

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

TERRY RICHARD MARTIN, SILVER LEGACY
CORPORATION, SILVER SOUND LLC, JONAS
DAVID SMITH, MICHAEL W. MCCALL,
CHARLES J. TULL, IBIS SECURITIES LLC,
KENNETH R. MARTIN, GEORGE TAMURA,
GOLDMAN SIG INC., EDWARD L. TEZAK,
SIGNAL MORTGAGE, INC., and JOHN H.
WHITE,

Defendants.

Case No. C03-2646-JCC

FINAL JUDGMENT AS TO DEFENDANT
EDWARD L. TEZAK

Plaintiff Securities and Exchange Commission (“Commission”) has filed its Complaint in this action against defendant Edward L. Tezak (“Tezak”) and others. The Court has entered Tezak’s default following his failure to answer the Complaint and enters this Final Judgment against Tezak based upon the Commission’s motion and the Complaint’s allegations in accordance with Rule 55(b)(2) of the Federal Rules of Civil Procedure as follows.

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Tezak and his agents, servants, employees, and all persons acting in concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, are permanently enjoined and restrained from, directly or indirectly, violating and/or

aiding and abetting the violation of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder by:

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;

in connection with the purchase or sale of the securities of any issuer, by the use of any means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Tezak and his agents, servants, employees, and all persons acting in concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, are permanently enjoined and restrained from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)] in the offer or sale of any security by the use of any means or instruments of transportation or communication in interstate commerce or by use of the mails, directly or indirectly:

1. to employ any device, scheme, or artifice to defraud;
2. to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
3. to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Tezak disgorge all gains he received as a result of the conduct alleged in the Complaint, together with pre-judgment interest. This obligation shall be satisfied by Tezak's payment of \$50,000 in principal amount of disgorgement and an additional \$15,630 in prejudgment interest for a total disgorgement of \$65,630 to the Clerk of the Court within twenty court days of the entry of this Final Judgment.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction over this action for all purposes, including to implement and enforce the terms of this Judgment and other orders and decrees which may be entered, and to grant such other relief as this Court may deem necessary and just.

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Judgment may be served upon Defendant in person or by mail (to the address provided in the certificate of service, Dkt. No. 173) either by the United States Marshall, the Clerk of the Court, or any member of the staff of the Commission.

Dated this 26th day of June, 2009.



John C. Coughenour
UNITED STATES DISTRICT JUDGE