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FILED - SOUTHERN DIVISION  
CLERK, U.S. DISTRICT COURT  
OCT - 6 2006  
CENTRAL DISTRICT OF CALIFORNIA  
BY *KB* DEPUTY

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17 Attorneys for Plaintiff U.S. Securities  
18 and Exchange Commission

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19 UNITED STATES DISTRICT COURT  
20 CENTRAL DISTRICT OF CALIFORNIA

BY FAX

21 SECURITIES AND EXCHANGE  
22 COMMISSION,

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

23 Plaintiff,

STIPULATION AND ORDER OF  
CONTEMPT FOR FAILURE TO  
OBEY TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION

24 vs.

25 TRI ENERGY, INC., et al.

26 Defendants.

27 This Stipulation and Order is entered into between plaintiff Securities and  
28 Exchange Commission and defendant Henry Jones ("Jones") in connection with  
the above-captioned civil enforcement action.

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BY *[Signature]* 024

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DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
CENTRAL DISTRICT OF CALIF.

1           WHEREAS, on May 2, 2005, the Court entered a Temporary Restraining  
2 Order ("TRO") against Jones, which, among other things, enjoined Jones from  
3 committing violations of Section 17(a) of the Securities Act of 1933, Section 10(b)  
4 of the Securities Exchange Act of 1934, and SEC Rule 10b-5;  
5

6           WHEREAS, on May 23, 2005, the Court entered a stipulated Preliminary  
7 Injunction ("PI") against Jones, which, among other things, enjoined Jones from  
8 committing violations of Section 17(a) of the Securities Act of 1933, Section 10(b)  
9 of the Securities Exchange Act of 1934, and SEC Rule 10b-5;  
10

11           WHEREAS, simultaneous with this Stipulation, the SEC filed the  
12 Declaration of Tracy L. Price In Support of Contempt Against Defendant Henry  
13 Jones (the "Price Declaration") providing the evidentiary basis for why the Court  
14 should hold Jones in civil contempt for failure to comply with the TRO and PI; and  
15  
16

17           WHEREAS, to avoid the litigation attendant to any contempt proceeding,  
18 the parties seek and desire, by means of entering into this Stipulation and Order, to  
19 hereby consensually resolve this civil contempt proceeding upon the terms set forth  
20 in the paragraphs below;  
21

22           NOW, THEREFORE, THE PARTIES HERETO AGREE AND IT IS  
23 HEREBY ORDERED AS FOLLOWS:  
24

25           1. The Court hereby enters a finding that Jones' conduct, as described in the  
26 Price Declaration, violated the TRO and PI entered against Jones by the Hon.  
27  
28

1 Virginia Phillips respectively on May 2, 2005 and May 23, 2005, and thus has  
2 placed Jones in civil contempt of the Court. Without admitting or denying the  
3 allegations of civil contempt made by the SEC, Jones hereby consents to the entry  
4 of this finding of civil contempt against him.  
5

6 2. In order to purge his contempt, Jones has agreed to an amended  
7 preliminary injunction with a broader prohibition of conduct, which is attached as  
8 Exhibit A. Upon Court approval of the amended injunction and entry by the Court,  
9 Jones will be subject to the Amended Preliminary Injunction, and his civil  
10 contempt will be deemed purged.  
11  
12

13 3. This Stipulation and Order shall not preclude the SEC, the Department of  
14 Justice, or any State authority from commencing any future civil or criminal  
15 investigations or proceedings against Jones or any other party.  
16

17 4. Upon execution of this Stipulation and Order and approval by the Court,  
18 the terms and obligations of this Stipulation and Order shall become effective  
19 immediately and shall be binding upon the SEC, Jones, and their successors and  
20 assigns.  
21

22 5. The District Court shall retain jurisdiction to address and take any action  
23 necessary to compel compliance with the terms and conditions of this Stipulation  
24 and Order.  
25

26 6. This Stipulation and Order is the entire agreement between the parties in  
27  
28

1 respect to the subject matter hereof and the signatories hereto hereby confirm and  
 2 acknowledge that they have full authority to execute this Stipulation and Order on  
 3 behalf of the respective parties and bind them to all of the terms hereof.  
 4

5 7. This Stipulation and Order may be signed in counterpart originals.

