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J. DAVID NAVARRO, Clerk
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IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

STATE OF IDAHO, Department of Finance, vs. BIOGAN MEDICAL INTERNATIONAL, INC., a Delaware corporation, and RONALD J. TOLMAN, Defendants.	Civil No. CV OC 9606319D **JUDGMENT AND PERMANENT INJUNCTION**

It appearing to the Court that the Defendants Biogan Medical International, Inc., and Ronald J. Tolman (Defendants) in their Stipulation for Judgment and Permanent Injunction filed with the Court, have admitted the jurisdiction of this Court over the subject matter of this proceeding and over the parties hereto, and that the Complaint states a cause of action for injunctive relief under the Idaho Securities Act, and have admitted that they violated the Idaho Securities Act, as alleged in the complaint, and have agreed and consented to the entry of judgment granting a

permanent injunction against them, and have waived the necessity of findings of fact and conclusions of law with respect thereto, and the Court being fully advised in the premises:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Defendants have violated the Idaho Securities Act as alleged in the complaint.

2. The Defendants are permanently enjoined from engaging in any acts, practices or omissions which would constitute violations of the Idaho Securities Act, and in particular, are permanently enjoined from:

A. Selling or offering for sale nonexempt securities in any form in the State of Idaho until such time as such securities have been registered with the Idaho Department of Finance, in accordance with Chapter 14, Title 30, Idaho Code;

B. Transacting securities business in the State of Idaho until such time as Defendants have become registered as a broker-dealer, or salesman for a broker-dealer or issuer, with the Idaho Department of Finance, in accordance with Chapter 14, Title 30, Idaho Code;

C. While engaged in or in connection with the offer, sale, or purchase of any security:

(1) Employing any device, scheme or artifice to defraud,

(2) Making any untrue statement of 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 are made, not misleading, and

(3) Engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

D. Aiding, abetting, counseling, inducing or causing any other person to engage in any of the types of conduct described in paragraphs A, B, and C above.

3. The Defendants are prohibited from claiming the availability of, using, or offering to sell securities under, any exemption under the Idaho Securities Act without receiving the prior written consent of the Director.

4. The Defendants shall, within thirty (30) days of the signing of this Judgment, offer rescission to all investors in Biogan Medical International, Inc., who purchased directly from Biogan Medical International, Inc., on or subsequent to January 1, 1994. The offer of rescission shall be made by way of letter, the contents of which shall be submitted for approval to the Department of Finance prior to its dissemination, and within twenty-one (21) days of the signing of this Judgment. The rescission offer shall not be made until the Department of Finance approves the contents of the letter. All persons who accept the offer of rescission shall be paid pursuant to the terms of the rescission offer.

5. This Judgment and Permanent Injunction shall serve as a final resolution of all issues presented in Plaintiff's complaint.

DATED this 27 day of November, 1996.

/s/ D. DUFF MCKEE

District Judge