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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION
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13 SECURITIES AND EXCHANGE COMMISSION,
14 Plaintiff,
15 vs.
16 FACEPRINT GLOBAL SOLUTIONS, INC.; and
PIERRE COTE,
17 Defendants.
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Case No. 1:07-01251-OWW-GSA

**FINAL JUDGMENT AGAINST
DEFENDANT PIERRE COTE**

20
21 Plaintiff Securities and Exchange Commission (“Commission”) has filed a Complaint
22 (“Complaint”) in this action and defendant Pierre Cote (“Cote”) has entered a general appearance and
23 has submitted the Consent of Pierre Cote to Final Judgment (“Consent”). In the Consent, Cote
24 acknowledged service of the Summons and the Complaint, admitted the jurisdiction of this Court over
25 him and over the subject matter of this action, admitted that he was fully advised and informed of the
26 right to a judicial determination of this matter, waived findings of fact and conclusions of law as
27 provided by Rule 52 of the Federal Rules of Civil Procedure, consented to the entry of this Final
28 Judgment, without admitting or denying any of the allegations in the Complaint except as set forth in the

FINAL JUDGMENT OF PIERRE COTE

1 Consent, and waived notice of hearing upon the entry of this Final Judgment. The Court, being fully
2 advised, orders as follows:

3 I.

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Cote and his agents,
5 servants, employees, those with powers of attorney on his behalf, and all persons in active concert or
6 participation with any of them, who receive actual notice of this Final Judgment, by personal service
7 or otherwise, and each of them, are permanently enjoined and restrained from, directly or indirectly,
8 violating Sections 5(a) and (c) of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. § 77e(a)
9 and 77e(c)] by, directly or indirectly, in the absence of any applicable exemption:

- 10 1. Unless a registration statement is in effect as to a security, making use of any means or
11 instruments of transportation or communication in interstate commerce or of the mails to sell
12 such security through the use or medium of any prospectus or otherwise;
- 13 2. Unless a registration statement is in effect as to a security, carrying or causing to be carried
14 through the mails or in interstate commerce, by any means or instruments of transportation,
15 any such security for the purpose of sale or for delivery after sale; or
- 16 3. Making use of any means or instruments of transportation or communication in interstate
17 commerce or of the mails to offer to sell or offer to buy through the use or medium of any
18 prospectus or otherwise any security, unless a registration statement has been filed with the
19 Commission as to such security, or while the registration statement is the subject of a refusal
20 order or stop order or (prior to the effective date of the registration statement) any public
21 proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

22 II.

23 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Cote and his agents,
24 servants, employees, those with powers of attorney on his behalf, and all persons in active concert or
25 participation with any of them, who receive actual notice of this Final Judgment, by personal service
26 or otherwise, and each of them, are permanently enjoined and restrained from, directly or indirectly,
27 violating Rule 101 of Regulation M under the Securities Exchange Act of 1934 (“Exchange Act”) [17
28 C.F.R. § 242.101] thereunder by, in connection with a distribution of a security, directly or indirectly,

1 bidding for, purchasing, or attempting to induce any person to bid for or purchase the security during
2 the applicable restricted period, in the absence of any applicable exception.

3 III.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Cote and his agents,
5 servants, employees, those with powers of attorney on his behalf, and all persons in active concert or
6 participation with any of them, who receive actual notice of this Final Judgment, by personal service
7 or otherwise, and each of them, are permanently enjoined and restrained from violating Section 13(d)
8 of the Exchange Act [15 U.S.C. § 78m(d)] and Rules 13d-1 and 13d-2 promulgated thereunder [17
9 C.F.R. §§ 240.13d-1 and 240.13d-2] by failing, with respect to any issuer registered pursuant to
10 Section 12 of the Exchange Act [15 U.S.C. § 78I] in which Cote acquires the beneficial ownership of
11 more than 5 percent of its common stock, to file with the Commission within 10 days Schedule 13D,
12 and to file an amendment when material changes occur pursuant to Section 13(d) of the Exchange
13 Act [15 U.S.C. § 78m(d)].

