

UNITED STATES DISTRICT COURT
For The
EASTERN DISTRICT OF TENNESSEE
(Knoxville Division)

FILED

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U.S. DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
BY *Asm*

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

THE RIVERVIEW CORPORATION,
ANDREW E. CAFFERKY, JR. AND
JOHN MARK HANCOCK,

Defendants.

CIVIL ACTION NO.
3-92-0063

FINAL JUDGMENT OF
PERMANENT INJUNCTION AS
TO DEFENDANT JOHN MARK
HANCOCK

Plaintiff, Securities and Exchange Commission ("Commission"),
having filed its Complaint herein; defendant John Mark Hancock,
("Hancock") having admitted the jurisdiction of this Court over
him and over the subject matter of the action, having waived the
filing of an Answer, having waived entry of findings of fact and
conclusions of law under Rule 52 of the Federal Rules of Civil
Procedure and, without admitting or denying the allegations of the
Commission's complaint, except as to jurisdiction which he admits,
having consented to the entry of this Final Judgment of Permanent
Injunction ("Final Judgment"); it appearing that this Court has
jurisdiction over the parties and the subject matter hereof; and
the Court being fully advised in the premises:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendant
Hancock, his agents, servants, employees, attorneys-in-fact, and

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all persons in active concert or participation with them who receive actual notice of this Final Judgment, and each of them, be and hereby are permanently enjoined and restrained from violating and from aiding and abetting the violation of Section 17(a) of the Securities Act of 1933 [15 U.S.C. 77q(a)] by, directly or indirectly, through the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails:

- (1) employing any device, scheme or artifice to defraud;
- (2) 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 the light of the circumstances under which they were made, not misleading; or
- (3) engaging in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a purchaser;

in the offer or sale of any securities.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Hancock, his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation with them who receive actual notice of this Final Judgment, and each of them, be and hereby are permanently enjoined and restrained from violating and from aiding and abetting the violation of Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. 240.10b-5] by, directly or indirectly, through the use of any means

or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- (1) employing any device, scheme, or artifice to defraud;
- (2) 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
- (3) 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.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Hancock, shall disgorge funds obtained from customers through the conduct alleged in plaintiff Commission's Complaint, plus prejudgment interest thereon. It is provided, however, that the payment of disgorgement, and prejudgment interest thereon, is waived based upon defendant Hancock's representations to the Commission, under oath, that he is financially unable to pay disgorgement and prejudgment interest thereon. This waiver is conditioned on the accuracy and completeness of Hancock's sworn financial statement submitted to the Commission.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon defendant Hancock's representations to the Commission, under oath, that he is financially unable to pay a penalty, the Court is not ordering Hancock to pay a penalty. The Court does, however, note the appropriateness of civil penalties in this instance. The determination that Hancock is unable to pay civil penalties is conditioned on the accuracy and completeness of Hancock's sworn financial statement submitted to the Commission.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if, at any time following the entry of this Final Judgment of Permanent Injunction, the Commission obtains information that, in statements made by Hancock to the Commission, Hancock materially understated his assets or income or materially overstated his liabilities or expenses, or that Hancock willfully omitted assets or income in any amount, the Commission may petition the Court for a hearing to determine whether further sanctions are appropriate in light of any understatements, overstatements, or willful omissions. In connection with any such petition the Court may consider all available remedies, including, but not limited to, determining the appropriate amount of disgorgement, prejudgment interest thereon, ordering the defendant to disgorge funds or assets, directing the forfeiture of any concealed assets or imposing sanctions for contempt of this Court's order. Additionally, in connection with such petition, the Commission may

request the Court to order Hancock to pay a penalty for the violations alleged in the Complaint. In its petition, the Commission also may seek any additional remedies, or request further discovery. Hancock may not by way of defense to such petition, contest the allegations in the Complaint or assert that disgorgement, prejudgment interest thereon, and a civil penalty should not be ordered by the Court for the violations of the federal securities laws alleged therein.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court retains jurisdiction of this matter for purpose of enforcing this judgment.

There being no just reason for delay, the Clerk of the Court is hereby directed to enter this Final Judgment of Permanent Injunction pursuant to Rules 54(b), 58, 77(d) and 79(a) of the Federal Rules of Civil Procedure.

Dated this 23 day of June, 1992.


UNITED STATES DISTRICT JUDGE

~~Entered~~

~~Clerk~~

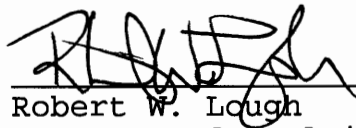
Approved for entry:



Frederick H. Thomforde, Jr., Esquire
Attorney for John Mark Hancock
Morton, Thomforde & Morton
Suite 620, One Centre Square
620 Market Street
Knoxville, TN 37902



E. Gordon Robinson



Robert W. Lough
Attorneys for Plaintiff
SECURITIES AND EXCHANGE COMMISSION
3475 Lenox Road, NE
Suite 1000
Atlanta, Georgia 30326-1232