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CLERK, U.S. DISTRICT COURT  
AUG - 9 2007  
CENTRAL DISTRICT OF CALIFORNIA  
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FILED - SOUTHERN DIVISION  
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19 UNITED STATES DISTRICT COURT  
20 CENTRAL DISTRICT OF CALIFORNIA

21 SECURITIES AND EXCHANGE  
22 COMMISSION,

23 Plaintiff,

24 vs.

25 TRI ENERGY, INC., et al.

26 Defendants.

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

**[PROPOSED] JUDGMENT AS TO  
DEFENDANTS TRI ENERGY, INC.,  
H&J ENERGY COMPANY INC.,  
ROBERT JENNINGS, ARTHUR  
SIMBURG, and LA VIE D'ARGENT**

27 THIS CONSTITUTES NOTICE OF ENTRY  
28 AS REQUIRED BY FRCP, RULE 77(d).

29 The Securities and Exchange Commission ("Commission"), having filed and  
30 served an Amended Complaint on Defendants Tri Energy, Inc., H & J Energy  
31 Company, Inc., Robert Jennings, Arthur Simburg and La Vie D'Argent

1 (“Defendants”); having entered a general appearance; consented to the Court’s  
2 jurisdiction over Defendants and the subject matter of this action; consented to  
3 entry of this Judgment without admitting or denying the allegations of the  
4 Complaint (except as to jurisdiction); waived findings of fact and conclusions of  
5 law; and waived any right to appeal from this Judgment:  
6

7  
8 **I.**

9 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that  
10 Defendants and Defendants' agents, servants, employees, attorneys, and all persons  
11 in active concert or participation with them who receive actual notice of this  
12 Judgment by personal service or otherwise are permanently restrained and enjoined  
13 from violating Sections 5(a) and 5(c) of the Securities Act of 1933 (the “Securities  
14 Act”) [15 U.S.C. § 77e(a) & 77e(c)] by, directly or indirectly, in the absence of any  
15 applicable exemption:  
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- 19 (a) Unless a registration statement is in effect as to a security, making use  
20 of any means or instruments of transportation or communication in  
21 interstate commerce or of the mails to sell such security through the  
22 use or medium of any prospectus or otherwise;
  - 23
  - 24 (b) Unless a registration statement is in effect as to a security, carrying or  
25 causing to be carried through the mails or in interstate commerce, by  
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1 any means or instruments of transportation, any such security for the  
2 purpose of sale or for delivery after sale; or

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

14 **II.**

15 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED

16 that Defendants and Defendants' agents, servants, employees, attorneys, and all  
17 persons in active concert or participation with them who receive actual notice of  
18 this Judgment by personal service or otherwise are permanently restrained and  
19 enjoined from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] in  
20 the offer or sale of any security by the use of any means or instruments of  
21 transportation or communication in interstate commerce or by use of the mails,  
22 directly or indirectly:

- 23 (a) to employ any device, scheme, or artifice to defraud;

1 (b) to obtain money or property by means of any untrue statement of a  
2 material fact or any omission of a material fact necessary in order to make  
3 the statements made, in light of the circumstances under which they were  
4 made, not misleading; or  
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6 (c) to engage in any transaction, practice, or course of business which  
7 operates or would operate as a fraud or deceit upon the purchaser.  
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9 **III.**

10 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED  
11 that Defendants and Defendants' agents, servants, employees, attorneys, and all  
12 persons in active concert or participation with them who receive actual notice of  
13 this Judgment by personal service or otherwise are permanently restrained and  
14 enjoined from violating, or aiding and abetting violations of, directly or indirectly,  
15 Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") [15  
16 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-5],  
17 by using any means or instrumentality of interstate commerce, or of the mails, or  
18 of any facility of any national securities exchange, in connection with the purchase  
19 or sale of any security:  
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23 (a) to employ any device, scheme, or artifice to defraud;

24 (b) to make any untrue statement of a material fact or to omit to state a  
25 material fact necessary in order to make the statements made, in the  
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1 light of the circumstances under which they were made, not  
2 misleading; or

3 (c) to engage in any act, practice, or course of business which operates or  
4 would operate as a fraud or deceit upon any person.  
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6 **IV.**

7 **IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED**

8 that Defendants and Defendants' agents, servants, employees, attorneys, and all  
9 persons in active concert or participation with them who receive actual notice of  
10 this Judgment, by personal service or otherwise, and each of them, are permanently  
11 enjoined and restrained from, directly or indirectly, any involvement in, or conduct  
12 facilitating or relating in any way to, investing or soliciting investment in any  
13 program purporting to involve coal or a coal mine operation, an international gold  
14 transaction, or an international banking transaction, with or from any participant,  
15 officer, director, or investor in Tri Energy Inc., H&J Energy Inc., La Vie D'Argent,  
16 Marina Investors Group, Inc., or Global Village Records. This paragraph does not  
17 preclude cooperation with the Commission or the receiver in the operation of, or  
18 attempts to recover monies related to, any of the entities listed above, nor does this  
19 paragraph preclude Defendants from purchasing or selling securities registered  
20 with the Commission under Section 12 of the Exchange Act.  
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V.

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3 Upon motion of the Commission, the Court shall determine the appropriate  
4 amount of disgorgement by Defendants of ill-gotten gains and civil penalty  
5 pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)].  
6  
7 Defendants shall also pay prejudgment interest on the disgorgement amount,  
8 calculated from May 3, 2005, based on the rate of interest used by the Internal  
9 Revenue Service for the underpayment of federal income tax as set forth in 26  
10 U.S.C. § 6621(a)(2). In connection with the Commission's motion for  
11 disgorgement and civil penalties, and at any hearing held on such a motion: (a)  
12 Defendants will be precluded from arguing that they did not violate the federal  
13 securities laws as alleged in the Complaint; (b) Defendants may not challenge the  
14 validity of the Consent or this Judgment; (c) solely for the purposes of such  
15 motion, the allegations of the Complaint shall be accepted as and deemed true by  
16 the Court; and (d) the Court may determine the issues raised in the motion on the  
17 basis of affidavits, declarations, excerpts of sworn deposition or investigative  
18 testimony, and documentary evidence, without regard to the standards for  
19 summary judgment contained in Rule 56(c) of the Federal Rules of Civil  
20 Procedure. In connection with the Commission's motion for disgorgement and  
21 civil penalties, the parties may take discovery, including discovery from  
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1 appropriate non-parties.

2 **VI.**

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

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11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that  
12 paragraphs V through XVI of the Stipulation Between Plaintiff Securities  
13 Commission and Defendants Tri Energy, Inc., H&J Energy Company, Inc., Robert  
14 Jennings and Arthur Simburg, and Relief Defendants La Vie D'Argent, RPJ  
15 Investment Group, Inc., TMA Investment Enterprises and Thomas Avery and  
16 Preliminary Injunction and Orders (1) Continuing Freeze Of Assets; (2)  
17 Appointing A Permanent Receiver; (3) Prohibiting The Destruction Of Documents;  
18 And (4) Requiring Accountings entered May 23, 2005 ("Preliminary Injunction"),  
19 remain in full force and effect until further order of this Court, and that, pursuant to  
20 those Orders, Receiver Richard Weissman is authorized to execute the Consent of  
21 Tri Energy, Inc., on Tri Energy's behalf, and the Receiver's execution of the  
22 consent is hereby affirmed and ratified.  
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VIII.

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

IX.

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

Dated: AUGUST 8, 2007



HONORABLE ANDREW GUILFORD  
UNITED STATES DISTRICT JUDGE