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NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF COLUMBIA**

**SECURITIES AND EXCHANGE COMMISSION** :  
**450 Fifth Street, N.W.** :  
**Washington, D.C. 20549,** :

**Plaintiff,** :

**v.** :

**CHRISTOPHER L. BURTON,** :

**Defendant.** :

00 2094

Civil Action No. \_\_\_\_\_ ( )

**FINAL JUDGMENT**

Plaintiff Securities and Exchange Commission (“Commission”) having commenced this action by filing its Complaint (“Complaint”), and defendant Christopher L. Burton (“Burton”) having in his Consent of Christopher L. Burton (“Consent”), which was filed simultaneously with this Final Judgment and incorporated herein by reference, entered a general appearance, admitted the jurisdiction of this Court over him and the subject matter of this action, waived the filing of an answer to the Complaint and the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, and, without admitting or denying the allegations of the Complaint, except as to jurisdiction, consented to the entry of this Final Judgment, and it appearing that this Court has jurisdiction over Burton and over the subject matter hereof, and the Court being fully advised in the premises:

**I.**

**IT IS ORDERED, ADJUDGED AND DECREED** that Burton, his agents, servants, employees, attorneys, and those persons in active concert or participation with them

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who receive actual notice of this Final Judgment by personal service or otherwise are hereby permanently enjoined and restrained from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder, by directly or indirectly, using any means or instrumentality of interstate commerce, or the mails, or any facility of any national securities exchange:

(1) to employ any device, scheme, or artifice to defraud;

(2) 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

(3) to engage in any fact, practice, or course of business which operates or would operate as a fraud or deceit upon any person,  
in connection with the purchase or sale of any security.

## II.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Burton shall pay \$85,319 in profits gained as a result of his purchases and sales of the securities of Arkansas Best Corporation during January 1999, plus prejudgment interest of \$9,512, payable as follows: \$19,831 within ten (10) days after entry of this Final Judgment; \$28,000 plus postjudgment interest, on September 15, 2000; and \$47,000 plus postjudgment interest, on February 15, 2001. Postjudgment interest shall be calculated pursuant to 28 U.S.C. § 1961 from the date of entry of this Final Judgment to the actual respective payment dates using the interest rate in effect on the actual respective payment dates.

**III.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Burton shall make the payments set forth in paragraph II. above by certified check, U.S. postal money order, bank cashier's check or bank money order payable to "Securities and Exchange Commission." Each payment shall be hand-delivered or mailed to the Office of the Comptroller, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312. Each payment shall be accompanied by a letter that identifies Burton as the defendant on whose behalf the payment is being made, the caption and case number of this action, the name of this Court, and the Commission's internal file number for this matter (HO-3568). Copies of such check or money order and accompanying cover letter shall be simultaneously transmitted to Phil Gross, Esquire, 450 Fifth Street, N.W., Washington, D.C. 20549-0703.

**IV.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, based upon Burton's sworn representations in his Statement of Financial Condition, dated May 5, 2000, as submitted to the Commission, the Court is not ordering him to pay a civil penalty pursuant to Section 21A of the Exchange Act [15 U.S.C. § 78u-1]. The determination not to impose a civil penalty is contingent upon the accuracy and completeness of his Statement of Financial Condition. If at any time following the entry of this Final Judgment the Commission obtains information indicating that Burton's representations to the Commission concerning his assets, income, liabilities, or net worth were fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, the Commission may, at its sole discretion and without prior notice to Burton, petition this Court for an order requiring Burton to

pay a civil penalty. In connection with any such petition, the only issue shall be whether the financial information provided by Burton was fraudulent, misleading, inaccurate, or incomplete in any material respect as of the time such representations were made, and the amount of the civil penalty to be imposed. In its petition, the Commission may move this Court to consider all available remedies, including, but not limited to, ordering Burton to pay funds or assets, directing the forfeiture of any assets, or sanctions for contempt of this Final Judgment, and the Commission may also request additional discovery. Burton may not, by way of defense to such petition, challenge the validity of his Consent or this Final Judgment, contest the allegations in the Complaint filed by the Commission or assert that the payment of a civil penalty should not be ordered.

**V.**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Consent be, and hereby is, incorporated herein by reference with the same force and effect as if fully set forth herein and that defendant Burton shall fully comply with all of the undertakings and agreements incorporated herein.

**VI.**

**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 Final Judgment.

**VII.**

There being no cause for delay, the Clerk of the Court hereby is directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

  
**UNITED STATES DISTRICT JUDGE**

Dated: 9/1, 2000

Persons entitled to notice of this Order:

Gregory Bruch, Esq.  
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