

United States Courts  
Southern District of Texas  
ENTERED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

JUN 01 2004

Michael N. Milby, Clerk of Court

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UNITED STATES SECURITIES §  
AND EXCHANGE COMMISSION, §  
Plaintiff, §  
v. §  
PAULA H. RIEKER, §  
Defendant. §

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H-04 1994

Civil Action No.

**FINAL JUDGMENT AGAINST  
PAULA H. RIEKER**

Plaintiff Securities and Exchange Commission (“SEC”), having filed a Complaint in this action; and the Defendant Paula H. Rieker having waived service of process; having entered a general appearance; having consented to venue of this action; having admitted jurisdiction of this Court over her and over the subject matter of this action; having been fully advised and informed of her right to a judicial determination of this action; having waived the filing of an answer and the entry of findings of fact and conclusions of law as provided by Rule 52 of the Federal Rules of Civil Procedure; having waived any right she may have to appeal from the entry of this Final Judgment; having consented to the entry of this Final Judgment without admitting or denying any of the allegations in the Complaint, except as specifically set forth in the Consent and Undertaking of Paula H. Rieker (“Consent”); it appearing that no notice of hearing upon entry of this Final Judgment being necessary; and the Court being fully advised in the premises;

1.

Paula H. Rieker, her agents, servants, employees, and attorneys-in-fact, and those persons

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in active concert or participation with any of them, who receive actual notice of this Final Judgment, by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from violating 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] promulgated thereunder, directly or indirectly, by, 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:

- A. employing any device, scheme, or artifice to defraud;
- B. 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
- C. engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

2.

Pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Rieker is prohibited permanently from acting as an officer or director of any issuer that has a class of securities registered 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)].

3.

Rieker shall pay a total of \$499,333: \$18,196 representing disgorgement, prejudgment interest on the disgorgement amount in the amount of \$2,941, and a civil penalty of \$478,196 (\$18,196 plus \$460,000) pursuant to Section 21(d) of the Exchange Act [15 U.S.C. § 78u(d)]. This Court takes

notice that upon the filing of the Commission's Complaint in this action, Rieker deposited \$499,333 in funds into the Registry of the Court pursuant to its Consent and to satisfy her obligation to the United States Securities and Exchange Commission. This Court assumes continued jurisdiction and control of the funds. By making this payment, Rieker relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned to Rieker. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS"). These funds, together with any interest and income earned on the funds (collectively, the "Fund"), shall be held by the CRIS until further order of the Court. In accordance with the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the money in the Fund a fee equal to ten percent of the income earned on the Fund. Such fee shall not exceed that authorized by the Judicial Conference of the United States. The Commission may by motion propose a plan to distribute the Fund subject to the Court's approval. Such a plan may provide that the Fund, including the portion designated as payment of the civil penalty, shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002.

4.

Regardless of whether any such Fair Fund distribution is made, the amount ordered to be paid as a civil penalty pursuant to this Judgment shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Rieker shall not, in any Related Investor Action, benefit from any offset or reduction of any investor's claim by the amount of any Fair Fund distribution to such investor in this action that is proportionately attributable to the civil penalty paid by Rieker ("Penalty Offset"). If the court in any Related Investor Action

grants such an offset or reduction, Rieker shall, within 30 days after entry of a final order granting the offset or reduction, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the United States Treasury or to a Fair Fund, as the Commission directs. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this judgment. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Rieker by or on behalf of one or more investors based on substantially the same facts as alleged in the Complaint in this action.

5.

The provisions of the Consent are incorporated here with the same force and effect as if fully set forth here and Rieker shall comply with her Consent.

6.

This Court shall retain jurisdiction over this action for the purpose of enforcing this Final Judgment.

DATED: May 27, 2004



UNITED STATES DISTRICT JUDGE

