

JS-6

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7 Attorneys for Plaintiff VELTEX CORPORATION

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 WESTERN DIVISION

11 VELTEX CORPORATION, a Utah  
12 corporation,

13 Plaintiff,

14 vs.

15 JAVEED AZZIZ MATIN, an  
individual; TANZILA SULTANA, an  
16 individual; SAASHA CAMPBELL, an  
individual; MAZHAR HAQUE, an  
17 individual; ALLEN E. BENDER, an  
individual; VELTEX USA, INC., a  
18 Delaware corporation; VELTEX  
APPAREL, INC., a California  
19 corporation; VELTEX INDUSTRIES,  
INC., a Delaware corporation;  
20 VELTEX EXPLORER, INC., a  
Canadian corporation; VELTEX  
21 CANADA, INC., a Canadian  
corporation; WILSHIRE EQUITY,  
22 INC. aka WILSHIRE EQUITIES,  
INC., a Colorado corporation;  
23 AMERICAN REGISTRAR &  
TRANSFER CO., a Utah corporation;  
24 PATRICK R. DAY, an individual;  
RICHARD M. DAY, an individual;  
25 MOORE & ASSOCIATES,  
CHARTERED, a Nevada corporation;  
26 MICHAEL J. MOORE, an individual;  
CHISHOLM, BIERWOLF, NILSON  
27 & MORRILL, CPA aka CHISHOLM,  
BIERWOLF & NILSON, LLC, a Utah  
28 limited liability company; BRAD B.

CASE NO. CV10 1746 ABC (PJWx)

**[PROPOSED] FINAL  
JUDGMENT**

1 HAYNES, an individual; ANNE )  
2 TAHIM, an individual; JAAK U. )  
3 OLESK, an individual; and )  
4 CARMINE J. BUA, an individual, )  
5 \_\_\_\_\_ )  
6 Defendants. )

4 **PLEASE TAKE NOTICE THAT** on March 19, 2012, the following  
5 application came on for hearing: Plaintiff Veltex Corporation’s Application for  
6 Entry of Default Judgment by Court Against Defendants Javeed Azziz Matin,  
7 Mazhar Haque, Wilshire Equity, Inc. *aka* Wilshire Equities, Inc., Tanzila Sultana,  
8 Michael J. Moore, Moore & Associates, Chartered, Veltex Apparel, Inc., Veltex  
9 Industries, Inc. and Veltex USA, Inc. (“Application”). Maryann R. Marzano, Esq.  
10 and Kristen M. Peters, Esq. of Blecher & Collins, P.C. and Merle L. Royce, Esq. of  
11 the Law Offices of Merle L. Royce, who was admitted pro hac vice, appeared on  
12 behalf of Plaintiff Veltex Corporation. No other appearances were made. The Court  
13 called the matter for hearing and heard and considered the Application.

14 Plaintiff Veltex Corporation (“Plaintiff” or “Veltex”) filed and served upon  
15 Defendants Javeed Azziz Matin (“Matin”), Tanzila Sultana (“Sultana”), Mazhar  
16 Haque (“Haque”), Veltex USA, Inc. (“Veltex USA”), Veltex Apparel, Inc. (“Veltex  
17 Apparel”), Veltex Industries, Inc. (“Veltex Industries”), Moore & Associates  
18 Chartered (“Moore & Associates”), Michael J. Moore (“Moore”) and Wilshire  
19 Equity, Inc. *aka* Wilshire Equities, Inc. (“Wilshire”) a summons and Complaint in  
20 the action. Said Defendants failed to appear and answer or otherwise respond to the  
21 Complaint.<sup>1</sup>

22 On June 30, 2010, the Clerk of the Court entered the default of Defendants  
23 Sultana, Veltex Apparel, Veltex Industries and Moore & Associates pursuant to Rule  
24 55(a) of the Federal Rules of Civil Procedure. On July 2, 2010, the Clerk of Court  
25 entered the default of Defendants Moore, Wilshire, Matin and Haque pursuant to

26 \_\_\_\_\_  
27 <sup>1</sup> Veltex served a First Amended Complaint in the action on July 16, 2010.  
28 However, the FAC did not include any additional allegations regarding any of the  
Defendants in default.

1 Rule 55(a) of the Federal Rules of Civil Procedure. On November 2, 2010, the  
2 Clerk of the Court entered the default of Veltex USA pursuant to Rule 55(a) of the  
3 Federal Rules of Civil Procedure.

4 Veltex has filed an Application for Entry of Default Judgment by Court  
5 pursuant to Rule 55(b) of the Federal Rules of Civil Procedure with supporting  
6 papers establishing damages under its various claims. The Application, having been  
7 presented, fully considered and approved by the Honorable Audrey B. Collins at the  
8 conclusion of the hearing, and a decision having been fully rendered,

9 **I.**

10 **IT IS HEREBY ORDERED, ADJUDICATED AND DECREED** that  
11 Veltex's Application for Entry of Default Judgment under the First Claim for Relief  
12 is GRANTED. The Court finds that the shares and assets were diverted and  
13 transferred to Matin, Sultana, Wilshire and others and converted to their own use by  
14 them as part of the scheme to violate the securities laws, as alleged in the First Claim  
15 For Relief, and that Veltex was deprived of and lost the fair market value of its  
16 shares and assets in the amount of One Hundred Million, Seventy Eight Thousand,  
17 and Six Hundred Twenty One Dollars (\$100,078,621) as a direct and proximate  
18 result thereof. The Court further finds that Defendants Matin, Sultana, Haque,  
19 Wilshire, Veltex USA, Veltex Apparel, Veltex Industries, Moore & Associates and  
20 Moore participated in the diversion and conversion of its common stock and assets  
21 in connection with the continuing scheme alleged in the First Claim for Relief.

