

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

GARY LANDON DAVENPORT,

individually and doing business as  
SOUTHWEST FAMILY TRUST SERVICE;  
FINANCIAL MARKETING SERVICE and  
LIBERTY MARKETING SERVICE;

RUSSELL REEVES, individually and doing business as  
ENTERRA MARKETING SERVICE;

RICHARD EARL RUSSELL; and

GREGORY MONROE ROBERTS,

Defendants,

and

JANE KAREN NAIL,

Defendant Solely for Purposes  
of Equitable Relief.

CIVIL ACTION NO.  
7:99-CV-0185-R

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T. Stewart



**FINAL JUDGMENT AND ORDER OF PERMANENT INJUNCTION AND OTHER  
EQUITABLE RELIEF AGAINST GREGORY MONROE ROBERTS**

Plaintiff Securities and Exchange Commission ("Commission"), having filed its Complaint in this matter and defendant Gregory Monroe Roberts ("Roberts") through his Stipulation and Consent ("Consent"), having admitted service of the Complaint and having waived service of the

summons; having admitted the jurisdiction of this Court over him, and over the subject matter of this action; having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, having entered into his Consent voluntarily; having consented, without admitting or denying any of the allegations in the Commission's Complaint except as to jurisdiction as set forth above, to entry without further notice of this Final Judgment and Order of Permanent Injunction and Other Equitable Relief Against Gregory Monroe Roberts ("Final Judgment") enjoining defendant Roberts from engaging in transactions, acts, practices and courses of business which constitute and would constitute violations of Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)], of Sections 10(b) and 15(a)(1) and 15(c)(1) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. §§ 78j(b) and 78o(a)(1) and (c)(1)], and Rules 10b-5 and 15c1-2 [17 C.F.R. §§ 240.10b-5 and 240.15c1-2] thereunder; and it further appearing that this Court has jurisdiction over defendant Roberts and over the subject matter of this action and that no further notice of hearing for the entry of this Final Judgment need be given; and the Court being fully advised in the premises:

I.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that defendant Roberts and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, be and hereby are permanently restrained and enjoined, from violating Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. § 240.10b-5] thereunder, directly or indirectly, in connection with the purchase or sale of any security, from making use of any means or instrumentalities of interstate commerce or of the mails, or of any facility of any national securities exchange:

- (a) to employ any device, scheme or artifice to defraud, or
- (b) to make any untrue statement of a material fact or 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
- (c) to engage in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Roberts and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined, from violating Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], in the offer or sale of any security, from making use of any means or instruments of transportation or communication in interstate commerce, or of the mails, directly or indirectly:

- (a) to employ any device, scheme or artifice to defraud, or
- (b) to obtain money or property by means of any untrue statement of a material fact or any omission 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
- (c) to engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon any purchaser.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Roberts and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or

participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined, from violating Section 15(c)(1) of the Exchange Act [15 U.S.C. § 78o(c)(1)], and Rule 15c1-2 [17 C.F.R. § 240.15c1-2] thereunder, by directly or indirectly, using the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange of which he is a member by means of any manipulative, deceptive, or other fraudulent device or contrivance.

IV.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant Roberts and his agents, servants, employees, attorneys-in-fact and all other persons in active concert or participation with him who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby are permanently restrained and enjoined from, directly or indirectly, engaging in the business of effecting transactions in securities for his own account or the account of others, and while making use of the mails or any means or instrumentality of interstate commerce, to effect transactions in, or to induce or attempt to induce the purchase or sale of securities in the form of investment contracts, or any other security (other than an exempted security or commercial paper, banker's acceptances or commercial bills), unless and until defendant Roberts is registered with the Commission as a broker or dealer in accordance with Section 15(b) of the Exchange Act [15 U.S.C. § 78o(b)], or is otherwise exempt from registration pursuant to Section 15(a) of the Exchange Act [15 U.S.C. § 78o(a)].

V.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon Defendant's criminal conviction for securities and mail fraud and the restitution ordered by the Judgment and Commitment therein, which exceeds the amount of disgorgement sought by the Commission in its Complaint, the Commission's claim for payment of the above referenced disgorgement, and prejudgment interest thereon, is hereby dismissed.

VI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based upon Defendant's criminal conviction for securities and mail fraud and the restitution ordered by the Judgment and Commitment therein, the Commission's claim for the Defendant to pay a civil money penalty pursuant to the provisions of 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)] is hereby dismissed.

VII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Consent filed herein be, and the same is hereby, incorporated in this Final Judgment with the same force and effect as if fully set forth herein.

VIII.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court shall retain jurisdiction of this action for all purposes, including for purposes of entertaining any suitable application or motion by the Commission for additional relief within the jurisdiction of this Court, including but not limited to the relief requested by the Commission in its Complaint in this action. Specifically, this Court's Agreed Order Appointing Receiver *Pendent Lite* and Agreed Order Modifying the Appointment of a Receiver *Pendent Lite* and Directing Distribution shall remain in

full force and effect until otherwise ordered by this Court.

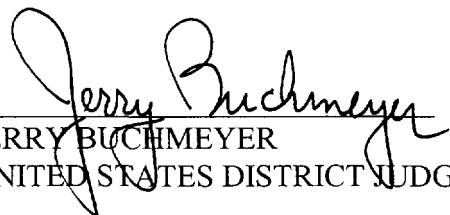
IX.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Final Judgment may be served upon defendant Roberts in person or by mail either by the United States marshal, by the Clerk of the Court or by any member of the staff of the Commission.

X.

There being no just reason for delay, the Clerk of this Court is hereby directed to enter this Final Judgment and Order of Permanent Injunction and Other Equitable Relief pursuant to Rule 54 of the Federal Rules of Civil Procedure.

DATED and SIGNED this 29 day of Oct., 2001.

  
JERRY BUCHMEYER  
UNITED STATES DISTRICT JUDGE