

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES SECURITIES AND  
EXCHANGE COMMISSION,

Plaintiff,

v.

Case No. 06-14891

HONORABLE AVERN COHN

J.T. BATTENBERG, III,

Defendant.

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**FINAL JUDGMENT AS TO DEFENDANT J.T. BATTENBERG, III**

Pursuant to Rule 58 of the Federal Rules of Civil Procedure and the jury verdict of January 13, 2011, Final Judgment is entered for Plaintiff Securities and Exchange Commission ("SEC") on its claims against defendant J.T. Battenberg III for knowingly and unreasonably falsifying the books, records or accounts of Delphi Corporation ("Delphi"), and making or causing to be made a materially false or misleading statement or omission to an accountant in connection with an audit, review or examination of Delphi's financial statements in connection with the September 2000 settlement between Delphi and the General Motors Corporation, which was falsely reported to the public in Delphi's Form 10-Q for the third quarter of 2000, in Delphi's Form 10-K for 2000, and through other public communications.

Having considered the submissions of the parties, as well as the record of these proceedings, and as further explained in the Memorandum Regarding Final Judgment

entered this date:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that J.T. Battenberg III violated Section 13(b)(5) of the Securities Exchange Act of 1934, Rule 13b2-1 promulgated under the Securities Exchange Act of 1934, and Rule 13b2-2 promulgated under the Securities Exchange Act of 1934.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that J.T. Battenberg III is liable for disgorgement in the amount of \$198,500.00, which represents the profits J.T. Battenberg gained as a result of the conduct for which he was found liable by the jury.

J.T. Battenberg III shall pay post-judgment interest on any delinquent amounts paid more than thirty (30) days after entry of this Final Judgment, pursuant to 28 U.S.C. § 1961.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that J.T. Battenberg III shall pay a monetary penalty in the amount of \$16,500.00 pursuant to Section 12(d) of the Securities Exchange Act of 1934. J.T. Battenberg III shall pay post-judgment interest on any delinquent amounts paid more than thirty (30) days after entry of this Final Judgment, pursuant to 28 U.S.C. § 1961.

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that J.T. Battenberg III shall satisfy his obligation to pay disgorgement and the monetary penalty amount

within thirty (30) days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment shall be delivered or mailed to Office of Financial Management, Securities and Exchange Commission, 100 F Street, N.E., Stop 6042, Washington DC 20549, and shall be accompanied by a letter identifying J.T. Battenberg III as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this Final Judgment. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

V.

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 Final Judgment.

VI.

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 Final Judgment forthwith and without further notice.

Dated: October 31, 2011

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 31, 2011, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160