6 **SO AGREED AND STIPULATED:**

8 DATED: September \_\_\_\_, 2006


9 \_\_\_\_\_  
 10 Stephen L. Cohen  
 11 John Bulgozdy  
 12 Attorneys for Plaintiff  
 13 Securities and Exchange Commission

14 DATED: September 26, 2006

15 \_\_\_\_\_  
 16   
 17 Defendant Henry Jones

18 **APPROVED AS TO FORM AND CONTENT:**

19 DATED: <sup>Oct</sup> September 3, 2006

20 \_\_\_\_\_  
 21   
 22 John Cotton  
 23 Attorney for Defendant Henry Jones

24 **IT IS SO ORDERED:**

25 DATED: September \_\_\_\_, 2006

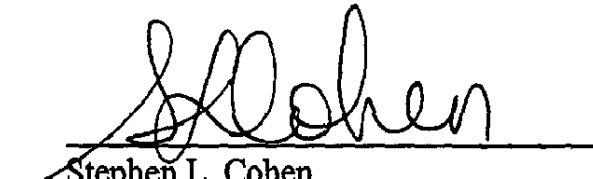
26 \_\_\_\_\_  
 27 Honorable Andrew J. Guilford  
 28 UNITED STATES DISTRICT JUDGE

1 respect to the subject matter hereof and the signatories hereto hereby confirm and  
2 acknowledge that they have full authority to execute this Stipulation and Order on  
3 behalf of the respective parties and bind them to all of the terms hereof.  
4

5 7. This Stipulation and Order may be signed in counterpart originals.

6 **SO AGREED AND STIPULATED:**

7  
8 DATED: October 4, 2006

9   
10 \_\_\_\_\_  
11 Stephen L. Cohen  
12 John Bulgozdy  
13 Attorneys for Plaintiff  
14 Securities and Exchange Commission

15  
16  
17 DATED: September \_\_\_\_, 2006

18 \_\_\_\_\_  
19 Defendant Henry Jones

20  
21  
22 **APPROVED AS TO FORM AND CONTENT:**

23 DATED: September \_\_\_\_, 2006

24 \_\_\_\_\_  
25 John Cotton  
26 Attorney for Defendant Henry Jones

27  
28 **IT IS SO ORDERED:**

DATED: October \_\_\_\_, 2006

\_\_\_\_\_   
Honorable Andrew J. Guilford  
UNITED STATES DISTRICT JUDGE

**EXHIBIT**

1 STEPHEN L. COHEN, *pro hac vice*  
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17 Attorneys for Plaintiff U.S. Securities  
18 and Exchange Commission

19 UNITED STATES DISTRICT COURT  
20 CENTRAL DISTRICT OF CALIFORNIA

BY FAX

21 SECURITIES AND EXCHANGE  
22 COMMISSION,

23 Plaintiff,

24 vs.

25 TRI ENERGY, INC., et al.

26 Defendants.

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

PLAINTIFF SECURITIES AND  
EXCHANGE COMMISSION'S AND  
DEFENDANTS HENRY JONES'  
AMENDED STIPULATION AND  
[PROPOSED] PRELIMINARY  
INJUNCTION AND ORDERS: (1)  
CONTINUING ASSET FREEZE; (2)  
APPOINTING A PERMANENT  
RECEIVER; (3) PROHIBITING THE  
DESTRUCTION OF DOCUMENTS;  
(4) REQUIRING ACCOUNTINGS

27 STIPULATION

28 Plaintiff Securities and Exchange Commission and Defendant Henry Jones

("Jones") stipulate and agree as follows:

A. This Court has jurisdiction over the parties to, and the subject matter of, this

1 action.

