

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**FILED**

**FEB 16 2000**

NANCY DOHERTY, CLERK  
By \_\_\_\_\_ Deputy *djd*

*Original*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

REDBANK PETROLEUM, INC.,  
AMERITECH PETROLEUM, INC.,  
LYRIC INTERNATIONAL, INC.,  
BRENT A. WAGMAN, and  
MARGARET F. SWINNEY,

Defendants,

and

MARY B. WAGMAN, WARREN DONOHUE,  
MICHAEL G. MAGUIRE, NATURAL GAS  
TECHNOLOGIES, INC., WOODMAN  
ENTERPRISES, INC., WAGMAN PETROLEUM,  
INC., SEISMIC INTERNATIONAL, INC.,  
and COOKE ENTERPRISES, INC.,

Defendants Solely for Purposes  
of Equitable Relief.

CIVIL ACTION NO.  
3-99CV1267-M

**Final Judgment of Permanent Injunction  
As To Margaret F. Swinney**

Plaintiff Securities and Exchange Commission ("Commission"), having filed its Complaint, and Defendant Margaret F. Swinney, having entered into a Stipulation and Consent of Margaret F. Swinney ("Consent"), filed simultaneously with this Final Judgment of Permanent Injunction and incorporated by reference herein, having admitted service upon her of the Summons and Complaint in this action, having admitted the Court's jurisdiction over her and over the subject matter of this action, having waived

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service of process, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure and, without admitting or denying any of the allegations of the Complaint, except as to jurisdiction, which she admits, having consented to the entry of this Final Judgment, and it further appearing that this Court has jurisdiction over Margaret F. Swinney, and the subject matter hereof, and the Court being fully advised in the premises:

I.

IT IS HEREBY ORDERED that Margaret F. Swinney, her agents, servants, employees, attorneys, and those persons in active concert or participation with her who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, are permanently enjoined and restrained from violating, directly or indirectly, by use of the means or instrumentalities or interstate commerce, the mails, or any facility of any national securities exchange:

- (a) Section 17(a) of the Securities Exchange Act of 1933 [15 U.S.C. §77q(a)] by (1) employing any device, scheme or artifice to defraud, (2) obtaining money or property by means of any untrue statement of material fact or any omission to state a material fact necessary in order to make the statement made, in light of the circumstances under which they were made, not misleading, or (3) engaging in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon the purchaser, in the offer or sale of any securities;

- (b) Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. §78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. §240.10b-5] by: (1) employing any device, scheme or artifice to defraud, (2) 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 (3) engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person, in connection with the purchase or sale of any security; and
- (c) Section 5(a) and Section 5(c) of the Securities Act of 1933 [15 U.S.C. §§77e(a) & (c)] by making use of any means or instrument of transportation or communication in interstate commerce or of the mails (1) to sell a security through the use or medium of any prospectus or otherwise, (2) to carry or cause to be carried through the mails or in interstate commerce a security for the purpose of sale or for delivery after a sale unless a registration statement is in effect as to that security, or (3) to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security unless a registration statement has been filed with the Securities Exchange Commission as to that security, or while the registration statement is the subject of a refusal order or a stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act of 1933. [15 U.S.C. §77h].

II.

IT IS FURTHER ORDERED that Margaret F. Swinney shall pay disgorgement in the amount of \$51,300, representing the amount of unlawful proceeds from the conduct alleged in the Complaint, plus prejudgment interest thereon. Based upon the sworn representations in Defendant Margaret F. Swinney's Statement of Financial Condition, dated September 3, 1999 (the "Statement of Financial Condition"), and contingent upon the accuracy and completeness of the Statement of Financial Condition, all of the disgorgement amount, and all of the prejudgment interest thereon, is waived.

III.

IT IS FURTHER ORDERED that, based upon the sworn representations in the Statement of Financial Condition, the Court is not ordering Margaret F. Swinney to pay a civil penalty pursuant to Section 20(d) of the Securities Act of 1933 [15 U.S.C. §77t(d)] and Section 21(d) of the Securities Exchange Act of 1934 [15 U.S.C. §78u(d)]. The determination not to impose a civil penalty and to waive payment of disgorgement and prejudgment interest thereon as described in paragraph II above is contingent upon the accuracy and completeness of the Statement of Financial Condition. If at any time following the entry of the Final Judgment the Commission obtains information indicating that Margaret F. Swinney's representations concerning her assets, income, liabilities or net worth were fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Defendant Swinney, petition the Court for an order requiring her to pay the remaining portion of the disgorgement, prejudgment and postjudgment

interest thereon, and a civil penalty. In connection with any such petition, the only issues shall be whether the financial information provided by Defendant Swinney was fraudulent, misleading, inaccurate or incomplete in any material respect as of the time such representations were made, and the amount of civil penalty to be imposed. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Defendant Swinney to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment, and the Commission may also request additional discovery. Defendant Swinney may not, by way of defense to such petition, challenge the validity of her Consent or this Final Judgment, contest the allegations in the Complaint filed by the Commission, contest the amount of disgorgement and interest, or assert that disgorgement or the payment of a civil penalty should not be ordered.

IV.

IT IS FURTHER ORDERED that the Consent is incorporated herein with the same force and effect as if fully set forth herein, and that Margaret F. Swinney shall comply with all of the undertakings and agreements incorporated herein.

V.

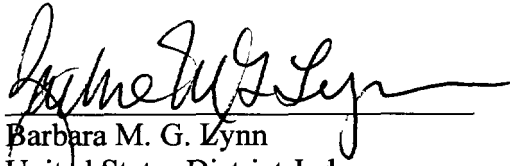
IT IS FURTHER ORDERED that this Court shall retain jurisdiction for the purpose of enforcing the Final Judgment.

VI.

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

Dated:

02-16-00



Barbara M. G. Lynn  
United States District Judge