

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

DONALD A. ERICKSON,

Defendant.

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Civil Action No.
3-07CV-0254-N

FINAL JUDGMENT AS TO DEFENDANT ERICKSON

Plaintiff Securities and Exchange Commission (“Commission”), having filed its Complaint in this matter, and defendant Donald A. Erickson (“Defendant”), having been properly served, having admitted the jurisdiction of this Court over him, having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, having consented, without admitting or denying any of the allegations in the Commission’s Complaint except as to jurisdiction, to the entry of a Permanent Injunction enjoining Defendant from engaging in transactions, acts, practices and courses business that constitute and would constitute violations of Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), [15 U.S.C. §§ 78j(b)], and Rule 10b-5 [17 C.F.R. §§ 240.10b-5] promulgated thereunder and Section 16(a) [15 U.S.C. § 78p(a)] of the Exchange Act and Rules 16a-3(a) [17 C.F.R. § 240.16a-3(a)], and 16a-3(g)(1) [17 C.F.R. § 240.16a-3(g)(1)] thereunder and to an order requiring him to disgorge ill-gotten gains, the Court therefore concludes that it has personal and subject matter jurisdiction over this dispute and that the Commission is entitled to injunctive and equitable relief.

Further, upon consideration of the motion by the Commission for a civil penalty and an officer and director bar against Defendant, the brief and appendix filed in support thereof, the pleadings of this matter, any opposition thereto, and the arguments of counsel and other evidence presented, the Court being fully advised in the premises, the Court finds that the Commission has made a proper and sufficient showing in support of its motion. The Commission's motion is hereby GRANTED.

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 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 (the "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 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 Final Judgment by personal service or otherwise are permanently restrained and enjoined from violating, directly or indirectly, Section 16(a) [15 U.S.C. § 78p(a)] of the Exchange Act and Rules 16a-3(a) [17 C.F.R. § 240.16a-3(a)], and 16a-3(g)(1) [17 C.F.R. § 240.16a-3(g)(1)] thereunder, by failing to file information, documents, and reports as required pursuant to Section 16(a) of the Exchange Act and Rules 16a-3(a) and 16a-3(g)(1), in the absence of any applicable exemption, when Defendant is, directly or indirectly, the beneficial owner of more than 10 percent of any class of any registered security (other than exempted security), or is a director or an officer of such security.

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant is liable for disgorgement of \$46,200, representing ill-gotten gains as a result of the conduct alleged in the Complaint, together with prejudgment interest thereon in the amount of \$11,399.67, and a civil penalty in the amount of \$46,200 pursuant to Section 21A(2) of the Exchange Act [15 U.S.C. § 78u-1]. Defendant shall satisfy this obligation by paying \$103,799.67 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 Donald A. Erickson 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. Defendant shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action. By making this payment, Defendant relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned to them. Defendant 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.

IV.

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)], Defendant is prohibited 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)].

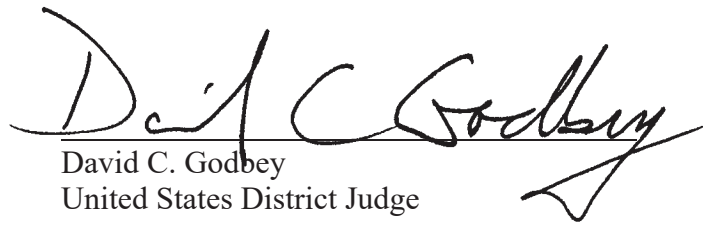
V.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent 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.

VI.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this matter and Defendant in order to implement and carry out the terms of all Orders and Decrees that may be entered, and/or to entertain any suitable application or motion for additional relief within the jurisdiction of this Court, and will order other relief that this Court deems appropriate under the circumstances.

Signed October 30, 2008.



David C. Godbey
United States District Judge