

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

SECURITIES AND EXCHANGE  
COMMISSION,

Case No. 2:05-cv-02879-MHM

Plaintiff,

**FINAL JUDGMENT OF  
PERMANENT INJUNCTION AND  
OTHER RELIEF AGAINST  
JERRY C. MOYES**

JERRY C. MOYES,

Defendant.

Plaintiff Securities and Exchange Commission having filed a Complaint and Defendant Jerry C. Moyes having entered a general appearance; consented to the Court's jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment without admitting or denying the allegations of the Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant and Defendant's agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated

1 thereunder, 17 C.F.R. § 240.10b-5, by using any means or instrumentality of  
2 interstate commerce, or of the mails, or of any facility of any national securities  
3 exchange, in connection with the purchase or sale of any security:

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

5 (b) to make any untrue statement of a material fact or to omit to state a

6 material fact necessary in order to make the statements made, in the

7 light of the circumstances under which they were made, not

8 misleading; or

9 (c) to engage in any act, practice, or course of business which operates or

10 would operate as a fraud or deceit upon any person.

II.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that  
13 Defendant is liable for disgorgement of \$622,130.80, representing unrealized  
14 profits as a result of the conduct alleged in the Complaint, together with  
15 prejudgment interest thereon in the amount of \$14,974.16, for a total of  
16 \$637,104.96. Defendant shall satisfy this obligation by paying \$637,104.96 within  
17 ten (10) business days after entry of this Final Judgment by certified check, bank  
18 cashier's check, or United States postal money order payable to the Securities and  
19 Exchange Commission. The payment shall be delivered or mailed to the Office of  
20 Financial Management, Securities and Exchange Commission, Operations Center,  
21 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be  
22 accompanied by a letter identifying Jerry C. Moyes as a defendant in this action;  
23 setting forth the title and civil action number of this action and the name of this  
24 Court; and specifying that payment is made pursuant to this Final Judgment. A  
25 copy of the cover letter shall be simultaneously transmitted to counsel for the  
26 Commission in this action at the Commission's Pacific Regional Office in Los  
27 Angeles, California.

III.

2 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that  
3 Defendant shall pay a civil penalty in the amount of \$622,130.80 pursuant to  
4 Section 21A of the Exchange Act. Defendant shall make this payment within ten  
5 (10) business days after entry of this Final Judgment by certified check, bank  
6 cashier's check, or United States postal money order payable to the Securities and  
7 Exchange Commission. The payment shall be delivered or mailed to the Office of  
8 Financial Management, Securities and Exchange Commission, Operations Center,  
9 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be  
10 accompanied by a letter identifying Jerry C. Moyes as a defendant in this action;  
11 setting forth the title and civil action number of this action and the name of this  
12 Court; and specifying that payment is made pursuant to this Final Judgment. A  
13 copy of the cover letter shall be simultaneously transmitted to counsel for the  
14 Commission in this action at the Commission's Pacific Regional Office in Los  
15 Angeles, California. Defendant shall pay post-judgment interest on any delinquent  
16 amounts pursuant to 28 U.S.C. § 1961.

IV.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
19 Consent is incorporated herein with the same force and effect as if fully set forth  
20 herein, and that Defendant shall comply with all of the undertakings and  
21 agreements set forth therein.

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

DATED this 12<sup>th</sup> day of October, 2005.

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8 Mary H. Murguia  
9 United States District Judge  
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