

Karen L. Martinez (Bar No. # 7914)
Thomas M. Melton (Bar No. # 4999)
Lindsay S. McCarthy (Bar No. # 5216)
Attorneys for the Plaintiff
SECURITIES AND EXCHANGE COMMISSION
15 W. South Temple, Suite 1800
Salt Lake City, UT 84101
(801) 524-5796

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JUN 21 2005

BY MARKUS B. ZIMMER, CLERK
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MAY 20 2005

U.S. DISTRICT COURT

RECEIVED

MAY 23 2005

OFFICE OF
JUDGE PAUL G. CASSELL

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

TEK CORPORATION, a Utah Corporation,
THOMAS J. ROBBINS, DOUGLAS L.
LITSTER, CLAIR W. COX AND RICHARD
C. BYBEE,

Defendants.

Civil No. 2:05 CV 00107

Judge Paul G. Cassell

**ORDER OF DEFAULT
AND FINAL JUDGMENT AGAINST
RICHARD C. BYBEE**

The Court having reviewed the Securities and Exchange Commission's ("Commission") Motion and Memorandum in Support of Motion for Default against Richard C. Bybee ("Defendant") and good cause appearing makes the following findings of fact:

1. The Commission filed a Complaint against Defendant on February 9, 2005.

2. Defendant was served on March 24, 2005 with the Summons in a Civil Case and Complaint. (See copies of affidavits of process server attached hereto as Exhibit "A").
3. No stipulation or extension of time to respond to the complaint has been entered into between Defendant and the Commission.
4. To date, Defendant has failed to file a response to the allegations contained in the Commission's February 9, 2005 Complaint.
5. Defendant is not an infant or incompetent, and is not entitled to relief under the Soldiers' and Sailors' Civil Relief Act of 1940.
6. The Court has personal jurisdiction over the Defendant. Venue is proper in this District.

It appearing that the Court has jurisdiction over Defendant and the subject matter and being fully advised in the premises and there being no just reason for delay:

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant, and Defendant's officers, agents, servants, employees, attorneys, and accountants, and those persons in active concert or participation with any of them, who receive actual notice of the order by personal service or otherwise, and each of them, are permanently enjoined from engaging in the transactions, acts, practices and courses of business described in the Complaint and, and from engaging in conduct of similar purport and object in violation of Section 5(a) and 5(c) of the Securities Act.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant, and Defendant's officers, agents, servants, employees and attorneys, and all persons acting in concert or participation with Defendant, who receive actual notice of

this order by personal service or otherwise, and each of them, are permanently restrained from, directly or indirectly, in the offer or sale of any security by the use of any means or instruments of transportation, or communication in interstate commerce or by the use of the mails: (1) employing any device, scheme, or artifice to defraud; (2) obtaining 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, 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 violation of Section 17(a) of the Securities Act of 1933 [15 U.S.C. §77q(a)].

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant, and Defendant's officers, agents, servants, employees and attorneys, and all persons acting in concert or participation with Defendant, who receive actual notice of this order by personal service or otherwise, and each of them, are permanently restrained from, directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, by use of the 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 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 Exchange Act [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5].

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement in the amount of \$24,987.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$4,745.68. The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after ten days following entry of an order establishing the amount of disgorgement. In response to any such civil contempt motion by the Commission, the defendant may assert any legally permissible defense.

VII.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a third tier civil penalty pursuant to Section 20(d)(4) of the Securities Act of 1933 [15 U.S.C § 77t(d)(2)] and Section 21(d)(3) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)(3)].

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that this Court shall retain jurisdiction over this action for all other purposes.

IX.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED 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 Final Judgment forthwith and without further notice.

DATED this 20th day of June, 2005.

A handwritten signature in black ink, appearing to be "D. J. [unclear]", written over a horizontal line.

United States District Court Judge

CERTIFICATE OF SERVICE

I do hereby certify that on this 20th day of May 2005, I caused to be served a true and correct copy of the proposed Order of Default and Final Judgment Against Richard C.

Bybee by first class mail to:

Delano Findlay
FINDLAW, LLC
684 East Vine Street, Suite 3
Salt Lake City, UT 84107

Jeff Gallup
FINDLAW, LLC
684 East Vine Street, Suite 3
Salt Lake City, UT 84107

TEK Corporation
c/o Clair Cox, Registered Agent
2861 North 250 East
North Ogden UT 84414

Marie Elliott