

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

SECURITIES AND EXCHANGE COMMISSION  
450 Fifth Street N.W.  
Washington, D.C. 20549,

Plaintiff,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant.

Civil Action No. 00-3040-JR

**FILED**

JAN - 9 2001

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

FINAL JUDGMENT

Plaintiff Securities and Exchange Commission (the "Commission"), having commenced this action by filing its Complaint, and Defendant International Business Machines Corporation ("Defendant"), having entered a general appearance herein, and solely for purposes of this proceeding, having admitted the jurisdiction of this Court over it and over the subject matter of this action, having waived objections, if any, to the venue of this action, having waived the filing of an Answer to the Complaint, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and without admitting or denying any of the allegations of the Complaint, except as to jurisdiction, and without trial, argument or adjudication of any issue of law or fact, having consented to the entry of this Final Judgment

(11)

3

ordering Defendant to pay a civil penalty of \$300,000 pursuant to Section 21(d)(3)(B)(i) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u(d)(3)(B)(i), based upon the alleged violation of Section 13(b)(2)(A) of the Exchange Act, 15 U.S.C. § 78m(b)(2)(A), and it further appearing that this Court has jurisdiction over the Defendant and the subject matter of this action, and the Court being fully advised in the premises:

I.

IT IS HEREBY ORDERED that Defendant pay a civil penalty of \$300,000 pursuant to Section 21(d)(3)(B)(i) of the Exchange Act. Payment shall be made within ten (10) days of entry of the Final Judgment, made payable to the Securities and Exchange Commission; and shall be transmitted to the Comptroller, U.S. Securities and Exchange Commission Operations Center, Mail Stop 0-3, 6432 General Green Way, Alexandria, Virginia 22312, under cover of a letter that identifies the defendant, the name and case number of this action, the name of this Court and the Commission's case number (HO-3111). A copy of the cover letter and proof of payment shall be transmitted simultaneously to Scott Friestad, Assistant Director, at the U.S. Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0708.

II.

IT IS FURTHER ORDERED that the Consent of Defendant be incorporated herein with the same force and effect as if fully set forth herein.

  
United States District Judge

Dated: January 9, 2001