JS-5 1 STEPHEN L. COHEN, pro hac vice Securities and Exchange Commission 2 100 F Street, N.E. Washington DC 20549-4030 Telephone: (202) 551-4472 Facsimile: (202) 772-9245 3 4 Email: CohenS@sec.gov 5 **LOCAL COUNSEL:** JOHN B. BULGOZDY Cal Bar. No. 219897 Securities and Exchange Commission 5670 Wilshire Boulevard, 11th Floor 6 7 Los Angeles, CA 90036-3648 Telephone: (323) 965-3877 Facsimile: (323) 965-3908 8 9 Email: BulgozdyJ@sec.gov 10 Attorneys for Plaintiff U.S. Securities and Exchange Commission 11 12 UNITED STATES DISTRICT COURT 13 CENTRAL DISTRICT OF CALIFORNIA 14 SECURITIES AND EXCHANGE Case No. ED CV 05-351 AG(MANx) 15 COMMISSION, 16 Plaintiff, FINAL JUDGMENT AS TO RELIEF DEFENDANTS THOMAS 17 AVERY AND T.M.A. VS. **INVESTMENT ENTERPRISES** 18 TRI ENERGY, INC., et al. 19 Relief Defendants. 20 21 22 23 The Securities and Exchange Commission ("Commission"), having filed and 24 served an Amended Complaint, and relief defendants Thomas Avery and T.M.A. 25 26 Investment Enterprises ("Relief Defendants"), having answered the Amended 27 28 1

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Complaint; consented to the Court's jurisdiction over Relief Defendants and the subject matter of this action; consented to entry of this Judgment without admitting or denying the allegations of the Amended Complaint (except as to jurisdiction); waived findings of fact and conclusions of law; and waived any right to appeal from this Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Relief Defendants are jointly and severally liable for disgorgement of \$70,000, representing monies unlawfully gained as a result of the conduct alleged in the Amended Complaint, together with pre-judgment interest thereon in the amount of \$4,342.42, for a total of \$74,342.42. Relief Defendants shall satisfy this obligation by paying \$41,147.42 to the Clerk of this Court within ten days of the entry of this Final Judgment and by relinquishing all legal and equitable right, title, and interest in \$33,195 frozen by the Court and currently in the possession of the receiver pursuant to an order entered on May 3, 2005. Relief Defendants shall provide a cover letter to the Court identifying that Thomas Avery and T.M.A. Investment Enterprises are making the payment and relinquishing their rights to the frozen funds pursuant to this Final Judgment and that they are relief defendants in this action; and setting forth the title and civil action number of this action and the

name of this Court. Relief Defendants shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action. By making this payment, Relief Defendants relinquish all legal and equitable right, title, and interest in such funds, and no part of the funds, or any interest earned on the funds, shall be returned to Relief Defendants.

The Clerk shall deposit the funds into the Registry Account of this Court or any other type of interest bearing account that is utilized by the Court. These funds, together with any interest and income earned thereon (collectively, the "Fund"), shall be held in the interest bearing account until further order of the Court. In accordance with 28 U.S.C. § 1914, LR 67-2, and the guidelines set by the Director of the Administrative Office of the United States Courts, the Clerk is directed, without further order of this Court, to deduct from the income earned on the investment in the Fund a fee not to exceed the amount prescribed by the Judicial Conference of the United States. The Commission may by motion propose a plan to distribute the Fund subject to the Court's approval. Defendant shall pay post-judgment interest on any delinquent amounts pursuant to 28 USC §1961.

II.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Consent of Relief Defendants Thomas Avery and T.M.A. Investments Enterprise is

incorporated herein with the same force and effect as if fully set forth herein, and that Relief Defendants shall comply with all of the undertakings and agreements set forth therein.

III.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this

Court shall retain jurisdiction over this action for all purposes, including

implementing and enforcing the terms of this Judgment and all other orders and
decrees which have been or may be entered in this case, and granting such other
relief as the Court may deem necessary and just.

IV.

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

Dated: April 09, 2008

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HONORABLE ANDREW GUILFORD UNITED STATES DISTRICT JUDGE