

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

OCT 11 2002

Michael N. Milby, Clerk of Court

SECURITIES AND EXCHANGE COMMISSION, :
: :
Plaintiff, :
: :
v. : Civil Action No. H-01-3203
: :
DONALD JOHN CHRISTENSEN, II, JACK E. :
USELTON, MARC R. TOW, GEORGE W. :
GUTTMAN, JOSEPH M. BLUMENTHAL, AND :
MOUNTAIN ENERGY, INC., :
: :
Defendants. :
:

FINAL JUDGMENT AGAINST DEFENDANT JACK E. USELTON

Defendant Jack E. Uselton (“Defendant”) having (i) entered a general appearance; (ii) consented to the Court’s jurisdiction over Defendant and the subject matter of this action; (iii) without admitting or denying the allegations of the Complaint, consented to entry of this Judgment without further notice, which consent is incorporated herein by reference; (iv) waived findings of fact and conclusions of law; and (v) waived any right to appeal from this Judgment, it is now hereby **ORDERED, ADJUDGED AND DECREED** as follows.

I.

Defendant and Defendant’s officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Judgment, are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 [15 U.S.C. § 77q(a)] by, in the offer or sale of any securities, using any means or instruments of transportation or communication in interstate commerce, or using the mails,

directly or indirectly to:

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

(2) obtain 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) engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser.

II.

Defendant and Defendant's officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Judgment, are permanently restrained and enjoined from violating Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] ("Exchange Act") and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5] by, directly or indirectly through the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange, in connection with the purchase or sale of any security:

(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.

III.

Defendant and Defendant's officers, agents, servants, employees and attorneys, and those persons in active concert or participation with them who receive actual notice of this Judgment, are permanently restrained and enjoined from acting as a director or officer of any issuer having a class of securities registered with the Securities and Exchange Commission pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

IV.

Based on Defendant's demonstrated inability to pay, as shown by a sworn financial statement furnished to the Securities and Exchange Commission, the Court is not directing Defendant to pay a civil penalty pursuant to Section 21(d)(3) of the Exchange Act [15 U.S.C. § 78u(d)(3)]. However, if it shall appear that such financial statement was false or incomplete in any material respect when made, Defendant shall, on application by the Securities and Exchange Commission, be ordered to pay a penalty in an amount to be set by the Court.

There being no just reason for delay, the Clerk is ordered to enter this Judgment forthwith and without further notice.

Dated: October 10, 2002


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE BY FEDERAL EXPRESS

I, **Carleasa A. Coates**, am over the age of 18 years, not a party to this action, and am a citizen of the United States. My business address in 450 5th Street, NW, Mail Stop 9-11, Washington, DC 20549-0808. On 8 Oct 02, I caused the foregoing Consent of Jack Uselton and final Judgment to be served by causing true and correct copies thereof to be mailed in sealed envelopes, Via Federal Express, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed on 8 Oct 02 2002.

Carleasa A. Coates
Carleasa A. Coates

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