


1 JOHN M. McCOY III, Cal. Bar No. 166244
Email: mccoyj@sec.gov
2 FINOLA H. MANVELIAN, Cal. Bar No. 180681
Email: manvelianf@sec.gov
3 C. DABNEY O'RIORDAN, Cal. Bar No. 205158
Email: oriordanc@sec.gov

4
5 Attorneys for Plaintiff
Securities and Exchange Commission
6 Rosalind R. Tyson, Regional Director
Andrew G. Petillon, Associate Regional Director
7 5670 Wilshire Boulevard, 11th Floor
Los Angeles, California 90036
8 Telephone: (323) 965-3998
Facsimile: (323) 965-3908

BY: 
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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SAN FRANCISCO

FILED
BY FAX

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 v.

16 THOMAS A. LABRY,
CHEROKEE GAS SYSTEMS, INC., SHEA
17 C. SILVA, and GARY MADDUX

18 Defendants.

Case No. SACV 10-00018 JVS (VBKx)

FIRST AMENDED COMPLAINT

19
20
21 Plaintiff Securities and Exchange Commission ("Commission") alleges as
22 follows:

23 **JURISDICTION AND VENUE**

24 1. This Court has jurisdiction over this action pursuant to Sections 20(b),
25 20(d)(1) and 22(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C.
26 §§ 77t(b), 77t(d)(1) & 77v(a), and Sections 21(d)(1), 21(d)(3)(A), 21(e) and 27 of
27 the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. §§ 78u(d)(1),
28 78u(d)(3)(A), 78u(e) & 78aa. Defendants have, directly or indirectly, made use of

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21

1 the means or instrumentalities of interstate commerce, of the mails, or of the
2 facilities of a national securities exchange, in connection with the transactions,
3 acts, practices, and courses of business alleged in this First Amended Complaint.

4 2. Venue is proper in this district pursuant to Section 22(a) of the
5 Securities Act, 15 U.S.C. § 77v(a), and Section 27 of the Exchange Act, 15 U.S.C.
6 § 78aa, because certain of the transactions, acts, practices, and courses of conduct
7 constituting violations of the federal securities laws occurred within this district,
8 Defendants Thomas A. Labry, Shea C. Silva, and Gary Maddux reside in this
9 district, and Defendant Cherokee transacts or has transacted business in this
10 district.

11 SUMMARY

12 3. From on or about December 5, 2008, continuing to the present, the
13 Defendants have been engaged in a fraudulent scheme whereby they solicit
14 investors to invest in units of an unregistered securities offering constituting
15 interests in oil and gas wells on Walters Field, located in Oklahoma. The
16 Defendants represent projected minimum monthly returns of \$725 per \$25,000 unit
17 purchased, or about a 35% annual return. In fact, investor monies are not invested
18 in oil and gas production on Walters Field. Instead, Defendant Thomas A. Labry
19 has misappropriated investor funds for his own personal use, and Defendants Shea
20 C. Silva and Gary Maddux received commissions based on their sales of the oil and
21 gas interests. From December 5, 2008, through December 31, 2009, the
22 Defendants raised at least \$1.4 million from investors located throughout the
23 United States and in Canada. Of this amount, Labry has withdrawn \$268,800 in
24 cash, caused \$148,126 in cashier's checks to be made out to "SCS" (which were
25 cashed by Silva), caused \$221,195 in cashier's checks to be paid to Maddux, and
26 expended another \$146,638 to purchase cashier's checks made payable to various
27 other individuals.

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- 1 ● On September 26, 2000, the Commonwealth of Pennsylvania,
2 Pennsylvania Securities Commission, issued a Summary Order to Cease
3 and Desist against Labry, Iron Horse and others finding that they were
4 offering and selling unregistered securities, and ordering them to cease
5 and desist from offering and selling unregistered securities.
- 6 ● On January 9, 2001, the State of Wisconsin, Department of Financial
7 Institutions, Division of Securities, issued an Order of Prohibition
8 against Labry prohibiting him from offering and selling unregistered
9 securities, based on a Petition for Order alleging offer and sale on
10 behalf of Iron Horse of units constituting securities.
- 11 ● On April 17, 2003, the State of Alabama, Alabama Securities
12 Commission, issued a Cease and Desist Order against Labry, Iron
13 Horse and others finding that they were not registered as securities
14 agents or dealers, that the securities they were offering and selling
15 were not registered, and ordering them to cease and desist from
16 offering or selling any securities in Alabama.
- 17 ● On November 13, 2009, the Arizona Corporation Commission issued
18 an Order to Cease and Desist, Order for Restitution [and] Order for
19 Administrative Penalties, against Labry and Iron Horse finding that
20 they had sold unregistered securities in the form of investment
21 contracts and/or fractional undivided interests in oil and gas, and
22 ordering that they permanently cease and desist from violating the
23 Arizona Securities Act, pay restitution of \$99,481.54, and pay a
24 \$50,000 penalty.

25 Additionally, on April 6, 2006, an Order and Judgment was entered by the Court in
26 *Earl Burba and Brooke Burba v. Thomas A. Labry and Iron Horse Petroleum, Inc.*,
27 Case No. SACV 04-1098 JVS (C.D. Cal.), following entry of a default order issued
28 by the Court for failure to follow the Federal Rules of Civil Procedure, the Local

1 Rules and Court Orders. The Order and Judgment ordered Labry and Iron Horse to
2 pay \$647,776.12, consisting of actual damages resulting from Defendants' failure
3 to return plaintiff's investment in Iron Horse, punitive damages, interest and
4 attorneys' fees and costs.

5 6. **Cherokee Gas Systems, Inc. ("Cherokee")** was incorporated in
6 Oklahoma on May 15, 1991, and operates from offices located in Costa Mesa,
7 California. No registration statement has been filed with the Commission or has
8 been in effect with respect to the securities offering by Cherokee alleged in this
9 First Amended Complaint. Between December 5, 2008, and December 31, 2009,
10 more than 40 people from 15 states have invested at least \$1.4 million with
11 Cherokee.

12 7. **Shea C. Silva ("Silva")** resides in Huntington Beach, California. The
13 Commission previously charged Silva with violating the registration, antifraud, and
14 unregistered broker provisions of the federal securities laws. *SEC v. Allied Capital*
15 *Management, Inc. and Shea Silva*, Case No. CV 05-8800-GPS (C.D. Cal.). The
16 Commission's complaint alleged that Silva, through various entities he controlled,
17 was offering and selling interests in oil wells in Texas. On July 1, 2007, the
18 Honorable George P. Schavelli of the District Court of the Central District of
19 California issued a permanent injunction against Silva, enjoining him from future
20 violations of Sections 5(a), 5(c), and 17(a) of the Securities Act, Section 10(b) and
21 15(a) of the Exchange Act, and Rule 10b-5 thereunder, ordering him to pay
22 \$4,889,337.30 in disgorgement and prejudgment interest, and to pay a penalty of
23 \$120,000. In addition, on February 21, 2007, the Commission ordered that Silva
24 was barred from association with any broker or dealer. *In the Matter of Shea Silva*,
25 2007 WL 4591414 (Feb 21, 2007), Release No. 55327, AP File 3-12572.

26 8. **Gary Maddux ("Maddux")** resides in Long Beach, California. In
27 1998, Maddux pleaded guilty to wire and mail fraud and was sentenced to 27
28 months in federal prison. *United States v. Gary Maddux*, Case No. CR 97-1208-

1 JGD (C.D. Cal.). The indictment alleged that Maddux operated a telemarketing
2 scheme whereby, using various aliases, he defrauded elderly victims. In particular,
3 the indictment alleged that Maddux, claiming to be from various publishers'
4 sweepstakes, "telephoned elderly victims and falsely told them that they had won a
5 large sum of money, but that they first had to send [him] a certain amount of
6 money in order to receive the promised award." The indictment further alleged
7 that Maddux called victims and falsely represented "that he was a law enforcement
8 officer investigating the individuals who were pretending to be from a publisher's
9 sweepstakes, and needed money to do so," and that the FBI or IRS would
10 investigate the victims if they did not send him more money.