2 B. The Commission filed an Ex Parte Application For A Temporary  
3 Restraining Order And Orders: (1) Freezing Assets; (2) Requiring  
4 Accountings; (3) Prohibiting The Destruction Of Documents; (4) Expediting  
5 Discovery; (5) Appointing A Receiver; and (6) To Show Cause Re  
6 Preliminary Injunction (the "Application").

7 C. On May 2, 2005, the Court granted the Commission's Application in its  
8 entirety (the "TRO"), including an order that Defendants Jones and Marina  
9 show cause, if there be any, why this Court should not grant a preliminary  
10 injunction and other preliminary relief and why this Court should not appoint  
11 a permanent receiver pursuant to Rule 65 of the Federal Rules of Civil  
12 Procedure, until a final adjudication on the merits may be had;

13 D. On May 23, 2005, the Court entered a Stipulated Preliminary Injunction and  
14 Orders granting other relief.

15 E. Defendant Jones does not oppose the Commission's request for an amended  
16 preliminary injunction and appointment of a permanent receiver over  
17 Marina.

18 F. Without admitting or denying the allegations in the Commission's  
19 Complaint, Defendant consents to the following order:

20 **ORDER**

21 The Court has considered the Commission's Complaint, the Application, the  
22 supporting Memorandum of Points and Authorities, Declarations and Exhibits, the  
23 Motion for Contempt, and all other evidence and argument presented regarding the  
24 Application, and finds that:

25 A. This Court has jurisdiction over the parties to, and the subject matter of, this  
26 action.

27 B. There is good cause to believe that Defendant Jones has engaged in, is  
28 engaging in, and is about to engage in transactions, acts, practices and



1 courses of business which constitute violations of Sections 5(a), 5(c), and  
2 17(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. § 77q(a).

3 C. There is good cause to believe that Defendant Jones engaged in, is engaging  
4 in, and is about to engage in transactions, acts, practices and courses of  
5 business which constitute direct violations, or aiding and abetting violations,  
6 of Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act"),  
7 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

8 D. Good cause exists to believe that the Defendant Jones will continue to  
9 engage in such violations unless they are restrained and enjoined.

10 E. The Commission has demonstrated a probability of success on the merits in  
11 this action and a probability that Jones will dissipate assets if not enjoined.

12 F. Good cause exists to believe that Defendant Jones has, in fact, violated the  
13 TRO and Preliminary Injunction entered in May 2005.

14 **WHEREFORE, IT IS HEREBY ORDERED**, for good cause shown, as  
15 follows:

16 **I.**

17 IT IS ORDERED that the Commission's request for a preliminary  
18 injunction and orders: (1) freezing Assets; (2) appointing a permanent receiver; (3)  
19 prohibiting destruction of documents; and (4) requiring accountings is hereby  
20 **GRANTED.**

21 **II.**

22 IT IS FURTHER ORDERED that Defendant Jones and his agents,  
23 servants, employees, attorneys, subsidiaries and affiliates, and those persons in  
24 active concert or participation with any of them, who receive actual notice of this  
25 Order, by personal service or otherwise, and each of them, be and hereby are  
26 temporarily restrained and enjoined from, directly or indirectly, through the use of  
27 the means or instruments of transportation or communication in interstate  
28 commerce or the mails, offering to sell or selling securities, or directly or

1 indirectly, carrying or causing securities to be carried through the mails or in  
2 interstate commerce, for the purpose of sale or delivery after sale, in violation of  
3 Sections 5(a) and 5(c) of the Securities Act, 15 U.S.C. § 77(e)(a) and 77(e)(c).

