

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

**CIVIL ACTION FILE
NO. 06 CV 2431-JTC**

v.

**PINNACLE DEVELOPMENT
PARTNERS, LLC, and
GENE A. O'NEAL,**

Defendants.

ORDER OF PERMANENT INJUNCTION

The Plaintiff Securities and Exchange Commission (“Commission”) having filed a Complaint and Defendant Pinnacle Development Partners, LLC (“Pinnacle”) having entered general appearances; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Judgment of Permanent Injunction (“Consent Order”) without admitting or denying the allegations of the Complaint (except as to jurisdiction) for the

purposes of this Consent Order; waived findings of fact and conclusions of law with respect to this Order; and waived any right to appeal from this Consent Order:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant Pinnacle, its agents, servants, employees, attorneys, assigns, and all persons in active concert or participation with them who receive actual notice of this Consent Order by personal service or otherwise are permanently restrained and enjoined from directly or indirectly,

- (a) making use of the means or instruments of transportation or communication in interstate commerce or of the mails to sell securities, through the use or medium of a prospectus or otherwise;
- (b) carrying securities or causing such securities to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or for delivery after sale; and
- (c) making use of the means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy securities, through the use or medium of any

prospectus or otherwise, without a registration statement having been filed with the Commission as to such securities, in violation of Sections 5(a) and 5(c) of the Securities Act of 1933 (“Securities Act”)[15 U.S.C. §§ 77e(a) and 77e(c)].

II.

IT IS FURTHER ORDERED that Defendant Pinnacle, its agents, servants, employees, attorneys, assigns, and all persons in active concert or participation with them, who receive actual notice of this Consent Order by personal service or otherwise, in connection with the purchase or sale or in the offer or sale of securities, by use of any means or instrumentalities of interstate commerce or any means or instruments of transportation or communication in interstate commerce, or by the mails or any facility of any national securities exchange, be, and hereby are, permanently enjoined and restrained from, directly or indirectly:

- (a) employing any device, scheme or artifice to defraud;
- (b) engaging in any act, practice, transaction or course of business which operates or would operate as a fraud or deceit upon any person;
- (c) obtaining money or property by means of any untrue statement of a

material fact, or omitting to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

- (d) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading,

in violation of Section 17(a) of the Securities Act, 15 U.S.C. 77q(a), Section 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78j(b), and Rule 10b-5, 17 C.F.R. 240.10b-5, thereunder.

III.

IT IS FURTHER ORDERED that the Defendant's Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Defendant shall comply with all of the undertakings and agreements set forth therein.

IV.

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 Judgment forthwith and without further notice.

V.

IT IS FURTHER ORDERED that this Court will retain jurisdiction over this matter and Defendant in order to implement and carry out the terms of all other Orders and Decrees that have been entered or may be entered. Specifically, this Order does not alter the status of the court-appointed receivership of Defendant Pinnacle, which shall remain open until all matters related thereto have been concluded, including but not limited to the disposal of the remaining properties held by the receiver estate.

Dated: JUNE 19, 2009


UNITED STATES DISTRICT JUDGE