11 THE FRAUDULENT SCHEME

12 A. Cherokee Generally Solicits Investors Including Through Cold Calls

13 9. In approximately December 2008, Cherokee began soliciting potential
14 investors throughout the United States, including through the use of cold calling.
15 To facilitate this general solicitation, Labry and Silva, using Cherokee investor
16 monies, purchased dialing software that can automatically place outbound calls
17 from a pre-loaded database of numbers. In these calls, Cherokee representatives
18 offer investors the opportunity to purchase units in oil and gas wells purportedly
19 owned by Cherokee located on Walters Field in Oklahoma, for \$25,000 per unit.
20 In instances where an investor does not want to purchase an entire unit, Cherokee
21 allows the investor to purchase a fraction of a unit. Cherokee representatives tell
22 investors that they will start receiving returns on their investments, paid monthly,
23 generally within 45 to 60 days of the investment.

24 10. Throughout 2009, Silva and Maddux acted as sales agents for
25 Cherokee by offering and selling the units in oil and gas wells on Walters Field.
26 When offering and selling the units, Silva and Maddux used fake names. For
27 example, at various times Silva used the fake name "Doug Allen," and Maddux
28 used the fake name "Geoff Tate."

1 11. Cherokee sends potential investors a package containing a cover
2 letter, a brochure, and a subscription agreement. To purchase units, investors are
3 instructed to send a check to Cherokee using a prepaid Federal Express envelope
4 provided by Cherokee. Once Cherokee receives the investor's check, Cherokee
5 sends to the investor a "Certificate of Participation" certifying that the investor is
6 the holder of a certain number of units of "Working Interest in the Walters Field
7 Priddy Sand Unit." The Certificate of Participation bears Labry's signature.

8 12. The Cherokee brochure is almost identical to the brochure previously
9 disseminated by Iron Horse, an entity controlled by Labry, except that the
10 Cherokee brochure refers to "Cherokee" rather than "Iron Horse."

11 **B. The Defendants Make Material Misrepresentations and Omissions**
12 **About The Investment And Misappropriate Investor Monies**

13 13. Cherokee and Labry falsely represent to investors that their monies
14 will be used to fund the increase in production of oil and gas from the Walters
15 Field wells. In the "Company Profile" section of the brochure Cherokee sends to
16 investors, the Defendants Labry and Cherokee represent that Cherokee is "engaged
17 in the acquisition, development, exploration, production and marketing of natural
18 gas and crude oil," and describes its "primary business strategy" as being "to build
19 a reserve base through the acquisition and development of producing oil and gas
20 wells that are underdeveloped." On the "Cherokee Project Summary" page of the
21 brochure, the Defendants provide a description of the Walters Field Priddy Sand
22 Unit, including its location and acreage, the number of total wells, equipped wells,
23 injection wells, and amount of purported "proved reserves." The brochure also
24 includes maps, including an "Aerial Map" described as an "Actual Photo" of the
25 Walters Field Priddy Sand Unit with locations of the various wells marked.

26 14. Consistent with sales agents' oral representations to investors that
27 they will receive monthly returns of at least \$725 per unit, or about 35% annually,
28 Defendants Labry and Cherokee represent in the Cherokee brochure that one of the

1 “Project Benefits” is that “Income will be distributed monthly.” Additionally,
2 Defendants Labry and Cherokee include in the brochure under the faint heading
3 “Projections” gross revenues per month assuming various daily and monthly
4 production levels, of up to \$456,240 in gross monthly revenues assuming 1,000
5 barrels of oil per day in production. However, another page provided to investors
6 with the brochure entitled “Monthly Projections” purporting to show the per unit
7 monthly returns on an investment with Cherokee, sets forth significantly greater
8 gross revenues, assuming an oil price of \$40 per barrel. On this page, the per unit
9 monthly returns are projected to be between \$725 to \$4,225 depending on
10 production levels ranging from 100 to 500 barrels of oil per day.

11 15. In fact, the Defendants Labry and Cherokee used little, if any, of the
12 investors’ monies they obtained for oil and gas production on Walters Field.

13 16. Defendants Silva and Maddux falsely told investors various times by
14 which they would start receiving monthly checks. These times generally ranged
15 from 45 to 60 days of the initial investment. Defendants Silva and Maddux
16 continued to tell investors that they would receive monthly checks within a certain
17 period of time even though they knew, or were reckless in not knowing, that no
18 Cherokee investor had ever received a monthly check.