4 **III.**

5 **IT IS FURTHER ORDERED** that Defendant Jones and his agents,  
6 servants, employees, attorneys, subsidiaries and affiliates, and those persons in  
7 active concert or participation with any of them, who receive actual notice of this  
8 Order, by personal service or otherwise, and each of them, be and hereby are  
9 temporarily restrained and enjoined from, directly or indirectly, in the offer or sale  
10 of any securities, by the use of any means or instruments of transportation or  
11 communication in interstate commerce or by the use of the mails:

- 12 A. employing any device, scheme or artifice to defraud;  
13 B. obtaining money or property by means of any untrue statement of a  
14 material fact or any omission to state a material fact necessary in order  
15 to make the statements made, in light of the circumstances under  
16 which they were made, not misleading; or  
17 C. engaging in any transaction, practice, or course of business which  
18 operates or would operate as a fraud or deceit upon the purchaser;

19 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

20 **IV.**

21 **IT IS FURTHER ORDERED** that Defendant Jones and his agents,  
22 servants, employees and attorneys, and those persons in active concert or  
23 participation with them who receive actual notice of this Order by personal service  
24 or otherwise, are temporarily restrained and enjoined from, directly or indirectly, in  
25 connection with the purchase or sale of any security, by the use of any means or  
26 instrumentality of interstate commerce, or of the mails, or of any facility of any  
27 national securities exchange:

- 28 A. employing any device, scheme, or artifice to defraud;

1 B. making any untrue statement of a material fact or omitting to state a  
2 material fact necessary in order to make the statements made, in the  
3 light of the circumstances under which they were made, not  
4 misleading; or  
5 C. engaging in any act, practice, or course of business which operates or  
6 would operate as a fraud or deceit upon any person;  
7 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule  
8 10b-5 thereunder, 17 C.F.R. § 240.10b and from aiding and abetting such  
9 violations.

10 V.

11 **IT IS FURTHER ORDERED that Defendant Jones and his agents,**  
12 **servants, employees, attorneys, and those persons in active concert or**  
13 **participation with them who receive actual notice of this Judgment, by**  
14 **personal service or otherwise, and each of them, are permanently enjoined**  
15 **and restrained from, directly or indirectly, any involvement in, or conduct**  
16 **facilitating or relating in any way to, investing or soliciting investment in any**  
17 **program purporting to involve coal or a coal mine operation, an international**  
18 **gold transaction, or an international banking transaction, with or from any**  
19 **participant, officer, director, or investor in Tri Energy Inc., H&J Energy Inc.,**  
20 **La Vie D'Argent, Global Village Records, or Marina Investors Group, Inc.**  
21 **This paragraph does not preclude cooperation with the Commission or the**  
22 **receiver in the operation of, or attempts to recover monies related to, any of**  
23 **the entities listed above.**

24 VI.

25 **Asset Freeze**

26 **IT IS FURTHER ORDERED that, except as otherwise ordered by this**  
27 **Court, Defendant Jones and his agents, servants, employees, attorneys, subsidiaries**  
28 **and affiliates, and those persons in active concert or participation with any of them,**

1 who receive actual notice of this Order, by personal service or otherwise, and each  
2 of them, be and hereby are temporarily restrained and enjoined from, directly or  
3 indirectly withdrawing, transferring, assigning, selling, pledging, hypothecating,  
4 changing, wasting, dissipating, converting, concealing, encumbering, or otherwise  
5 disposing of, in any manner, any funds, assets, securities, claims, or other real or  
6 personal property, wherever located, of Defendant Jones, whether owned by,  
7 controlled by, managed by or in the possession or custody of any of them, which  
8 was frozen pursuant to the Court's May 2, 2005, TRO, except as otherwise ordered  
9 by the Court.

10 **VII.**

11 **IT IS FURTHER ORDERED**, pending further Order of this Court or  
12 except as otherwise provided by this Order, that the pending freeze shall remain in  
13 place over all monies and assets (with an allowance for necessary and reasonable  
14 living expenses to be granted only upon good cause shown by application to the  
15 Court with notice to and an opportunity for the Commission and the permanent  
16 receiver to be heard) including real and personal property and accounts at any  
17 bank, financial institution or brokerage firm, all certificates of deposit, safe deposit  
18 boxes, and other funds or assets, held in the name of, for the benefit of, or over  
19 which account authority is held by Defendants Jones and Marina Investors Group,  
20 or any trust, partnership, joint venture, person or entity affiliated with them  
21 (including subsidiaries), including but not limited to:

- 22 A. real property (to the extent not already sold) located at (1) 830 Harbor  
23 Crossing, Marina del Ray, CA; and (2) 7423 Hannan Avenue, Culver  
24 City, CA.

