any 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 the 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 violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Finbar and its agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, violating by the use of the mails or means and instrumentalities of interstate commerce:

- a. employing devices, schemes and artifices to defraud clients or prospective clients; or
- b. engaging in transactions, practices, and courses of business which operate as a fraud or deceit upon clients or prospective clients

in violation of Sections 206(1) and (2) of the Advisers Act, 15 U.S.C. §§ 80b-6(1) and (2).

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Finbar shall pay disgorgement of ill-gotten gains, prejudgment interest thereon, and a civil penalty pursuant to Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)], Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)], and Section 209(e) of the Advisers Act [15 U.S.C. §80B-9(e)] and will disgorge any consideration obtained from Finbar. Such disgorgement shall be paid to the Receiver for distribution according to a Court-approved plan for distribution. The Court shall determine the amounts of the disgorgement and civil penalty upon motion of the

Commission. Prejudgment interest shall be calculated from July 31, 2007, based on the rate of interest used by the Internal Revenue Service for the underpayment of federal income tax as set forth in 26 U.S.C. § 6621(a)(2).

V.

In connection with the Commission's motion(s) for disgorgement and/or civil penalties and at any hearing held on such motion: (a) Finbar will be precluded from arguing that it did not violate the federal securities laws as alleged in the Complaint; (b) Finbar may not challenge the validity of the Consent or this Judgment; (c) solely for the purposes of such motion, the allegations of the Complaint shall be accepted as and deemed true by the Court; and (d) the Court may determine the issues raised in the motion on the basis of affidavits, declarations, excerpts of sworn deposition or investigative testimony, and documentary evidence, without regard to the standards for summary judgment contained in Rule 56(c) of the Federal Rules of Civil Procedure. In connection with the Commission's motion for disgorgement, civil penalties, the parties may take discovery, including discovery from appropriate non-parties.

VI.

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

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that except as expressly modified herein, all prior orders of the Court issued in this action, including without limitation the Preliminary Injunction and Orders: (1) Freezing Assets; (2) Appointing a Permanent Receiver; (3) Requiring Accountings; (4) Prohibiting the Destruction of Documents; and (5) Expediting Discovery, and the asset freeze and receivership provisions set forth therein, shall remain in full force

and effect.

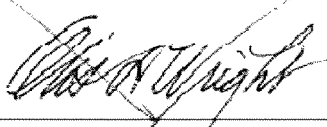
VIII.

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

IX.

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 Judgment forthwith and without further notice.

Dated: June 12, 2009



Honorable Otis D. Wright II
United States District Judge

Coates, Pamela

From: cacd_ecfmail@cacd.uscourts.gov
Sent: Monday, June 15, 2009 2:55 PM
To: ecfnef@cacd.uscourts.gov
Subject: Activity in Case 2:09-cv-02325-ODW-VBK Securities and Exchange Commission v. Finbar Securities Corp. et al Notice (Other)

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

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UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered by McCoy, John on 6/15/2009 at 2:54 PM PDT and filed on 6/15/2009

Case Name: Securities and Exchange Commission v. Finbar Securities Corp. et al
Case Number: 2:09-cv-2325
Filer: Securities and Exchange Commission
Document Number: 35

Docket Text:

NOTICE of Entry of Judgment of Permanent Injunction and Other Relief against Defendant Finbar Securities Corp. filed by Plaintiff Securities and Exchange Commission. (McCoy, John)

2:09-cv-2325 Notice has been electronically mailed to:

David S Brown browndav@sec.gov

Gary O Caris gcaris@mckennalong.com, pcoates@mckennalong.com

John M McCoy , III mccoyj@sec.gov

Marc J Blau blaum@sec.gov

2:09-cv-2325 Notice has been delivered by First Class U. S. Mail or by fax to: :

The following document(s) are associated with this transaction:

Document description:Main Document

6/16/2009

Original filename:J:\SCANNED_CANON_DOCS\marcelom\Finbar\Notice of Entry of Judgment Agst
Finbar.pdf

Electronic document Stamp:

[STAMP cacdStamp_ID=1020290914 [Date=6/15/2009] [FileNumber=7940189-0]
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