



ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

STEPHEN A. WHITE,

Defendant.

CASE NO.

3:03-CV-2351-G

**AGREED FINAL JUDGMENT AS TO
DEFENDANT STEPHEN A. WHITE**

The Securities and Exchange Commission having filed a *Complaint* and Defendant Stephen A. White ("Defendant") 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 *Agreed 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 *Agreed 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 *Agreed 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 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 promulgated thereunder [17 C.F.R. § 240.10b-

5], by using 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:

- (a) to employ any device, scheme, or artifice to defraud;
- (b) to make any untrue statement of a material fact or to omit 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
- (c) to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$195,333.00, representing profits gained by another as a result of the conduct alleged in the *Complaint*, together with prejudgment interest thereon in the amount of \$11,825.90, for a total of \$207,158.90. Defendant shall satisfy this obligation by adhering to the following payment schedule: \$50,000.00 within fifteen days of the entry of this *Agreed Final Judgment*; an additional \$50,000.00 within 105 days of the entry of this *Agreed Final Judgment*; an additional \$50,000 within 195 days of the entry of this *Agreed Final Judgment*; and the balance, in the amount of \$57,158.90, within 285 days of the entry of this *Agreed Final Judgment*. All payments shall be made by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. All payments shall be delivered or mailed to the Office of Financial Management, Securities and Exchange

Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Stephen A. White as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this *Agreed Final Judgment*.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of \$195,333.00 pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this obligation by adhering to the following payment schedule: \$50,000.00 within fifteen days of the entry of this *Agreed Final Judgment*; an additional \$50,000.00 within 105 days of the entry of this *Agreed Final Judgment*; an additional \$50,000 within 195 days of the entry of the *Agreed Final Judgment*; and the balance, in the amount of \$45,333.00, within 285 days of the entry of this *Agreed Final Judgment*. All payments shall be made by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. All payments shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying Stephen A. White as a defendant in this action; setting forth the title and civil action number of this action and the name of this Court; and specifying that payment is made pursuant to this *Agreed Final Judgment*.

IV.

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

V.

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 *Agreed Final Judgment*.

VI.

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this *Agreed Final Judgment* forthwith and without further notice.

Dated this 9 day of October, 2003.



UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:



MARSHALL GANDY
Texas Bar No. 07616500
Attorney for Plaintiff
UNITED STATES SECURITIES AND
EXCHANGE COMMISSION
Burnett Plaza, Suite 1900
801 Cherry Street, Unit #18
Fort Worth, Texas 76102-6882
Telephone: (817) 978-6464
Facsimile: (817) 978-4927



MICHAEL K. WOLENSKY
Georgia Bar No. 773255
Attorney for Defendant
Stephen A. White

Kutak Rock, LLP
Suite 2100, Peachtree Center South Tower
225 Peachtree Street, N.E.
Atlanta, Georgia 30303-1731
Telephone: (404) 222-4639
Facsimile: (404) 222-4654