

UNITED STATES DISTRICT COURT
For The
SOUTHERN DISTRICT OF FLORIDA

CIV-KING

98-1111

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

CIVIL ACTION FILE NO.

MAGISTRATE JUDGE

JOHNSON MAGISTRATE JUDGE:

TITAN PETROLEUM CORP.
MAGNUM PETROLEUM ENTERPRISES, INC.,
MAGNUM OIL & PETROLEUM, INC.,
NATALE L. MONTOZZI and
PHILIP LEITNER,

COMPLAINT FOR INJUNCTIVE
AND OTHER RELIEF

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MAY 19 1998
P11 1:52
BY [Signature]

It appears to Plaintiff, Securities and Exchange Commission ("Commission"), and it alleges that:

1. This case involves the fraudulent sale of securities by Titan Petroleum Corp. ("Titan"), Magnum Petroleum Enterprises, Inc. ("Magnum Petroleum"), Magnum Oil & Petroleum, Inc. ("Magnum Oil") (Magnum Petroleum and Magnum Oil collectively "Magnum"), and their principals, Natale L. Montozzi ("Montozzi") and Philip Leitner ("Leitner"). The purported business of the issuers is drilling exploratory oil and gas wells. The issuers' fraudulent scheme consists of using false and misleading documents to raise far more money than is needed to drill and complete the proposed wells and then drilling exploratory wells in locations that are likely to be dry holes. The surplus offering proceeds are then diverted to undisclosed uses. Among other things,

[Handwritten signature]

to induce persons to invest, the defendants misrepresent the success of their prior efforts.

From April 2, 1997 through September 24, 1997, the proposed defendants fraudulently raised at least \$654,770 from sixty-five investors in Titan securities. After they learned of the Commission's investigation, Montozzi and Leitner terminated the operations of Titan and organized Magnum Petroleum and Magnum Oil. They then began offering securities of those two issuers to the public, using essentially the same fraudulent sales documents as they had used in the Titan offering.

2. By virtue of the foregoing conduct, the defendants have violated, are violating, and unless enjoined will continue to violate, Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77q(a)] and Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. 4240.10b-5].

3. Pursuant to authority granted by Sections 10(b) and 23(a) of the Exchange Act [15 U.S.C. 78j(b) and 78w(a)], the Commission has promulgated Rule 10b-5 [17 C.F.R. 240.10b-5], which rule was in effect at all times relevant herein and is now in effect.

JURISDICTION AND VENUE

4. The Commission brings this action pursuant to Sections 20(b) and 20(d) of the Securities Act [15 U.S.C. 77t(b) and 77t(d)], and Sections 21(d) and 21(e) of the

Exchange Act [15 U.S.C. 78u(d) and 78u(e)], to enjoin the defendants from engaging in the transactions, acts, practices and courses of business alleged in this complaint, and transactions, acts, practices and courses of business of similar purport and object, for disgorgement of illegally obtained funds and other equitable relief, and for civil money penalties.

5. This Court has jurisdiction over this action pursuant to Sections 20(b), 20(d) and 22(a) of the Securities Act [15 U.S.C. 77t(b), 77t(d) and 77v(a)] and Sections 21(d), 21(e) and 27 of the Exchange Act [15 U.S.C. 78u(d), 78u(e) and 78aa].

6. The defendants, directly and indirectly, made use of the mails, the means and instruments of transportation and communication in interstate commerce, and the means and instrumentality's of interstate commerce in connection with the transactions, acts, practices and courses of business alleged in this complaint.

7. Certain of the transactions, acts, practices and courses of business constituting violations of the Securities Act and the Exchange Act have occurred in the Southern District of Florida. Specifically, the defendants operate from offices in the Southern District of Florida, and have solicited persons to invest in the securities by means of telephone calls and mailings from the Southern District of Florida. In addition, the individual defendants reside in the Southern District of Florida.

8. The defendants, unless restrained and enjoined by this Court, will continue to engage in the transactions, acts, practices and courses of business alleged in this complaint, and in transactions, acts, practices and courses of business of similar purport and object.

DEFENDANTS

9. **Titan Petroleum Corp.** was incorporated in Florida on April 24, 1980, involuntarily dissolved on December 16, 1981, and reinstated on March 24, 1997. Its executive office is in Ida, Louisiana.

10. **Magnum Petroleum Enterprises, Inc.** was incorporated in Florida on December 4, 1997. Its principal office is in Hollywood, Florida.

11. **Magnum Oil & Petroleum, Inc.** was incorporated in Louisiana on February 16, 1998. Its principal office is in Ida, Louisiana.

12. **Natale L. Montozzi**, of Coral Springs, Florida, is president of Titan, director and president of Magnum Petroleum, and director, president, secretary and treasurer of Magnum Oil. Cease-and-desist orders have been entered against Montozzi by the states of Wisconsin and South Carolina in 1984, Alabama in 1986 and Illinois in 1989. All of the proceedings involved the sale of unregistered securities and two of the proceedings involved securities fraud.

