

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 09-20957-CIV-GRAHAM/TORRES

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

OSVALDO PITTERS and
TERRELL J. KUYKENDALL,

Defendants.

**FINAL JUDGMENT ORDERING A CIVIL PENALTY AGAINST
DEFENDANT TERRELL KUYKENDALL AND DISMISSING
DISGORGEMENT AND PREJUDGMENT INTEREST CLAIMS**

THIS MATTER is before the Court on the Plaintiff's Motion for Civil Penalties against Defendants Terrell Kuykendall and Osvaldo Pitters and to Dismiss Disgorgement and Prejudgment Interest Claims [D.E. 56]. The Court has reviewed the motion and the entire record. The Court finds the Commission has provided a sufficient factual basis and legal justification for the amount of the civil penalty it seeks against Kuykendall. Accordingly it is hereby

ORDERED AND ADJUDGED:

1. Plaintiff's motion is GRANTED.
2. Defendant Terrell Kuykendall is Ordered to pay a civil money penalty of \$130,000 pursuant to Section 21(d)(3) of the Securities Exchange Act of 1934 and Section 20(d) of the Securities

Act of 1933. The Commission's claims for disgorgement and prejudgment interest against Kuykendall are dismissed.

3. Final Judgment is therefore entered against Defendant Terrell Kuykendall in the amount of \$130,000, for which sum let execution issue, together with post-judgment interest beginning 30 days after the date of this order at the statutory rate of 0.34% per annum.

4. Kuykendall shall pay the Final Judgment within 30 days 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, together with a cover letter identifying Kuykendall 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 the Final Judgment. Kuykendall shall simultaneously transmit photocopies of such payment and letter to Robert K. Levenson, Esq., Securities and Exchange Commission, 801 Brickell Avenue, Suite 1800, Miami, FL 33131. By making these payments, Kuykendall relinquishes all legal and equitable right, title, and interest in such funds, and no part of the funds shall be returned to him.

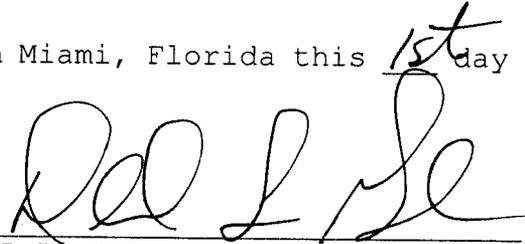
5. The Court also finds that there being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk of the Court is ordered to enter this Final

Judgment forthwith notwithstanding the pendency of any other claims against other named Defendants in the amended complaint.

6. The Court retains jurisdiction to enforce the terms of this Judgment and Order, as well as jurisdiction over other Defendants in the case not adjudicated herein.

DONE AND ORDERED in Chambers in Miami, Florida this 1st day of

April, 2010.



DONALD L. GRAHAM
UNITED STATES DISTRICT JUDGE

Copies to counsel and parties of record