22 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that  
23 judgment be and hereby is entered in favor of Veltex and against Defendants Matin,  
24 Sultana, Haque, Wilshire, Veltex USA, Veltex Apparel, Veltex Industries, Moore &  
25 Associates and Moore, jointly and severally, in the amount of One Hundred Million,  
26 Seventy Eight Thousand, and Six Hundred Twenty One Dollars (\$100,078,621) on  
27 the First Claim For Relief.

28 //

1 **II.**

2 **IT IS HEREBY ORDERED, ADJUDICATED AND DECREED** that  
3 Veltex's Application for Entry of Default Judgment under the Second Claim for  
4 Relief Is GRANTED. The Court finds that the shares and assets of Veltex were  
5 fraudulently transferred and conveyed to Matin, Sultana, Wilshire and others entities  
6 or persons associated with Matin or under his ownership or control without  
7 consideration in violation of Sections 4(a) and 5(b) of the Uniform Fraudulent  
8 Transfer Act, California Civil Code § 3439.04(a) and (b). The Court further finds  
9 that Veltex was deprived of and lost the fair market value of its stock and assets in  
10 the amount of One Hundred Million, Seventy Eight Thousand, and Six Hundred  
11 Twenty One Dollars (\$100,078,621) as a direct and proximate cause of such  
12 fraudulent conveyances. The Court further finds that as the officers and directors of  
13 Veltex, Matin and Haque are responsible for such fraudulent transfers and that  
14 Matin, Sultana, Wilshire, Veltex USA, Veltex Apparel, and Veltex Industries were  
15 all recipients and transferees of such stock and assets of Veltex with specific  
16 knowledge of the fraudulent nature of transfers.

17 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that  
18 judgment be and hereby is entered in favor of Veltex and against Defendants Matin,  
19 Sultana and Haque, jointly and severally, in the amount of One Hundred Million,  
20 Seventy Eight Thousand, and Six Hundred Twenty One Dollars (\$100,078,621) on  
21 the Second Claim for Relief.

22 **III.**

23 **IT IS HEREBY ORDERED, ADJUDICATED AND DECREED** that  
24 Veltex's Application for Entry of Default Judgment under the Third Claim For  
25 Relief Is GRANTED. The Court finds that Matin and Haque conspired to breach  
26 and did breach their fiduciary duties to Veltex in that they conveyed the stock and  
27 assets of Veltex to Matin, Sultana, Wilshire and others without consideration to  
28 convert such stock and assets to their own use. The Court further finds that Veltex

1 was deprived of and lost the fair market value of its stock and assets in the amount  
2 of One Hundred Million, Seventy Eight Thousand, and Six Hundred Twenty One  
3 Dollars (\$100,078,621) as a direct and proximate result of such breach of fiduciary  
4 duty.

5 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that  
6 judgment be and hereby is entered in favor of Veltex and against Defendants Matin  
7 and Haque in the amount of One Hundred Million, Seventy Eight Thousand, and Six  
8 Hundred Twenty One Dollars (\$100,078,621) on the Third Claim for Relief.

9 **IV.**

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff  
11 Veltex Corporation shall recover from Defendants Javeed Azziz Matin, Mazhar  
12 Haque, Wilshire Equity, Inc. *aka* Wilshire Equities, Inc., Tanzila Sultana, Michael J.  
13 Moore, Moore & Associates, Chartered, Veltex Apparel, Inc., Veltex Industries, Inc.  
14 and Veltex USA, Inc., jointly and severally, the judgment as follows:

- 15 (a) Damages, in the amount of: \$100,078,621.00  
16 (b) Prejudgment Interest of: \$ 793,442.86<sup>2</sup> (\$1,069.33/day)  
17 (c) Attorneys' Fees pursuant  
18 to L.R. 55-3 in the amount of: \$ 2,005,172.42  
19 (d) Costs and Expenses of: \$ 3,859.95

20 **TOTAL** **\$102,881,096.23**

21 **V.**

22 **IT IS HEREBY ADJUDGED AND DECREED** that, for the reasons stated  
23 above and in the Court's Order to Submit Proposed Final Judgment, dated January  
24 17, 2012, this action is dismissed with prejudice and without costs, except as  
25


26 <sup>2</sup> The sum of \$793,442.86 represents prejudgment interest accruing on the damages  
27 amount at the federal statutory rate from March 10, 2010, the date of filing of the  
28 lawsuit, up to and including March 20, 2012. Prejudgment interest accrues at the per  
diem rate of \$1,069.33/day thereafter until the date of entry of judgment.

1 provided for above and except as provided for in the Settlement Agreements  
2 Plaintiff Veltex Corporation entered into with American Registrar & Transfer Co.  
3 (“ARTCO”), Defendant Jaak U. Olesk (“Olesk”), and Defendant Brad B. Haynes  
4 (“Haynes”).

5 Without affecting the finality of this Judgment in any way, this Court hereby  
6 retains continuing jurisdiction over this litigation, including jurisdiction over: (a) all  
7 further proceedings concerning the administration, consummation, enforcement, and  
8 implementation of the Settlements by and between Plaintiff Veltex Corporation and  
9 ARTCO, Plaintiff Veltex Corporation and Olesk, and Plaintiff Veltex Corporation  
10 and Haynes; and (b) all parties hereto for the purpose of construing, enforcing and  
11 administering the Judgment.

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

15  
16 Dated: March 26, 2012

17   
18 Hon. Audrey B. Collins  
19 United States District Judge  
20

21  
22 Submitted by:

23 BLECHER & COLLINS, P.C.

24 By: /S/ Maryann R. Marzano  
25 Maryann R. Marzano  
26 Attorneys for Plaintiff  
27 VELTEX CORPORATION  
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