1 B. the following accounts:

2

3

Institution Name	Account	Account Number
4 Bank of America	Marina Investors Group, Inc.	08510-04554
5 Bank of America	Marina Investors Group, Inc.	08516-04556
6 Bank of America	Marina Investors Group, Inc.	03396-06619
7 Bank of America	Marina Investors Group, Inc.	03391-60220
8 Bank of America	Yaketerina Jones	21388-60617
9 Bank of America	Jessica Jones	09144-03723

10

11

12 C. the following automobiles (to the extent not already sold): (1) 2004  
13 Mercedes CLK 500; (2) 2005 Ferrari Spider; (3) 1987 Daimler Jaguar;  
14 (4) 1989 Rolls Royce Corniche; (5) Mercedes Benz ML 350; (6) 2000  
15 GMAC Cadillac; (7) Porsche Cayenne; and (8) other vans, limousines  
16 and other vehicles owned or controlled by Jones or Marina.

17 D. All assets identified by the receiver in his report.

18 Upon request by the Commission or the Receiver, financial institutions shall  
19 promptly provide copies of all records or other documentation pertaining to such  
20 account or asset, including, but not limited to, originals or copies of account  
21 applications, account statements, signature cards, checks, drafts, deposit tickets,  
22 transfers to and from the accounts, all other debit and credit instruments or slips,  
23 currency transaction reports, 1099 forms, and safe deposit box logs.

24 **VIII.**

25 **Appointment of a Receiver**

26 IT IS FURTHER ORDERED that, pending further order of this Court,  
27 Richard Weissman remains permanent receiver of Defendant Marina Investors  
28 Group, Inc., and its subsidiaries and affiliates, including but not limited to

1 Marina Investors Group and MIG Records, with full powers of an equity receiver,  
2 including, but not limited to, full power over all funds, assets, collateral, premises  
3 (whether owned, leased, occupied, or otherwise controlled), choses in action,  
4 books, records, papers and other real or personal property, including notes, deeds  
5 of trust and other interests in real property, belonging to, being managed by or in  
6 the possession of or control of Marina, any subsidiaries, affiliates, joint ventures or  
7 other entities for which Marina is the managing general partners or in control, and  
8 that such receiver is immediately authorized, empowered and directed:

9       A. to have access to and to collect and take and retain custody, control,  
10 possession, and charge of all funds, assets, collateral, premises  
11 (whether owned, leased, occupied, or otherwise controlled), choses in  
12 action, books, records, papers and other real or personal property,  
13 wherever located, of or managed by Marina, and their subsidiaries and  
14 affiliates, with full power to sue, foreclose, marshal, collect, receive,  
15 and take into possession all such property;

16       B. with respect to real property administered by the receiver titled in the  
17 name of Marina or Jones, to list for sale, engage a broker for sale,  
18 cause the sale of such properties, and take all necessary and  
19 reasonable actions to cause the sale of such real properties, subject to  
20 court approval of such sale;

21       C. to have control of, and be made the sole authorized signatory for, all  
22 accounts of Marina, and its subsidiaries and affiliates, including all  
23 accounts over which Marina or Jones, and any of their employees or  
24 agents, have signatory authority, at any bank, title company, escrow  
25 agent, financial institution or brokerage firm which has possession,  
26 custody or control of any assets or funds of Marina or Jones, or which  
27 maintains accounts over which Marina or Jones, and/or any of their  
28 employees or agents have signatory authority;

1 D. to conduct such investigation and discovery as may be necessary to  
2 locate, account for and recover all of the assets of (and to account for  
3 and pursue recovery of the losses of) Marina or Jones, and their  
4 subsidiaries and affiliates and to engage and employ attorneys,  
5 accountants and other persons to assist in such investigation and  
6 discovery;

