

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 08-1159-JTM

MICHAEL J. MCNAUL, II, ET. AL.,

Defendants.

ORDER

This court previously granted the SEC's Motion for Disgorgement (Dkt. No. 716) against defendants McNaul, Lucas, Krause, and Nunns. *See* Dkt. Nos. 1047-50. In those Orders, the court deferred ruling on the SEC's claims for prejudgment interest and civil money penalties. The court also deferred ruling on the SEC's claims for prejudgment interest against the Relief Defendants. *See* Dkt. No. 1089.

The court finds that prejudgment interest and civil money penalties are inappropriate in this case. Therefore, the SEC's motion seeking prejudgment interest and civil money penalties is denied.

IT IS ACCORDINGLY ORDERED this 30th day of March 2012, that the SEC's Motion for Disgorgement (Dkt. No. 716) is denied to the extent it seeks prejudgment interest and civil money penalties.

IT IS FURTHER ORDERED that the SEC's request for prejudgment interest against the

Relief Defendants listed in the Agreed Order of Judgment (Dkt. No. 1089) is denied.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE