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19 **UNITED STATES DISTRICT COURT**  
20 **CENTRAL DISTRICT OF CALIFORNIA**

21 SECURITIES AND EXCHANGE  
22 COMMISSION,

23 Plaintiff,

24 vs.

25 TRI ENERGY, INC., et al.

26 Relief Defendants.

Case No. ED CV 05-351 AG(MANx)

**FINAL JUDGMENT AS TO  
RELIEF DEFENDANTS THOMAS  
AVERY AND T.M.A.  
INVESTMENT ENTERPRISES**

27  
28 The Securities and Exchange Commission (“Commission”), having filed and  
served an Amended Complaint, and relief defendants Thomas Avery and T.M.A.  
Investment Enterprises (“Relief Defendants”), having answered the Amended

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

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10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
11 Relief Defendants are jointly and severally liable for disgorgement of \$70,000,  
12 representing monies unlawfully gained as a result of the conduct alleged in the  
13 Amended Complaint, together with pre-judgment interest thereon in the amount of  
14 \$4,342.42, for a total of \$74,342.42. Relief Defendants shall satisfy this obligation  
15 by paying \$41,147.42 to the Clerk of this Court within ten days of the entry of this  
16 Final Judgment and by relinquishing all legal and equitable right, title, and interest  
17 in \$33,195 frozen by the Court and currently in the possession of the receiver  
18 pursuant to an order entered on May 3, 2005. Relief Defendants shall provide a  
19 cover letter to the Court identifying that Thomas Avery and T.M.A. Investment  
20 Enterprises are making the payment and relinquishing their rights to the frozen  
21 funds pursuant to this Final Judgment and that they are relief defendants in this  
22 action; and setting forth the title and civil action number of this action and the  
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1 incorporated herein with the same force and effect as if fully set forth herein, and  
2 that Relief Defendants shall comply with all of the undertakings and agreements  
3 set forth therein.  
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5 **III.**

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this  
7 Court shall retain jurisdiction over this action for all purposes, including  
8 implementing and enforcing the terms of this Judgment and all other orders and  
9 decrees which have been or may be entered in this case, and granting such other  
10 relief as the Court may deem necessary and just.  
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13 **IV.**

14 There being no just reason for delay, the Clerk of the Court is hereby  
15 directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter  
16 this Judgment.  
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20 Dated: April 09, 2008  
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23 HONORABLE ANDREW GUILFORD  
24 UNITED STATES DISTRICT JUDGE  
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