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4 AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY

The Honorable Marsha J. Pechman

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8

9 :
10 SECURITIES AND EXCHANGE : Case No. CV03-0683P
11 COMMISSION, :
12 Plaintiff, : FINAL JUDGMENT OF
13 v. : INJUNCTION
14 ROBERT PAPALIA and : AGAINST HUNTER
15 DAVID HUNTER :
16 Defendants. :
17 :
18
19

20 The Securities and Exchange Commission filed a complaint on March 18, 2003
21 requesting the entry of permanent injunction against defendant David Lynn Hunter to prohibit
22 him from violating the anti-fraud provisions of Section 10(b) of the Securities Exchange Act of
23 1934, and Rule 10b-5.

24 The Commission has now moved for entry of a permanent injunction against Hunter
25 based upon his consent, in which he agrees, without admitting or denying the allegations in the
26 Complaint, to entry of a permanent injunction which enjoins him from violating the provisions of
27 Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5. He also agrees to entry
of an order to be barred from acting as an officer or director of a public company for five years.

Hunter Permanent Injunction
(CV03-0683P)
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1 II.

2 IT IS FURTHER ORDERED that, pursuant to Section 21(d)(2) of the Exchange Act [15
3 U.S.C. § 78u(d)(2)], David Lynn Hunter is prohibited for five years from the date of entry of this
4 Order from acting as an officer or director of any issuer that has a class of securities registered
5 pursuant to Section 12 of the Exchange Act [15 U.S.C. § 78l] or that is required to file reports
6 pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

7 III.

8 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that based on
9 David L. Hunter's sworn representations in his Statement of Financial Condition dated
10 September 30, 2003, and other documents and information submitted to the Commission, the
11 Court is not ordering Defendant to pay a civil penalty. The determination not to impose a civil
12 penalty is contingent upon the accuracy and completeness of Defendant's Statement of Financial
13 Condition. If at any time following the entry of this Final Judgment the Commission obtains
14 information indicating that Defendant's representations to the Commission concerning his assets,
15 income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any
16 material respect as of the time such representations were made, the Commission may, at its sole
17 discretion and without prior notice to Defendant, petition the Court for an order requiring
18 Defendant to pay the maximum civil penalty allowable under the law. In connection with any
19 such petition, the only issue shall be whether the financial information provided by Defendant
20 was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such
21 representations were made. In its petition, the Commission may move this Court to consider all
22 available remedies, including, but not limited to, ordering Defendant to pay funds or assets,

1 directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment. The
2 Commission may also request additional discovery. Defendant may not, by way of defense to
3 such petition: (1) challenge the validity of his Consent or the Final Judgment; (2) contest the
4 allegations in the Complaint filed by the Commission; (3) assert that payment of a civil penalty
5 should not be ordered; (4) contest the imposition of the maximum civil penalty allowable under
6 the law; or (5) assert any defense to liability or remedy, including, but not limited to, any statute
7 of limitations defense.

8 IV.
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10 IT IS FURTHER ORDERED that David Lynn Hunter shall sign an affidavit
11 acknowledging receipt of this Final Judgment within twenty days of its receipt of the Final
12 Judgment and promptly return the affidavit to Plaintiff's counsel of record for filing with this Court.

13 V.

14 IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for
15 purposes of implementing and enforcing the terms and conditions of the Final Judgment.

16 VI.

17 IT IS FURTHER ORDERED that there being no just reason for delay, the Clerk of the
18 Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure to enter this
19 Final Judgment forthwith and without further notice.

1 The Clerk of the Court is directed to send a copy of this order to all counsel of
2 record.

3 Dated this 12 day of March, 2004.

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Marsha J. Pechman
UNITED STATES DISTRICT JUDGE

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