

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge R. Brooke Jackson

Civil Action No. 12-cv-00869-RBJ

JOHN NIEMI,
ROBERT NAEGELE, III, and
JESPER PARNEVIK,

Plaintiffs,

v.

MICHAEL FRANK BURGESS,
ERWIN LASSHOFER,
INNOVATIS GMBH,
INNOVATIS IMMOBILIEN GMBH,
INNOVATIS ASSET MANAGEMENT SA,
LEXINGTON CAPITAL & PROPERTY INVESTMENTS, LLC, and
BARRY FUNT,

Defendants,

CREDIT SUISSE A.G.,

Nominal Defendant.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

DEC - 3 2014

JEFFREY P. COLWELL
CLERK

AMENDED FINAL JUDGMENT

In accordance with the Order of the United States Court of Appeals for the Tenth Circuit issued November 4, 2014; the Mandate issued by that court on November 26, 2014; and the orders filed during the pendency of this case the following Amended Final Judgment is hereby entered.

I. This Court's order of contempt entered March 26, 2013 and the sanctions and bench warrant premised upon it are vacated.

II. Final Judgment is hereby entered as to Count 5 (COCCA) in the amount of \$185,077,476, plus post-judgment interest at .14% per annum (the statutory rate set for the week of the date of entry of default judgment, pursuant to 28 U.S.C . § 1961(a)). The Court enters final judgment as to Count 12 (common-law fraud) in the amount of \$61,692,492, plus post-judgment interest at .14% per annum. Plaintiffs may collect up to \$185,077,476 (plus post-judgment interest) on Count 5. Plaintiffs may collect up to \$61,692,492 (plus post-judgment interest) on Count 12. Plaintiffs may not, however, collect more than \$185,077,476 (plus post-judgment interest) in total, that is, on the two counts combined. The judgment is entered in favor of John Niemi, Robert Naegele, III, and Jesper Parnevik, and against Erwin Lasshofer, Innovatis GmbH, and Innovatis Asset Management SA, jointly and severally.

III. In addition, the Court orders nominal defendant Credit Suisse A.G. to continue to maintain the status quo, specifically to include the continued retention of the \$6.8 million U.S. it holds in an account in the name of one or more of the Lasshoffer/Innovatis defendants, until (1) the plaintiffs complete whatever procedures are required under Swiss law to attempt to execute on those funds; or (2) the parties file a stipulation regarding the disposition of those funds; or (3) further order of this Court.¹

In accordance with Fed. R. Civ. P. 58(b)(2), the Court hereby approves and executes the form of the final judgment, and the designated Deputy Clerk of Court has likewise executed the judgment and shall promptly enter it. The file-stamped original final judgment will be made available in the Office of the Clerk upon execution of the final judgment by the Court and the

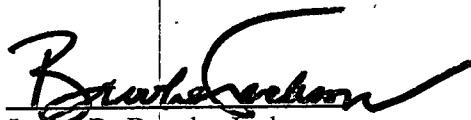
¹ Erwin Lasshofer, Innovatis GmbH, and Innovatis Asset Management SA are not domiciled in Switzerland. Erwin Lasshofer is a citizen of Austria who, as of June 15, 2012, resided at Gaisbergstrasse 44c, 5020 Salzburg, Austria; Innovatis GmbH is an Austrian corporation which, as of June 15, 2012, was located at Aigner Strasse 4a, 5020 Salzburg, Austria; and Innovatis Asset Management SA is a Panamanian corporation which, as of June 15, 2012, was located at 2nd Floor, East 53rd Street, Swiss Bank Building, Marbella, Republic of Panama.

designated clerk, to be surrendered in person to any of Plaintiffs' counsel of record.

Contemporaneous to the surrender of the certified judgment (and payment of the requisite certification fee) and at the further request of the plaintiffs, and corresponding payment of the appropriate fees set by the Judicial Conference of the United States, the Office of the Clerk will issue an apostille on Administrative Office of the U.S. Courts Form 390, Apostille.

Dated at Denver, Colorado this 3rd day of December, 2014.

APPROVED BY THE COURT:



Judge R. Brooke Jackson
United States District Court

ENTERED FOR THE COURT:
JEFFREY P. COLWELL, CLERK



Edward P. Butler, Deputy Clerk