7 E. to take such action as is necessary and appropriate to preserve and  
8 take control of and to prevent the dissipation, concealment, or  
9 disposition of any assets of or managed by Marina or Jones, and their  
10 subsidiaries and affiliates; however, as deemed necessary and  
11 appropriate by the receiver, to sell, liquidate or otherwise dispose of  
12 any assets owned or possessed by Marina or Jones and their  
13 subsidiaries and affiliates, including but not limited to MIG Records,  
14 even if such actions result in the termination of such company's  
15 business activities;

16 F. to make an accounting, as soon as practicable, to this Court and the  
17 Commission of the assets and financial condition of Marina and  
18 Jones, and the assets under their management, and to file the  
19 accounting with the Court and deliver copies thereof to all parties;

20 G. to make such payments and disbursements from the funds and assets  
21 taken into custody, control, and possession or thereafter received by  
22 him, and to incur, or authorize the making of, such agreements as may  
23 be necessary and advisable in discharging his duties as receiver;

24 H. to employ attorneys, accountants and others to investigate and, where  
25 appropriate, to institute, pursue, and prosecute all claims and causes of  
26 action of whatever kind and nature which may now or hereafter exist  
27 as a result of the activities of Marina or past employees or agents of  
28 Marina;

1 I. to have access to, monitor and redirect all mail (including email and  
2 facsimile) of Marina in order to review such mail which he or she  
3 deems relates to the business of Marina and the discharging of his  
4 duties as receiver; and

5 J. take such further action as the Court shall deem equitable, just and  
6 appropriate under the circumstances upon proper application of the  
7 permanent receiver.

8 IX.

9 IT IS FURTHER ORDERED that, upon access to and control of any  
10 of Defendants' property or records pursuant to this Order by the permanent  
11 receiver, representatives of the Commission are authorized to have equal access to  
12 inspect or copy any such books, records, and other documents of Defendants  
13 Marina or Jones, and their agents including, but not limited to, paper documents,  
14 electronically stored data, tape recordings, and computer discs, wherever they may  
15 be situated and regardless of whether they are in the possession of the Defendants,  
16 or others, so long as they are in the possession, custody or control of the permanent  
17 receiver, and to copy said documents, data and records, either on or off the  
18 premises where they may be situated, and that Defendants shall not interfere with  
19 the access of representatives of the Commission to all such documents, books and  
20 records.

21 X.

22 IT IS FURTHER ORDERED that no officer, agent, servant,  
23 employee, or attorney of Marina, or its subsidiaries or affiliates, shall take any  
24 action or purport to take any action, in the name of or on behalf of Marina, or any  
25 of their subsidiaries or affiliates, without the written consent of the permanent  
26 receiver or order of this Court.

27 XI.

28 IT IS FURTHER ORDERED that, except by leave of this Court,





1 directly or indirectly, to hinder, obstruct, or otherwise interfere with the receiver or  
2 his attorneys, accountants, employees or agents, in the conduct of the permanent  
3 receiver's duties or to interfere in any manner, directly or indirectly, with the  
4 custody, possession, management, or control by the permanent receiver of the  
5 funds, assets, collateral, premises, and choses in action described above.

6 **XIII.**

7 **IT IS FURTHER ORDERED** that Defendants Marina and Jones shall  
8 pay the costs, fees and expenses of the permanent receiver incurred in connection  
9 with the performance of his duties described in this Order, including the costs and  
10 expenses of those persons who may be engaged or employed by the permanent  
11 receiver to assist him in carrying out his duties and obligations. All applications  
12 for costs, fees and expenses for services rendered in connection with the  
13 receivership, such as salaries, rent and any and all other reasonable operating  
14 expenses, shall be made by application setting forth in reasonable detail the nature  
15 of the services and shall be heard by the Court.

16 **XIV.**

17 **IT IS FURTHER ORDERED** that no bond shall be required in  
18 connection with the appointment of the permanent receiver. Except for an act of  
19 gross negligence, the permanent receiver shall not be liable for any loss or damage  
20 incurred by any of the Defendants, Relief Defendants, their officers, agents,  
21 servants, employees and attorneys or any other person, by reason of any act  
22 performed or omitted to be performed by the permanent receiver in connection  
23 with the discharge of his duties and responsibilities.

