

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

V.

PREMIUM INCOME
CORPORATION, et al.,

Defendants.

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CIVIL ACTION NO. 3: 05-CV-0415-B

**FINAL JUDGMENT OF PERMANENT INJUNCTION AND OTHER
EQUITABLE RELIEF AGAINST GERALD LEO ROGERS**

Based on the order granting Plaintiff, Securities and Exchange Commission’s Motion for Summary Judgment, entered on August 1, 2007:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Gerald Leo Rogers (“Rogers”) and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are permanently restrained and enjoined, directly or indirectly, in connection with the purchase or sale of any security, including, but not limited to, the purchase or sale of an investment involving the purported writing of covered currency calls in the foreign exchange market, from making use of any means or instrumentalities of interstate commerce or of the mails, or of any facility of any national securities exchange:

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

- (b) to make any untrue statement of a material fact or omit 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; and/or
- (c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rogers and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined, in the offer or sale of securities of any security, including, but not limited to, the purchase or sale of an investment involving the purported writing of covered currency calls in the foreign exchange market, from making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, directly or indirectly:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission 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;
- (c) and/or to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon any purchaser.

III.

IT IS FURTHER ORDERED that Rogers, his agents, servants, employees, attorneys-in-fact, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are permanently restrained and enjoined from, directly or indirectly:

- (a) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell any securities through the use or medium of any prospectus or otherwise, unless and until a registration statement is in effect with the Commission as to such securities;
- (b) carrying securities, or causing them to be carried through the mails or in interstate commerce, by any means or instruments of transportation, for the purpose of sale or delivery after sale, unless and until a registration statement is in effect with the Commission as to such securities; or
- (c) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use or medium of any prospectus or otherwise, securities unless a registration statement has been filed with the Commission as to such securities, or while a registration statement filed with the Commission as to such securities is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding of examination under Section 8 of the Securities Act of 1933, as amended [15 U.S.C. § 77h];

provided, however, that nothing in this Part III shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act [15 U.S.C. § 77e].

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rogers shall disgorge the amount of \$10,959,181 representing his unjust enrichment from the conduct alleged in the Complaint, plus prejudgment interest thereon in the amount of \$ 2,108,662. Rogers shall be credited with the value of funds and assets recovered by the court-appointed, Kelly Crawford, as set forth in Paragraphs V. and VI. All payments made pursuant to this paragraph shall be made to the court-appointed receiver, Kelly Crawford, by cashier's check, certified check or postal money order, under cover of a letter that identifies the defendant, the name and case number of this litigation and the name of this Court, with a copy of the cover letter simultaneously transmitted to counsel for the SEC in this action. The SEC or the Receiver may pursue such means as are appropriate and necessary at law or equity to collect these funds from Defendant Rogers or his agents or assigns, including, but not by way of limitation, obtaining writs of execution or levy for real and personal property or funds, or pursuing collateral actions in this Court against persons holding funds or assets for or on behalf of Defendant Rogers.

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any monies, real property, personal property, or other assets held by or in the name of Rogers or any entity legally or beneficially owned by Rogers and recovered by the Receiver shall be applied toward the judgment indebtedness of Rogers, less the reasonable and necessary expenses incurred by the Receiver in making such recovery.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that within 30 days after entry or this Final Judgment, the Receiver shall file with the Court and serve on Rogers a Notice of Partial Satisfaction of Judgment setting forth the amount to be credited to Rogers, as set forth in Paragraph V.

VII.

IT IS FURTHER ORDERED that, pursuant to Section 20(d) of the Securities Act of 1933, [15 U.S.C. § 77t(d)], and Section 21(d)(3) of the Securities Exchange Act of 1934, [15 U.S.C. § 78u(d)(3)], Rogers is ordered to pay a civil penalty in the amount of \$120,000. After satisfaction of this Court's disgorgement order, Defendant Rogers shall pay the civil money penalty to the court-appointed Receiver, Kelly Crawford, by cashier's check, certified check or postal money order, under cover of a letter that identifies the defendant, the name and case number of this litigation and the name of this Court, with a copy of the cover letter simultaneously transmitted to counsel for the SEC in this action. The SEC or the Receiver may pursue such means as are appropriate and necessary at law or equity to collect these funds from Defendant Rogers or his agents or assigns, including, but not by way of limitation, obtaining writs of execution or levy for real and personal property or funds, or pursuing collateral actions in this Court against persons holding funds or assets for or on behalf of Defendant Rogers.

VIII.

This Court shall retain jurisdiction over this action for all purposes, including for purposes of entertaining any suitable application or motion by the SEC for additional relief within the jurisdiction of this Court, including but not limited to the relief requested by the SEC in its Complaint.

IX.

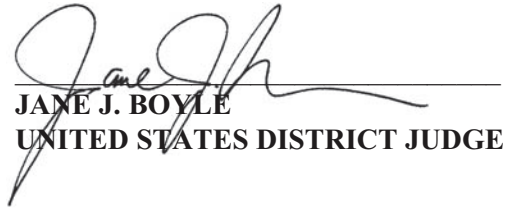
This Final Judgment may be served upon Rogers in person or by mail either by the United States Marshal, the Clerk of the Court, or any member of the staff of the Securities and Exchange Commission.

X.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment pursuant to rules 54, 58 and 79, Fed. Rules Civ. Proc., 28 U.S.C.A.

SO ORDERED.

SIGNED August 14th, 2007.


JANE J. BOYLE
UNITED STATES DISTRICT JUDGE