13. **Philip Leitner**, of North Miami, Florida, is secretary and treasurer of Titan.

THE TITAN PROGRAMS

14. From April 2, 1997 through September 24, 1997, Titan, through Montozzi and Leitner, raised at least \$654,770 by selling one hundred undivided, fractional, working interests in three separate oil and gas well drilling programs to sixty-five investors.

15. The three drilling programs, named TM1, TM2, and TM3, were to drill exploratory wells at specific, designated locations in the state of Louisiana.

16. Titan solicited investors for the drilling programs throughout the United States and Canada.

17. Titan offered and sold the drilling programs through offering brochures and other sales materials, distributed by Montozzi and Leitner, that describe, among other things, the exact location where each well was to be drilled, the uses to be made of the offering proceeds, and the experience and previous successes of Titan and its employees.

18. Titan also hired World Wide Asset Services, Inc., ("World Wide"), a company with a telephone sales room in Miami, Florida, to make cold calls to prospective investors.

19. The sales persons of World Wide used a script, provided by Titan, which described the proposed exploratory drilling, the planned use of offering proceeds, and Titan itself.

TITAN MISREPRESENTATIONS AND OMISSIONS

20. The offering documents for Titan drilling programs TM1 and TM2, prepared by Montozzi and Leitner, represented that each undivided, fractional interest in those programs cost \$5,900. The offering documents represented that of that amount, \$4,500 was to cover all costs for drilling and testing and that the remaining \$1,400 was to be used for the completion of the well.

21. The offering documents for the TM3 program, prepared by Montozzi and Leitner, represented that each interest cost \$7,900, and that of that amount, \$5,500 was to cover all costs for drilling and testing and \$2,400 was to be used for the completion of the TM3 well.

22. In total, Titan raised \$211,900 for TM1, \$205,870 for TM2, and \$237,000 for TM3.

23. Titan failed to disclose to investors that the amount of money that it raised for TM1, TM2 and TM3 was in each case far in excess of the costs that it knew it would incur to lease the land and to drill and complete the well for which the funds were raised.

24. The total cost to Titan for the TM1 and TM2 subleases and drilling services was \$83,650. Montozzi and Leitner were aware of that cost when they sold the investment interests in those programs. Titan nevertheless raised over \$417,770 from investors for those programs.

25. On behalf of Titan, Montozzi and Leitner contracted with Innovative Exploration, LLC ("Innovative")

for the lease rights and the drilling and completion of the TM3 well, including plugging. The total cost to Titan for the lease and services was \$83,500, yet it raised at least \$237,000 and according to its offering documents, planned on raising \$395,000. Montozzi and Leitner were aware of the actual cost of the drilling when they sold the TM3 investment interests.

26. The TM1 and TM2 offering documents go on to state that "[s]hould Titan Petroleum elect not to complete the well the sum of \$1,400.00 per unit will be refunded." The TM3 offering documents promise that "[s]hould Titan Petroleum elect not to complete the well the sum of \$2,400.00 per unit will be refunded."

27. All three wells drilled by Titan were dry. Two of the wells have already been plugged and the third is scheduled to be plugged in the near future. As provided in the contracts Montozzi and Leitner negotiated, the total cost of this work was \$167,150. No investor proceeds have been returned.

28. At least one investor in TM3 was told by a representative of Titan that investors in TM2 were already receiving their checks. That representation was false.

29. The offering documents for TM1, TM2 and TM3 each represented that investors' funds would be used for the specific drilling project in which they were invested. In fact, the funds raised for the three projects were

commingled into Titan's general bank account by Montozzi and Leitner.

30. Leitner, the treasurer of Titan, drew numerous checks on Titan's general bank account to pay a wide variety of expenses not provided for in the TM1, TM2 and TM3 offering materials. Among other things, Leitner used this account, containing primarily investor funds, to pay for rent, office supplies, investor leads, commissions for sales persons, legal services, telephone charges, and credit card purchases.

31. Leitner used investors' funds to make large, undisclosed payments to related parties from the Titan general account. For example, between May 9, 1997 and September 10, 1997, Leitner signed checks paying over \$56,000 to a company controlled by Montozzi, and more than \$84,000 to World Wide.

32. World Wide, the company which Titan hired to market its securities, charged Titan marketing fees totaling more than ten percent of the amount raised by Titan for the three drilling programs. These marketing charges, were known to Montozzi and Leitner when the investments were sold but were not disclosed in the offering materials or otherwise.

33. Titan checks, dated November 13 1997 and November 24, 1997, totaling \$83,500, were written to Innovative, purportedly for the work of that company in drilling TM3. The address and phone number of Innovative are the same as those of Titan and Magnum.

