

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

|                                     |   |                             |
|-------------------------------------|---|-----------------------------|
| _____                               | : |                             |
| SECURITIES AND EXCHANGE COMMISSION, | : |                             |
|                                     | : |                             |
| Plaintiff,                          | : |                             |
|                                     | : | Civil Action No.            |
| v.                                  | : |                             |
|                                     | : | <b>FINAL JUDGMENT AS TO</b> |
| DAVID B. DUNCAN,                    | : | <b>DAVID B. DUNCAN</b>      |
|                                     | : |                             |
| Defendant.                          | : |                             |
| _____                               | : |                             |

Plaintiff Securities and Exchange Commission (“Commission”), having filed a Complaint in this action; and the Defendant David B. Duncan having entered a general appearance; waived service of process; consented to the jurisdiction of this Court over him and the subject matter of this action; consented to the entry of this Final Judgment without admitting or denying any of the allegations in the Complaint (except as to jurisdiction); and waived any right he may have to appeal from this Final Judgment;

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant David B. Duncan, his agents, servants, employees, and all persons in active concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”)[15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] promulgated thereunder, directly or indirectly, by using any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection

with the purchase or sale of any security:

- (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; 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 the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Mr. Duncan shall comply with all of the undertakings and agreements set forth therein.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction over this action for the purpose of enforcing the terms of this Final Judgment.

DATED: January 29, 2008

Melinda Har  
UNITED STATES DISTRICT JUDGE