

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

F I L E D
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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

**RANKO "RON" CUCUZ,
et al.,**

Defendants.

Case No. 2:06-cv-11935
Hon. Arthur J. Tarnow

CORRECTED

FINAL JUDGMENT AS TO DEFENDANT WILLIAM D. SHOVERS

This matter having been tried before a jury, the jury having returned a verdict in favor of the Plaintiff Securities and Exchange Commission ("SEC"), and against Defendant William D. Shovers ("Shovers"), and the jury having found that Shovers violated the following provisions:

- (1) Section 10(b) of the Securities Exchange Act of 1934 [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 204.10b-5] promulgated under the Exchange Act;
- (2) Section 17(a)(3) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)(3)];
- (3) Section 13(b)(5) of the Exchange Act [15 U.S.C. § 78m(b)(5)] and Rules 13b2-1 [17 C.F.R. § 240.13b2-1] and 13b2-2 [17 C.F.R. § 240.13b2-2] promulgated under the Exchange Act; and
- (4) Section 20(e) of the Exchange Act by aiding and abetting one or more violations of the federal securities laws by Hayes Lemmerz, Inc.

Accordingly, final judgment is hereby entered in favor of the SEC and against Shovers on said claims.

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Shovers and Shovers' agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of any security, by the use of any 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 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.

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

II.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Shovers and Shovers' agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined 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 use of the mails, 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)(3) of the Securities Act of 1933 (the "Securities Act") [15 U.S.C. § 77q(a)(3)].

III.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Shovers and Shovers' agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from, directly or indirectly:

- (a) knowingly circumventing or knowingly failing to implement any system of internal accounting controls, or knowingly falsifying or causing to be falsified any book, record or account subject to section 13(b)(2) of the Exchange Act [15 U.S.C. § 78m(b)(2), in violation of Section 13(b)(5) of the Exchange Act) [15 U.S.C. § 78m(b)(5)], and Rule 13b2-1 [17 C.F.R. § 240.13b2-1] ; or
- (b) while an officer or director of an issuer:
 - (i) making or causing to be made a materially false or misleading statement, or
 - (ii) omitting to state, or causing another person to omit to state, any material fact necessary in order to make statements made, in light of the circumstances under which such statements were made, not misleading, to an accountant in connection with (1) any audit or examination of the financial statements of an issuer subject to Rule 13b2-2 [17 C.F.R. § 240.13b2-2] promulgated under the Exchange Act., or (2) the preparation or filing of any or

report required to be filed with the SEC, as described in Rule 13b2-2, in violation of Rule 13b2-2 [17 C.F.R. § 240.13b2-2] promulgated under the Exchange Act.

IV.

IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that Shovers and Shovers' agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of this Final Judgment by personal service or otherwise are permanently restrained and enjoined from aiding and abetting any violation of Section 13(a), Section 13(b)(2)(A), and Section 13(b)(2)(B) of the Exchange Act [15 U.S.C. § 78m(a), § 78m(b)(2)(A), and § 78m(b)(2)(B)], and Rules 12b-20, 13a-1, and 13a-13, [17 CFR § 240.12b-20, 17 CFR § 240.13a-1, and 17 CFR § 240.13a-13] promulgated thereunder, by knowingly providing substantial assistance to an issuer that:

- (a) fails to file with the SEC the information, documents and reports required under Section 13(a) of the Exchange Act [15 U.S.C. § 78m(a)], and Rules 13a-1 and 13a-13 [17 CFR § 240.13a-1, and 17 CFR § 240.13a-13];
- (b) fails to include in the statements or reports filed with the SEC such further material information , if any, as may be necessary to make the required statements, in the light of the circumstances under they are made not misleading, in violation of Rule 12b-20 [17 CFR § 240.12b-20] promulgated under the Exchange Act;
- (c) fails to make and keep books, records, and accounts, which in reasonable detail, accurately and fairly reflect the transactions and dispositions of the assets of the

issuer, in violation of Section 13(b)(2)(A) of the Exchange Act [15 U.S.C.

§ 78m(b)(2)(A)]; or

- (d) fails to devise and maintain a system of internal accounting controls sufficient to provide reasonable assurances that transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles or any other criteria applicable to such statements, in violation of Section 13(b)(2)(B)(ii) of the Exchange Act [15 U.S.C. § 78m(b)(2)(B)(ii)].

V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)], Shovers is prohibited, for a period of five years from the date of this final judgment, 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)].

VI.

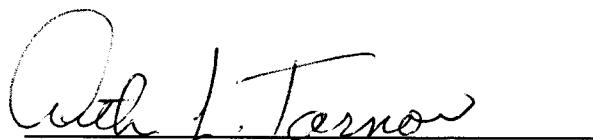
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Shovers shall pay a civil penalty in the amount of \$ 50,000.00 pursuant to Section 21(d)(3)(B) of the Exchange Act [15 U.S.C. § 78u(d)(3)(B)]. Shovers shall make this payment within ten (10) business days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission. The payment 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 Shovers 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 Final Judgment. Shovers shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC § 1961. The Commission shall remit the funds paid pursuant to this paragraph to the United States Treasury.

VII.

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 Final Judgment.

Entered this 22 day of December, 2008.


ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE