

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE	§	
COMMISSION,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:09-CV-1809-B
	§	
GEORGE WESLEY HARRIS,	§	
STEPHEN CHRISTOPHER	§	
PLUNKETT, WILLIAM CARSON	§	
ANROLD, and GIANT OPERATING,	§	
LLC,	§	
	§	
Defendants, and	§	
	§	
GIANT PETROLEUM, INC., and	§	
DSSC OPERATING, LLC,	§	
	§	
Relief Defendants Solely for the	§	
Purposes of Equitable Relief.	§	

FINAL JUDGMENT OF DISGORGEMENT, PREJUDGMENT INTEREST, AND CIVIL
PENALTY AS TO DEFENDANT GEORGE WESLEY HARRIS

The Court, having considered the Securities and Exchange Commission's Motion for Final Judgment Of Disgorgement, Prejudgment Interest, and Civil Penalty as to Defendant George Wesley Harris ("Defendant") and Brief In Support, the motion is hereby, **GRANTED**.¹ Accordingly:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is liable for

¹This Final Judgment is issued in connection with the Court's Memorandum Opinion and Order filed March 7, 2012.

disgorgement of \$2,088,850, representing profits gained as a result of the conduct alleged in the Amended Complaint, together with prejudgment interest thereon in the amount of \$333,767, for a total of \$2,422,617. The Commission may enforce the Court's judgment for disgorgement and prejudgment interest by moving for civil contempt (or through other collection procedures authorized by law or both) at any time after 14 days following entry of this Final Judgment. In response to any such civil contempt motion by the Commission, the Defendant may assert any legally permissible defense.

Payments under this Section shall be made to the Receiver appointed in this case and shall become part of the Receivership Assets, defined in this Court's Order of September 29, 2009 (doc. 8), to be distributed to rightful claimants upon further order of this Court.

Defendant shall simultaneously transmit photocopies of proof of each payment made under this Section in a letter or email to the Commission's counsel in this action. Defendant relinquishes all legal and equitable right, title, and interest in all payments under this Section, and no part of the funds shall be returned to Defendant.

After the receivership is closed, Defendant shall pay any funds still owing under this section by certified check, bank cashier's check, or United States postal money order payable to the Clerk of this Court, together with a cover letter identifying George Wesley Harris 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. The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon, shall be held in the interest bearing account until further order of the

Court. In accordance with 28 U.S.C. § 1914 and 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 this money a fee equal to ten percent of the income earned. Such fee shall not exceed that authorized by the Judicial Conference of the United States. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant shall pay a civil penalty in the amount of \$2,370,000 pursuant to Section 20(d) of the Securities Act of 1933 [15 U.S.C. § 77t(d)] and Section 21(d)(3) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)(3)]. Defendant shall pay this civil penalty within 14 days after entry of this Final Judgment by certified check, bank cashier's check, or United States postal money order payable to the Clerk of this Court, together with a cover letter identifying George Wesley Harris 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.

The Clerk shall deposit the funds into an interest bearing account with the Court Registry Investment System ("CRIS") or any other type of interest bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, the "Civil Penalty Fund"), shall be held in the interest bearing account until further order of the Court. In accordance with 28 U.S.C. § 1914 and 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 Civil Penalty 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. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

Defendant shall simultaneously transmit photocopies of proof of each payment made under this Section in a letter or email to the Commission's counsel in this action. Defendant relinquishes all legal and equitable right, title, and interest in payments under this Section, and no part of the funds shall be returned to Defendant.

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 shall be distributed pursuant to the Fair Fund provisions of Section 308(a) of the Sarbanes-Oxley Act of 2002. Regardless of whether any such Fair Fund distribution is made, amounts ordered to be paid as civil penalties 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, Defendant shall not, after offset or reduction of any award of compensatory damages in any Related Investor Action based on Defendant's payment of disgorgement in this action, argue that he is entitled to, nor shall he further benefit by, offset or reduction of such compensatory damages award by the amount of any part of Defendant's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Defendant shall, within 30 days after entry of a final order granting the Penalty Offset, 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 Section, a "Related Investor Action" means

a private damages action brought against Defendant by or on behalf of one or more investors based on substantially the same facts as alleged in the Amended Complaint in this action.

III.

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 Judgment.

IV.

RULE 54(b) CERTIFICATION

There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and without further notice.

SO ORDERED.

DATED: March 8, 2012



JANE J. BOYLE
UNITED STATES DISTRICT JUDGE