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CLERK, U.S. DISTRICT COURT
MAR 13 2007
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

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10 Attorneys for Plaintiff U.S. Securities
11 and Exchange Commission

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

15 SECURITIES AND EXCHANGE
16 COMMISSION,

17 Plaintiff,

18 vs.

19 TRI ENERGY, INC., et al.

20 Defendants.

Case No. ED CV 05-351 AG(FMOx)

~~PROPOSED~~ FINAL JUDGMENT
AS TO DEFENDANT LOWELL
DECKER

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2 Plaintiff Securities and Exchange Commission (“Commission”), having filed
3 and served upon Defendant Lowell Decker (“Defendant”) a Summons and
4 Complaint in this action; Defendant having admitted service of the Summons and
5 Complaint in this action and the jurisdiction of this Court over him and over the
6 subject matter of this action; having been fully advised and informed of his right to
7 a judicial determination of this matter; having waived the entry of findings of fact
8 and conclusions of law as provided by Rule 52 of the Federal Rules of Civil
9 Procedure; having consented to the entry of this Judgment (“Judgment”) without
10 admitting or denying the allegations in the Complaint; no notice of hearing upon
11 the entry of this Final Judgment being necessary; and this Court being fully
12 advised:

13 I.

14 IT IS ORDERED, ADJUDGED AND DECREED that Defendant and
15 Defendant’s officers, agents, servants, employees and attorneys, and those persons
16 in active concert or participation with him who receive actual notice of this
17 Judgment by personal service or otherwise, are permanently restrained and
18 enjoined from, directly or indirectly:

- 19 A. making use of any means or instruments of transportation or
20 communication in interstate commerce or of the mails to sell any
21 security through the use or medium of any prospectus or otherwise,
22 unless a registration statement is in effect as to such security;
- 23 B. carrying or causing to be carried through the mails or in interstate
24 commerce, by any means or instruments of transportation, any such
25 security for the purpose of sale or for delivery after sale, unless a
26 registration statement is in effect as to such security; and
- 27 C. making use of any means or instruments of transportation or

1 communication in interstate commerce or of the mails to offer to sell
2 or offer to buy through the use or medium of any prospectus or
3 otherwise, any security, unless a registration statement has been filed
4 with the Commission as to such security, or while a registration
5 statement is the subject of a refusal order or stop order or (prior to the
6 effective date of the registration statement) any public proceeding of
7 examination under Section 8 of the Securities Act of 1933 ("Securities
8 Act"), 15 U.S.C. § 77h;

9 in violation of Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. §§ 77e(a) &
10 77e(c).

11 **II.**

12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
13 Defendant and Defendant's officers, agents, servants, employees and attorneys,
14 and all persons in active concert or participation with them who receive actual
15 notice of this Judgment by personal service or otherwise, are permanently
16 restrained and enjoined from, directly or indirectly, in the offer or sale of any
17 securities, by the use of any means or instruments of transportation or
18 communication in interstate commerce or by use of the mails:

- 19 A. employing any device, scheme or artifice to defraud;
- 20 B. obtaining money or property by means of any untrue statement of a
21 material fact or any omission to state a material fact necessary in order
22 to make the statements made, in light of the circumstances under
23 which they were made, not misleading; or
- 24 C. engaging in any transaction, practice, or course of business which
25 operates or would operate as a fraud or deceit upon the purchaser;

26 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

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III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants and his officers, agents, servants, employees and attorneys, and all persons in active concert or participation with them who receive actual notice of this Judgment by personal service or otherwise, are permanently restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of any security, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- A. employing any device, scheme, or artifice to defraud;
- B. making 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
- C. engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person;

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

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant, his agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Judgment, by personal service or otherwise, and each of them, are permanently enjoined and restrained from, directly or indirectly, any involvement in, or conduct facilitating or relating in any way to, investing or soliciting investment in any program purporting to involve coal or a coal mine operation, an international gold transaction, or an international banking transaction, with or from any participant, officer, director, or investor in Tri Energy Inc., H&J Energy Inc., La Vie D’Argent,

1 or Marina Investors Group, Inc. This paragraph does not preclude cooperation
2 with the Commission or the receiver in the operation of, or attempts to recover
3 monies related to, any of the entities listed above.

4 V.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the
6 Consent and Undertaking of Defendant is incorporated herein with the same force
7 and effect as if fully set forth herein, and that Defendant shall comply with all of
8 the undertakings and agreements set forth therein.

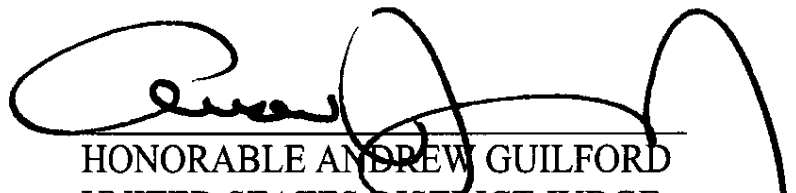
9 VI.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this
11 Court shall retain jurisdiction over this action for all purposes, including
12 implementing and enforcing the terms of this Final Judgment and all other orders
13 and decrees which have been or may be entered in this case, and granting such
14 other relief as the Court may deem necessary and just.

15 VII.

16 There being no just reason for delay, the Clerk of the Court is hereby
17 directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter
18 this Final Judgment.

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20 Dated: MARCH 13, 2007

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23 HONORABLE ANDREW GUILFORD
24 UNITED STATES DISTRICT JUDGE
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