

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	1:13-cv-01312-SEB-MPB
vs.)	
)	
TIMOTHY EDWARD COOK,)	
XYTOS, INC. CLERK’S ENTRY OF)	
DEFAULT ENTERED 10/8/2014,)	
ASIA EQUITIES, INC. CLERK’S ENTRY)	
OF DEFAULT ENTERED 10/8/2014,)	
)	
Defendants.)	

FINAL JUDGMENT AND PERMANENT INJUNCTION

The Court having entered its Orders of August 24, 2015 and March 1, 2016 directing the entry of final judgment, now enters FINAL JUDGMENT in favor of Plaintiff, the Securities and Exchange Commission, and against Defendants, Timothy Edward Cook, Xytos, Inc. and Asia Equities, including following ORDER and PERMANENT INJUNCTION.

Monetary Judgment

Within 14 days after the entry of this Final Judgment, Defendants shall pay to Plaintiff the total amount of \$792,828. This figure includes:

- Disgorgement of profits gained as a result of the conduct alleged in the Complaint in the amount of \$603,513 for which Defendants are jointly and severally liable;
- Prejudgment interest in the amount of \$39,315 for which Defendants are jointly and severally liable; and

- A civil penalty imposed against Timothy Edward Cook, individually, in the amount of \$150,000.

Defendants may satisfy their payment obligations by transmitting payment electronically to the Commission, which will provide detailed ACH Transfer/Fedwire instructions upon request. Payment(s) may also be made directly from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>. Defendants may also pay by certified check, bank cashier's check, or United States postal money order payable to the Securities and Exchange Commission, which shall be delivered or mailed to

Enterprise Services Center Accounts Receivable Branch
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

and shall be accompanied by a letter identifying the case title, civil action number, and name of this Court; Timothy E. Cook, Xytos, Inc., or Asia Equities, Inc. defendants in this action; and specifying that payment is made pursuant to this Final Judgment.

Defendants shall simultaneously transmit photocopies of evidence of payment and case identifying information to the Commission's counsel in this action. By making this payment, Defendants relinquish all legal and equitable right, title, and interest in such funds and no part of the funds shall be returned to Defendants. The Commission shall send the funds paid pursuant to this Order to the United States Treasury.

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 14 days following entry of Final Judgment. Defendants shall pay post judgment interest on any delinquent amounts pursuant to 28 U.S.C. § 1961.

The SEC is directed to file in this cause a certification that the payment imposed by this judgment have been fully satisfied by Defendants, when that occurs.

Permanent Injunction

The Court permanently enjoins Defendants as follows:

A. Defendant Timothy E. Cook and Defendant Xytos, Inc. 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 to employ any device, scheme, or artifice to defraud; 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 to engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

B. Defendant Timothy E. Cook and Defendant Xytos, Inc. are permanently restrained and enjoined from violating Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)] 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, directly or indirectly to employ any device, scheme, or artifice to defraud; to obtain money or property by means of any untrue statement of a material fact or any omission of a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or to engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit upon the purchaser.

C. Defendant Timothy E. Cook and Defendant Asia Equities, Inc. are permanently restrained and enjoined from violating Section 5 of the Securities Act [15 U.S.C. § 77e] by, directly or indirectly, in the absence of any applicable exemption:

- Unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- Unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act [15 U.S.C. § 77h].

D. Pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. § 78u(d)(2)] and Section 20(e) of the Securities Act [15 U.S.C. § 77t(e)], Defendant Timothy E. Cook is permanently 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. § 781] or that is required to file reports pursuant to Section 15(d) of the Exchange Act [15 U.S.C. § 78o(d)].

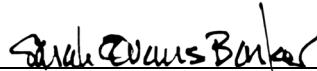
E. Defendant Timothy E. Cook is permanently barred from participating in an offering of penny stock, including engaging in activities with a broker, dealer, or issuer for purposes of issuing, trading, or inducing or attempting to induce the purchase or sale of any penny stock. A penny stock is any equity security that has a price of less than five dollars, except as provided in Rule 3a51-1 under the Exchange Act [17 C.F.R. § 240.3a51-1].

Retention of Jurisdiction.

The Court retains jurisdiction to enforce this Order.

IT IS SO ORDERED.

Date: 3/2/2016



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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