

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 95-cv-03174-WDM-MJW

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

ROBERT C. WILSON,
GARY F. LONG,
SAMUEL L. BOYD and
DEBENTURE GUARANTY CORPORATION,

Defendants.

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

EURO SCOTIA FUNDING (U.S.A), INC.,
EURO SCOTIA GROUP, LTD.,
JOHN J. KENNY,
KENNY CAPITAL MANAGEMENT, INC.,
NICHOLSON KENNY CAPITAL MANAGEMENT and
KENNY SECURITIES CORPORATION,

Nominal Defendants.

FINAL JUDGMENT

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Order on Plaintiff's Motion to Dismiss [ECF No. 211] entered by Judge Walker D. Miller on March 8, 1999, incorporated herein by reference, it is

ORDERED that Plaintiff's "Motion to Dismiss Action Against Nominal Defendants

John J. Kenny, Kenny Capital Management, Inc., Nicholson Kenny Capital

Management, and Kenny Securities Corporation" is granted as follows:

1. Nominal Defendants John J. Kenny, Kenny Capital Management, Inc., Nicholson Kenny Capital Management, and Kenny Securities Corporation are dismissed without prejudice.
2. Nominal Defendants John J. Kenny, Kenny Capital Management, Inc., Nicholson Kenny Capital Management, and Kenny Securities Corporation may have their costs.
3. If Plaintiff refiles an action in federal court based on the facts at issue in this case against any of the Defendants dismissed by the Order on Plaintiff's Motion to Dismiss, the Plaintiff shall pay those Defendants their attorney fees incurred in defending this action.

IT IS FURTHER ORDERED that judgment is entered in favor of Nominal

Defendants John J. Kenny, Kenny Capital Management, Inc., Nicholson Kenny Capital Management, and Kenny Securities Corporation and against Plaintiff Securities and Exchange Commission.

IT IS FURTHER ORDERED that Nominal Defendants John J. Kenny, Kenny Capital Management, Inc., Nicholson Kenny Capital Management, and Kenny Securities Corporation shall have their costs by the filing of a Bill of Costs with the Clerk of this Court within 14 days of the entry of judgment.

This case was tried to the court, Judge Miller presiding, over the period of nine days in November 2000, and the parties ultimately submitted proposed findings and conclusions in mid-May 2001. The sole remaining defendant at trial was Samuel L. Boyd, who proceeded *pro se*.

Pursuant to and in accordance with Fed. R. Civ. P. 58(a) and the Findings of Fact and Conclusions of Law and Direction for Entry of Judgment [ECF No. 351] entered by Judge Miller on July 21, 2011, incorporated herein by reference, it is

ORDERED that judgment is entered in favor of Plaintiff Securities and Exchange Commission and against Defendant Samuel L. Boyd as follows:

1. Final judgment is entered against Defendant Samuel L. Boyd in the amount of \$685,000 for disgorgement and \$50,000 in penalties, for a total of \$735,000.00, with no prejudgment interest.
2. Defendant Samuel L. Boyd, his agents, servants, employees, attorneys, successors and assigns who receive actual notice of the Order of July 21, 2011 and this resulting Judgment are permanently enjoined from violating Section 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)] by, directly or indirectly, in the offer or sale of securities of any issuer through the use of any means or instruments of transportation or communication in interstate commerce or by the use of the mails:
 - A. Employing any device, scheme or artifice to defraud; or
 - B. Obtaining money or property by means of any untrue statement of material fact or omission 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 transactions, practices, or courses of business which operate or would operate as a fraud or deceit upon the purchaser or prospective purchaser of any such security.

3. Defendant Samuel L. Boyd, his agents, servants, employees, attorneys, successors and assigns who receive actual notice of the Order of July 21, 2011 and this resulting Judgment are permanently enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5] by, directly or indirectly, in connection with the purchase or sale of any securities of any issuer, through the use of any means or instrumentalities of interstate commerce or of the mails, or any facility of any national securities exchange:

A. Employing any device, scheme or artifice to defraud; or

B. Making any untrue statement of 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.

4. Plaintiff may have postjudgment interest and its costs according to law.

IT IS FURTHER ORDERED that post judgment interest shall accrue at the legal rate of .16% from the date of entry of this judgment.

IT IS FURTHER ORDERED Plaintiff Securities and Exchange Commission shall have its costs against Defendant Samuel L. Boyd by the filing of a Bill of Costs with the Clerk of this Court within 14 days of the entry of judgment.

Dated at Denver, Colorado this 22nd day of July, 2011.

FOR THE COURT:

GREGORY C. LANGHAM, CLERK

By: s/ Edward P. Butler
Edward P. Butler, Deputy Clerk

APPROVED:

s/ Walker D. Miller
Walker D. Miller, Judge