19 17. The materials provided to potential investors do not disclose that a
20 commission is paid to the sales representatives based on the amount of money
21 invested. In addition, Defendants Silva and Maddux did not disclose to investors
22 that sales representatives, including themselves, received commissions totaling
23 approximately 30% of the investment.

24 18. Defendants Silva and Maddux never told investors their true names,
25 and instead used fake names during all their dealings with investors.

26 19. Cherokee is also not receiving any income from oil and gas
27 production, and is not paying investors any monthly returns. Instead, Labry, who
28 is the sole signatory on Cherokee’s bank accounts, has misappropriated investor

1 monies for his own use or to pay third parties in order to perpetuate the fraudulent
2 scheme. Specifically, of the \$1.65 million in monies deposited into Cherokee's
3 bank accounts, all of which is most likely investor money:

- 4 a. Labry has withdrawn at least \$268,800 in cash. This comprised
5 approximately 16% of deposits during this period.
- 6 b. Labry has withdrawn \$515,959 that he then used to purchase
7 cashier's checks payable to various individuals unrelated to
8 investments in oil and gas production. These withdrawals
9 comprised approximately 31% of deposits during this period. Of
10 these cashier's checks, certain individuals received the following:
 - 11 i. cashier's checks totaling \$221,195 were paid to Gary
12 Maddux; and
 - 13 ii. cashier's checks totaling \$148,126 made out to "SCS" and
14 cashed by Silva.
- 15 c. Labry has made payments to OPC Marketing Inc., for the
16 purchase of dialing software that can automatically place
17 outbound calls from a pre-loaded database of numbers, of at least
18 \$17,737; among the databases purchased were databases
19 containing telephone numbers of "Homeowners Age 60+ with
20 income \$100K and up **Except CA**," and "Homeowners Age
21 60+ with wealth 1 million **Except CA**" purchased on or about
22 June 16, 2009.

23 20. When investors inquire why they have not received their promised
24 monthly returns, they are falsely told by Cherokee sales agents that oil production is
25 "behind" and that they will receive payment within a certain number of weeks or by
26 a certain date. Cherokee and Labry do not, in fact, make these promised payments.

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1 **FIRST CLAIM FOR RELIEF**

2 **OFFER AND SALE OF UNREGISTERED SECURITIES**

3 **Violations of Sections 5(a) and 5(c) of the Securities Act**

4 **(Against Cherokee, Silva and Maddux)**

5 21. The Commission realleges and incorporates by reference paragraphs 1
6 through 20 above.

7 22. Defendants Cherokee, Silva and Maddux by engaging in the conduct
8 described above, directly or indirectly, made use of means or instruments of
9 transportation or communication in interstate commerce or of the mails, to offer to
10 sell or to sell securities, or to carry or cause such securities to be carried through
11 the mails or in interstate commerce for the purpose of sale or for delivery after
12 sale.

13 23. No registration statement has been filed with the Commission or has
14 been in effect with respect to the offering alleged herein.

15 24. By engaging in the conduct described above, Defendants Cherokee,
16 Silva and Maddux have violated, and unless restrained and enjoined will continue
17 to violate, Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. §§ 77e(a) &
18 77e(c).

19 **SECOND CLAIM FOR RELIEF**

20 **FRAUD IN THE OFFER OR SALE OF SECURITIES**

21 **Violations of Section 17(a) of the Securities Act**

22 **(Against All Defendants)**

23 25. The Commission realleges and incorporates by reference paragraphs 1
24 through 20 above.

25 26. Defendants Labry, Cherokee, Silva and Maddux and each of them, by
26 engaging in the conduct described above, directly or indirectly, in the offer or sale
27 of securities by the use of means or instruments of transportation or
28 communication in interstate commerce or by use of the mails:

- 1 a. with scienter, employed devices, schemes, or artifices to
- 2 defraud;
- 3 b. obtained money or property by means of untrue statements of a
- 4 material fact or by omitting to state a material fact necessary in
- 5 order to make the statements made, in light of the
- 6 circumstances under which they were made, not misleading; or
- 7 c. engaged in transactions, practices, or courses of business which
- 8 operated or would operate as a fraud or deceit upon the
- 9 purchaser.

10 27. By engaging in the conduct described above, Defendants Labry,
11 Cherokee, Silva, and Maddux violated, and unless restrained and enjoined will
12 continue to violate, Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

13 **THIRD CLAIM FOR RELIEF**

14 **FRAUD IN CONNECTION WITH THE PURCHASE OR SALE OF SECURITIES**
15 **Violations of Section 10(b) of the Exchange Act and Rule 10b-5 Thereunder**
16 **(Against All Defendants, and alternatively**
17 **against Labry as a Control Person of Cherokee)**

18 28. The Commission realleges and incorporates by reference paragraphs 1
19 through 20 above.

20 29. Defendants Labry, Cherokee, Silva and Maddux, and each of them, by
21 engaging in the conduct described above, directly or indirectly, in connection with
22 the purchase or sale of a security, by the use of means or instrumentalities of
23 interstate commerce, of the mails, or of the facilities of a national securities
24 exchange, with scienter:

- 25 a. employed devices, schemes, or artifices to defraud;
- 26 b. made untrue statements of a material fact or omitted to state a
- 27 material fact necessary in order to make the statements made,
- 28 in the light of the circumstances under which they were made,

1 not misleading; or
2 c. engaged in acts, practices, or courses of business which
3 operated or would operate as a fraud or deceit upon other
4 persons.

5 30. By engaging in the conduct described above, Defendants Labry,
6 Cherokee, Silva and Maddux violated, and unless restrained and enjoined will
7 continue to violate, Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and
8 Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

9 31. Alternatively, by engaging in the conduct described above, Defendant
10 Labry directly or indirectly controlled Cherokee, and pursuant to Section 20(a) of
11 the Exchange Act, 15 U.S.C. § 78t(a), is liable jointly and severally with and to the
12 same extent as Cherokee is liable for its violations.

13 **FOURTH CLAIM FOR RELIEF**

14 **ACTING AS AN UNREGISTERED BROKER OR DEALER**

15 **Violations of Section 15(a) of the Exchange Act**

16 **(Against Defendants Silva and Maddux)**

17 32. The Commission realleges and incorporates by reference paragraphs 1
18 through 20 above.

19 33. As set forth more fully above, Defendants Silva and Maddux, while
20 not being registered as a broker or dealer with the Commission, directly or
21 indirectly, while being either a person other than a natural person or a natural
22 person not associated with a broker or dealer which is a person other than a natural
23 person, made use of the mails or a means or instrumentality of interstate commerce
24 to effect transactions in, or to induce or attempt to induce the purchase or sale of,
25 securities.

26 34. By reasons of the foregoing, Defendants Silva and Maddux violated
27 Section 15(a) of the Exchange Act, 15 US.C. § 78o(a).

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FIFTH CLAIM FOR RELIEF

ASSOCIATION WITH A BROKER OR DEALER IN

VIOLATION OF COMMISSION BAR

Violations of Section 15(b)(6)(B)(i) of the Exchange Act

(Against Defendant Silva)

35. The Commission realleges and incorporates by reference paragraphs 1 through 20 above.

36. As set forth more fully above, Defendant Silva was barred from being associated with a broker or dealer pursuant to a Commission order.

Section 3(a)(18) of the Exchange Act, 15 U.S.C. § 78c(a)(18), defines the term “person associated with a broker dealer” to include “any person directly or indirectly controlling, or controlled by, or under common control with such broker or dealer.” By acting as an unregistered broker or dealer, Defendant Silva “controlled” a broker or dealer and therefore was a “person associated with a broker dealer.”

37. By reason of the foregoing, Defendant Silva has failed to comply with the Commission’s order barring him from associating with a broker or dealer in violation of Section 15(b)(6)(B)(i) of the Exchange Act, 15 U.S.C. § 78o(b)(6)(B)(i).

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that the Court:

I.

Issue findings of fact and conclusions of law that the Defendants committed the alleged violations.

II.

Issue orders, in a form consistent with Fed. R. Civ. P. 65(d), temporarily, preliminarily and permanently enjoining Defendants Labry and Cherokee and their officers, agents, servants, employees, and attorneys, and those persons in active

1 concert or participation with any of them, who receive actual notice of the order by
2 personal service or otherwise, and each of them, from violating Section 17(a) of
3 the Securities Act, 15 U.S.C. § 77q(a), and Section 10(b) of the Exchange Act, 15
4 U.S.C. § 78j(b) and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5, and
5 additionally, temporarily, preliminarily and permanently enjoining Cherokee and
6 its officers, agents, servants, employees, and attorneys and those persons in active
7 concert or participation with any of them, from violating Sections 5(a) and 5(c) of
8 the Securities Act, 15 U.S.C. §§ 77e(a) & 77e(c).