14 IV.

15 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Cote and his agents,
16 servants, employees, those with powers of attorney on his behalf, and all persons in active concert or
17 participation with any of them, who receive actual notice of this Final Judgment, by personal service
18 or otherwise, and each of them, are permanently enjoined and restrained from violating Section 16(a)
19 of the Exchange Act [15 U.S.C. § 78p(a)] and Rule 16a-3 [17 C.F.R. § 240.16a-3] thereunder by
20 failing, with respect to any issuer registered pursuant to Section 12 of the Exchange Act [15 U.S.C. §
21 78I] of which Cote is an officer, director, or beneficial owner of more than ten percent of its common
22 stock, to file with the Commission the required forms disclosing his beneficial ownership of those
23 securities and changes thereto.

24 V.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Cote is permanently
26 barred from participating in an offering of a penny stock (as provided in Rule 3a51-1 under the
27 Exchange Act [17 C.F.R. § 240.3a51-1]), including engaging in activities with a broker, dealer, or
28 issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any

1 penny stock, pursuant to Securities Act Section 20(g) [15 U.S.C. § 77t(g)] and Exchange Act Section
2 21(d)(6) [15 U.S.C. § 78u(d)(6)].

3 VI.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Cote is jointly and
5 severally liable, along with defendant FacePrint Global Solutions, Inc., for disgorgement of
6 \$1,474,686.93, representing profits gained as a result of the conduct alleged in the Complaint,
7 together with prejudgment interest thereon in the amount of \$99,138.31, for a total of \$1,573,825.24.
8 Based on Cote's sworn representations in his Statement of Financial Condition dated September 8,
9 2007, and other documents and information submitted to the Commission, however, the Court is not
10 ordering Cote to pay a civil penalty and payment of all of the disgorgement and prejudgment interest
11 thereon is waived. The determination not to impose a civil penalty and to waive payment of all of the
12 disgorgement and pre-judgment interest is contingent upon the accuracy and completeness of Cote's
13 Statement of Financial Condition. If at any time following the entry of this Final Judgment the
14 Commission obtains information indicating that Cote's representations to the Commission
15 concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or
16 incomplete in any material respect as of the time such representations were made, the Commission
17 may, at its sole discretion and without prior notice to Cote of its intent to so petition, petition the
18 Court for an order requiring Cote to pay the unpaid portion of the disgorgement, pre-judgment and
19 post-judgment interest thereon, and the maximum civil penalty allowable under the law. In
20 connection with any such petition, the only issue shall be whether the financial information provided
21 by Cote was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time
22 such representations were made. In its petition, the Commission may move this Court to consider all
23 available remedies, including, but not limited to, ordering Cote to pay funds or assets, directing the
24 forfeiture of any assets, or sanctions for contempt of this Final Judgment. The Commission may also
25 request additional discovery. Cote may not, by way of defense of such petition: (1) challenge the
26 validity of the Consent or this Final Judgment; (2) contest the allegations in the Complaint filed by
27 the Commission; (3) assert that payment of disgorgement, pre-judgment and post-judgment interest
28 or a civil penalty should not be ordered; (4) contest the amount of disgorgement and pre-judgment

1 and post-judgment interest; (5) contest the imposition of the maximum civil penalty allowable under
2 the law; or (6) assert any defense to liability or remedy, including, but not limited to, any statute of
3 limitations defense.

4 VII.

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

8 VIII.

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

11 IX.

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

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16 DATED: January 31, 2008

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20 /s/ OLIVER W. WANGER
21 UNITED STATES DISTRICT JUDGE
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1 APPROVED AS TO FORM:
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4 _____
5 H. Thomas Fehn
6 Fields, Fehn & Sherwin
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9 (310) 473-6338
10 Attorney for Defendant
11 **PIERRE COTE**

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14 SUBMITTED BY:

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