

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

JUN 21 2005

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U.S. DISTRICT COURT

Karen L. Martinez (Bar No. # 7914)  
Thomas M. Melton (Bar No. # 4999)  
Lindsay S. McCarthy (Bar No. # 5216)  
Attorneys for the Plaintiff  
SECURITIES AND EXCHANGE COMMISSION  
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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

RECEIVED

MAY 23 2005

OFFICE OF  
JUDGE PAUL G. CASSELL

Civil No. 2:05 CV 00107

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

TEK CORPORATION, a Utah Corporation,  
THOMAS J. ROBBINS, DOUGLAS L.  
LITSTER, CLAIR W. COX AND RICHARD  
C. BYBEE,

Defendants.

Judge Paul G. Cassell

**ORDER OF DEFAULT  
AND FINAL JUDGMENT AGAINST  
THOMAS J. ROBBINS**

The Court having reviewed the Securities and Exchange Commission's ("Commission") Motion and Memorandum in Support of Motion for Default and Final Judgment against Thomas J. Robbins ("Defendant") and good cause appearing makes the following findings of fact:

1. The Commission filed a Complaint against Defendant on February 9, 2005.
2. Defendant was served on April 19, 2005 with the Summons in a Civil Case and Complaint.

3. No stipulation or extension of time to respond to the complaint has been entered into between Defendant and the Commission.
4. To date, Defendant has failed to file a response to the allegations contained in the Commission's February 9, 2005 Complaint.
5. Defendant is not an infant or incompetent, and is not entitled to relief under the Soldiers' and Sailors' Civil Relief Act of 1940.
6. The Court has personal jurisdiction over the Defendant. Venue is proper in this District.

It appearing that the Court has jurisdiction over Defendant and the subject matter and being fully advised in the premises and there being no just reason for delay:

**I.**

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Defendant, and Defendant's officers, agents, servants, employees, attorneys, and accountants, and those persons in active concert or participation with any of them, who receive actual notice of the order by personal service or otherwise, and each of them, are permanently enjoined from engaging in the transactions, acts, practices and courses of business described in the complaint and, and from engaging in conduct of similar purport and object in violation of Section 5(a) and 5(c) of the Securities Act.

**II.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Defendant, and Defendant's officers, agents, servants, employees and attorneys, and all persons acting in concert or participation with Defendant, who receive actual notice of this order by personal service or otherwise, and each of them, are permanently restrained from, directly or indirectly, 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 the use of

the mails: (1) employing any device, scheme, or artifice to defraud; (2) obtaining 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) engaging in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser in violation of Section 17(a) of the Securities Act of 1933 [15 U.S.C. §77q(a)].

**III.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Defendant, and Defendant's officers, agents, servants, employees and attorneys, and all persons acting in concert or participation with Defendant, who receive actual notice of this order by personal service or otherwise, and each of them, are permanently restrained from, directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, by use of the means or instrumentality of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- (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 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,

in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5, 17 C.F.R. § 240.10b-5.

**IV.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant, and Defendant's officers, agents, servants, employees, attorneys, and accountants, and those persons in active concert or participation with him, who receive actual notice of the order by personal service or otherwise, and each of them, are permanently enjoined from engaging in the transactions, acts, practices and courses of business described in the Complaint, and from engaging in conduct of similar purport and object in violation of Section 206(1) and 206(2) of the Advisers Act.

**V.**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant is liable for disgorgement of \$2,026,651.00, representing profits gained as a result of the conduct alleged in the Complaint, together with prejudgment interest in the amount of \$384,913.17 of thereon. The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (and/or through other collection procedures authorized by law) at any time after ten business days following entry of an order establishing the amount of disgorgement. In response to any such civil contempt motion by the Commission, the Defendant may assert any legally permissible defense.

**VI.**

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Defendant shall pay a third tier civil penalty pursuant to Section 20(d)(4) of the Securities Act of 1933 [15 U.S.C § 77t(d)(2)], Section 21(d)(3) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)(3)], and Section 209(e)(2) of the Advisers Act [15 U.S.C. 80b-9(e)(2)].


**VII.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED**, that this Court shall retain jurisdiction over this action for all other purposes.

**VIII.**

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

DATED this 20th day of June, 2005.



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Paul G. Cassell,  
United States District Court Judge

**CERTIFICATE OF SERVICE**

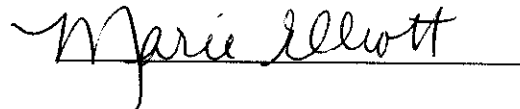
I do hereby certify that on this 20<sup>th</sup> day of May 2005, I caused to be served a true and correct copy of the proposed Order of Default and Final Judgment Against Thomas J.

Robbins by first class mail to:

Delano Findlay  
FINDLAW, LLC  
684 East Vine Street, Suite 3  
Salt Lake City, UT 84107

Jeff Gallup  
FINDLAW, LLC  
684 East Vine Street, Suite 3  
Salt Lake City, UT 84107

TEK Corporation  
c/o Clair Cox, Registered Agent  
2861 North 250 East  
North Ogden UT 84414

  
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