9 **III.**

10 Issue an order, in a form consistent with Fed. R. Civ. P. 65(d), permanently
11 enjoining Defendant Maddux, and those persons in active concert or participation
12 with him, who receive actual notice of the order by personal service or otherwise,
13 and each of them, from violating Sections 5(a), 5(c) and 17(a) of the Securities
14 Act, 15 U.S.C. §§ 77e(a), 77e(c) & 77q(a), and Sections 10(b) and 15(a) of the
15 Exchange Act, 15 U.S.C. §§ 78j(b) & 78o(a), and Rule 10b-5 thereunder, 17
16 C.F.R. § 240.10b-5.

17 **IV.**

18 Issue an order, in a form consistent with Fed. R. Civ. P. 65(d), permanently
19 enjoining Defendant Silva, and those persons in active concert or participation with
20 him, who receive actual notice of the order by personal service or otherwise, and
21 each of them, from violating Sections 5(a), 5(c) and 17(a) of the Securities Act, 15
22 U.S.C. §§ 77e(a), 77e(c) & 77q(a), and Sections 10(b), 15(a) and 15(b)(6)(B)(i) of
23 the Exchange Act, 15 U.S.C. §§ 78j(b), 78o(a) & 78o(b)(6)(B)(i), and Rule 10b-5
24 thereunder, 17 C.F.R. § 240.10b-5.

25 **V.**

26 Issue in a form consistent with Fed. R. Civ. P. 65, a temporary restraining
27 order and a preliminary injunction freezing the assets of Defendants Labry and
28 Cherokee; appointing a receiver over Defendant Cherokee; prohibiting Defendants

1 Labry and Cherokee from destroying documents; ordering accountings from
2 Defendants Labry and Cherokee; and issuing an order permitting the Commission
3 to conduct expedited discovery.

4 **VI.**

5 Order Defendants Labry, Cherokee, Silva and Maddux to disgorge all ill-
6 gotten gains from their illegal conduct, together with prejudgment interest thereon.

7 **VII.**

8 Order Defendants Labry, Cherokee, Silva and Maddux to pay civil penalties
9 under Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3)
10 of the Exchange Act, 15 U.S.C. § 78u(d)(3).

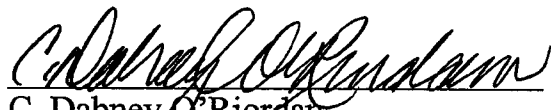
11 **VIII.**

12 Retain jurisdiction of this action in accordance with the principles of equity
13 and the Federal Rules of Civil Procedure in order to implement and carry out the
14 terms of all orders and decrees that may be entered, or to entertain any suitable
15 application or motion for additional relief within the jurisdiction of this Court.

16 **IX.**

17 Grant such other and further relief as this Court may determine to be just and
18 necessary.

19
20 DATED: May 19, 2010


C. Dabney O'Riordan
Attorney for Plaintiff
Securities and Exchange Commission

John M. McCoy III, Cal. Bar No. 166244
C. Dabney O'Riordan, Cal. Bar No. 205158
Securities and Exchange Commission
5670 Wilshire Boulevard, 11th Floor
Los Angeles, California 90036
Telephone: (323) 965-3998
Facsimile: (323) 965-3908

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE COMMISSION

CASE NUMBER

SACV 10-00018 JVS (VBKx)

PLAINTIFF(S)

v.

THOMAS A. LABRY, CHEROKEE GAS SYSTEMS,
INC., SHEA C. SILVA, and GARY MADDUX

SUMMONS

DEFENDANT(S).

FOR OFFICE USE ONLY

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint first amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, John C. McCoy III/C. Dabney O'Riordan, whose address is 5670 Wilshire Boulevard, 11th Floor, Los Angeles, California 90036. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: MAY 19 2010

By: TRINA DEBOSE

Deputy Clerk
(Seal of the U.S. District Court for the Central District of California)
1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].