

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-00128-DME-KLM (Consolidated with 10-cv-00129)

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

EUGENE C. GEIGER,

Defendant.

ORDER RE CONSENT AND PROPOSED FINAL JUDGMENT (DOCS. 67, 67-1)

On November 18, 2010, the Securities and Exchange Commission filed a "Consent of Defendant Eugene C. Geiger" (Doc. 67) and a "Final Judgment as to Defendant Eugene C. Geiger" (Doc. 67-1) (together, "Consent"). In this filing, Defendant Eugene Geiger consents to the imposition of a proposed final judgment against him that provides, inter alia, as follows: (1) Defendant is permanently enjoined from violating, directly or indirectly, (a) Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder and (b) Section 17(a) of the Securities Act of 1933; (2) Defendant is liable for disgorgement of \$261,110, "representing profits gained as a result of the conduct alleged" in the complaints, together with prejudgment interest in the amount of \$221,466; and (3) Defendant must pay a civil penalty of \$220,000. (Docs. 67, 67-1.)

Having considered the Consent, the Court hereby ORDERS that the parties submit no later than twenty (20) days from the date of this order a stipulation that addresses the following:

1. Whether the Consent is fair, adequate, legal, and in the public interest;
2. The calculation of the disgorgement amount of \$261,110 (and the prejudgment interest amount of \$221,466) as set forth in the Consent, including the factors that were considered by the parties in determining the disgorgement amount;
3. The intended recipients of the disgorged funds, and the amount(s) to be distributed to these recipients;
4. The identification, either by name or by category, of any victims who have suffered loss because of Defendant's agreed-upon conduct, including a description of such losses with such specificity as is reasonably available to the parties; and
5. Whether notice has been provided to any victims of Defendant's conduct and whether any responses have been received.

Dated this 9th day of December, 2010.

BY THE COURT:

s/ David M. Ebel

U. S. CIRCUIT COURT JUDGE