34. The Titan offering documents claim that Titan is a highly reputable and experienced drilling and operating company, founded in 1980. In addition, an addendum, signed by Montozzi, and attached to at least one investor's offering documents, states that Titan "has had a proud record of success over the past seventeen years."

35. In fact, although Titan was incorporated in 1980, it was involuntarily dissolved in 1981 and was not reinstated until 1997. The offering documents do not disclose that Montozzi has had four cease-and-desist orders entered against him based on violations of state securities laws.

36. A telephone script used by sales representatives selling the investments contained false statements concerning the past successes of the company, including, for example, the claim that Titan is "a company that has been successfully producing oil and gas throughout Texas, Louisiana, Oklahoma, Illinois and Kentucky since 1980." Potential investors were told that "our last well just came in" and that although exact figures can not be given "by all indications it's a home run." One investor was told investors in earlier Titan drilling projects were already receiving returns on their investments. These statements are false.

37. The Titan offering documents describe in detail the exact locations at which the various exploratory wells are to be drilled. In fact, Titan drilled the TM1 and TM3

wells at locations different from those described in the relevant offering materials. Montozzi and Leitner were aware of the actual locations to be drilled when they prepared the offering materials.

THE MAGNUM OFFERING

38. In approximately December 1997, after Montozzi and Leitner learned of the Commission's investigation, they wound down the business of Titan, and Magnum Petroleum and Magnum Oil were incorporated. Magnum Petroleum and Magnum Oil are both controlled by Montozzi and Leitner.

39. Montozzi is a director and officer of both Magnum Petroleum and Magnum Oil. The address of Magnum Oil's executive office is the same Ida, Louisiana address listed in Titan's sales brochures. The address of Magnum Petroleum is the same as the Florida address listed as the marketing office in the Magnum prospectus.

40. Using offering brochures, sales materials, and agreements prepared by Montozzi and Leitner and virtually identical to those used by Titan, Montozzi and Leitner have been offering and selling undivided, fractional interests in at least one oil and gas well drilling program located in the state of Louisiana. The interests are sold under the name Magnum Petroleum, but the company is described as a Louisiana corporation and the corporate address is the same as Magnum Oil's address. The marketing office address listed in the prospectus is the address of Magnum Petroleum.

MAGNUM MISREPRESENTATIONS AND OMISSIONS

41. The Magnum offering documents describe in detail the exact locations at which the well is to be drilled. In fact, Magnum does not hold the necessary sublease to drill at the location cited in its sales brochure. Montozzi and Leitner were aware of the actual locations to be drilled when they prepared the offering materials.

42. In its offering materials, Magnum claims that its principals and staff "have nearly 80 years of oil and gas experience . . . [and that] [m]ost of these years were spent working for other oil and gas companies where the drilling and successful completion rate was over 90%." Magnum does not disclose that it is the successor to Titan and that Montozzi is president of all three corporations (including both Magnums). Nor does Magnum disclose that its predecessor has no record of success in Louisiana, that all three of Titan's recent drilling programs failed, and that Montozzi has a history of cease-and-desist orders being entered against him by state authorities.

43. On April 28, 1998, an investor contacted Magnum and was told that the well had been completed. In fact, Magnum has not even obtained a permit to begin.

COUNT I

FRAUD

**Violations of Section 17(a)(1) of the Securities Act
[15 U.S.C. 77q(a)(1)]**

44. Paragraphs 1 through 43 are hereby realleged and are incorporated herein by reference.

45. From in or about April 2, 1997 through the present, defendants Titan, Magnum Petroleum, Magnum Oil, Montozzi and Leitner, singly and in concert, in the offer and sale of securities, by the use of means and instruments of transportation and communication in interstate commerce and by use of the mails, directly and indirectly, employed devices, schemes and artifices to defraud purchasers of such securities, all as more particularly described above.

46. The defendants knowingly, intentionally, and/or recklessly engaged in the aforementioned devices, schemes and artifices to defraud.

47. By reason of the foregoing, defendants Titan, Magnum Petroleum, Magnum Oil, Montozzi and Leitner have violated, and, unless restrained and enjoined, will continue to violate Section 17(a)(1) of the Securities Act [15 U.S.C. 77q(a)(1)].

COUNT II

FRAUD

**Violations of Sections 17(a)(2) and 17(a)(3) of the Securities Act
[15 U.S.C. 77q(a)(2) and 77q(a)(3)]**

48. Paragraphs 1 through 44 are hereby realleged and are incorporated herein by reference.

49. From in or about April 2, 1997 through the present, defendants Titan, Magnum Oil, Magnum Petroleum, Montozzi and Leitner, in the offer and sale of securities, by use of means and instruments of transportation and communication in interstate commerce and by use of the mails, directly and indirectly:

- (a) obtained money and property by means of untrue statements of material facts and omissions to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and
- (b) engaged in transactions, practices and courses of business which operated and would operate as a fraud and deceit upon the purchasers of such securities,

all as more particularly described above.

50. By reason of the foregoing, defendants Titan, Magnum Petroleum, Magnum Oil, Montozzi and Leitner have violated, and, unless restrained and enjoined, will continue to violate Sections 17(a)(2) and (3) of the Securities Act [15 U.S.C. 77q(a)(2) and (3)].

COUNT III

FRAUD

Violations of Section 10(b) of the Exchange Act
[15 U.S.C. 78j(b)] and Rule 10b-5 Thereunder
[17 C.F.R. 240.10b-5]

51. Paragraphs 1 through 43 are hereby realleged and are incorporated herein by reference.

52. From in or about April 1997 through the present, defendants Titan, Magnum Petroleum, Magnum Oil, Montozzi and Leitner, in connection with the purchase and sale of securities, by the use of means and instrumentality's of interstate commerce and by use of the mails, directly and indirectly:

- (a) employed devices, schemes, and artifices to defraud;
- (b) made untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and
- (c) engaged in acts, practices, and courses of business which operated as a fraud and deceit upon persons,

all as more particularly described above.

53. Said defendants knowingly, intentionally and/or recklessly engaged in the above-described conduct.

54. By reason of the foregoing, defendants Titan, Magnum Petroleum, Magnum Oil, Montozzi and Leitner have

violated, and, unless restrained and enjoined will continue to violate Section 10(b) of the Exchange Act [15 U.S.C. 78j(b)] and Rule 10b-5 thereunder [17 C.F.R. 240.10b-5].

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Securities and Exchange Commission respectfully prays for:

I.

Findings of Fact and Conclusions of Law pursuant to Rule 52 of the Federal Rules of Civil Procedure, finding that the defendants committed the violations alleged herein.

II.

A temporary restraining order, preliminary and permanent injunctions, restraining and enjoining the defendants, their officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of the order of injunction, and each of them, whether as principals or as aiders and abettors, from violating Section 17(a) of the Securities Act [15 U.S.C. 77q(a)] and Section 10(b) of the Exchange Act [15 U.S.C. 78j(b)] and Rule 10b-5 [17 C.F.R. 240.10b-5] promulgated thereunder.

III.

An order requiring accountings by the defendants of the use of proceeds of the sales of the securities described in this Complaint and the disgorgement of all ill-gotten gains or unjust enrichment with prejudgment interest, to effect the

remedial purposes of the federal securities laws, and an order freezing the assets of the defendants, to preserve the status quo.

IV.

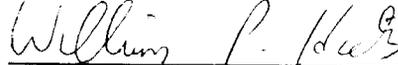
An order pursuant to Section 20(d) of the Securities Act [15 U.S.C. 77t(d)] and Section 21(d)(3) of the Exchange Act [15 U.S.C. 78u(d)(3)] imposing civil penalties against the defendants.

V.

Such other and further relief as this Court may deem just, equitable, and appropriate in connection with the enforcement of the federal securities laws and for the protection of investors.

DATED: 5/19 1998

RESPECTFULLY SUBMITTED,



William P. Hicks
District Trial Counsel
Florida Bar No. 337641
Telephone: (404) 842-7675



Michael J. Adler
Georgia Bar No. 005215

Counsel for Plaintiff
Securities and Exchange
Commission
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Atlanta, Georgia 30326-1232

CIVIL COVER SHEET

98-1111
CIV-KING

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Securities and Exchange Commission

DEFENDANTS

Titan Petroleum Corp.
Magnon Petroleum Corporation
Magnon Oil & Petroleum, Inc.
Patricio L. Montozzi + Phillip Lester.

MAGISTRATE JUDGE
JOHNSON

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

A Dade: 98CV1111 (King) Johnson

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

Dade

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

William P. Hicks
Sec + Exch Commission
3475 Lenox Rd., G.C. Suite 1000
Atlanta, GA 30324

ATTORNEYS (IF KNOWN)

(d) CIRCLE COUNTY WHERE ACTION AROSE (DADE) MONROE, BROWARD, PALM BEACH, MARTIN, ST. LUCIE, INDIAN RIVER, OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

A CONTRACT	A TORTS	FORFEITURE/PENALTY	A BANKRUPTCY	A OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl Veterans) <input checked="" type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 A PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark B SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Securities/Commodities/Exchange <input type="checkbox"/> 475 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions A OR B
A REAL PROPERTY	A CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing, Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

LENGTH OF TRIAL

via _____ days estimated (for both sides to try entire case)

15 U.S.C. 78j(b); 15 U.S.C. 77g(a).

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

17 million, 800 thousand, 000/100

CHECK YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/19/98 William P. Hicks

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____