24 **XV.**

25 **Order Preventing Document Destruction**

26 **IT IS FURTHER ORDERED** that, except as otherwise ordered by this  
27 Court, Defendant Jones and his officers, agents, servants, employees, attorneys,  
28 subsidiaries and affiliates, and those persons in active concert or participation with

1 any of them, who receive actual notice of this Order, by personal service or  
2 otherwise, and each of them, be and hereby are temporarily restrained and enjoined  
3 from, directly or indirectly: destroying, mutilating, concealing, transferring,  
4 altering, or otherwise disposing of, in any manner, any documents, which includes  
5 all books, records, computer programs, computer files, computer printouts, audio  
6 or video tapes, contracts, correspondence, memoranda, brochures, or any other  
7 documents of any kind in their possession, custody or control, however, create,  
8 produced, or stored (manually, mechanically, electronically, or otherwise),  
9 pertaining in any manner to Defendants or Relief Defendants in this action.

10 **XVI.**

11 **Accounting**

12 **IT IS FURTHER ORDERED** that, within twenty (20) days of the date  
13 of issuance of this Order, Defendant Jones shall:

- 14 A. Provide the Commission with a verified, written accounting, signed  
15 by Defendant Jones under penalty of perjury, of all funds, assets and  
16 liabilities including: all real and personal property exceeding \$5,000  
17 in value, located both within and outside of the United States, which  
18 are held by such Defendant, on their behalf, or under their direct or  
19 indirect control, whether jointly or singly, or in which they have an  
20 interest; all funds and assets that each Defendant received from  
21 investors or Tri Energy and the ultimate use or current location of  
22 those funds or assets. The accountings shall include a description of  
23 the source(s) of all such assets; and all bank, securities, futures and  
24 other accounts controlled by Defendant, directly or indirectly,  
25 identified by institution, branch address and account number;
- 26 B. Provide the Commission with full access to and permit copying of all  
27 documents both within and outside of the United States which are  
28 held by them, on their behalf, or under their direct or indirect control,

1 or relate to a corporate or partnership entity in which they have an  
2 interest, specifically including all tax records from 2002 to present;

3 C. Transfer to the territory of the United States all funds, documents, and  
4 assets located in foreign countries which are held by them, for their  
5 benefit, or under their direct or indirect control, whether jointly or  
6 singly;

7 D. Provide the Commission access to all records held by financial  
8 institutions located both within and outside the territorial United  
9 States by signing a Consent to Release of Financial Records; and

10 E. Provide the Commission with a complete investor list, including,  
11 without limitation, the names, addresses and telephone numbers of all  
12 persons who transferred funds to the Defendant from July 1, 2002 to  
13 the present, and the amounts received, whether or not those investors  
14 have received funds from Defendants.

15 The accountings and investor list shall be filed with the Court and copies shall be  
16 delivered to the attention of Stephen L. Cohen, Assistant Chief Litigation Counsel,  
17 100 F Street, NE, Washington, D.C. 20549-4030. After submission of the  
18 accountings and investor list, Defendant Jones shall produce to the Commission, at  
19 a time and place agreeable to the Commission, all books, records and other  
20 documents called for in ¶¶ B, C and D above or that are supporting or underlying  
21 documents for their accountings.

## 22 XVII.

### 23 Service on the Commission

24 IT IS FURTHER ORDERED that the Defendants Marina and Jones  
25 shall serve all pleadings, correspondence, and notices required by this Order and  
26 other materials on the Commission by delivering a copy to Stephen L. Cohen,  
27 Assistant Chief Litigation Counsel, Division of Enforcement, United States  
28 Securities and Exchange Commission, 100 F Street, N.E., Washington DC, 20549-

1 4030.

2 XVIII.

3 IT IS FURTHER ORDERED that this Court shall retain jurisdiction  
4 over this action for the purpose of implementing and carrying out the terms of all  
5 orders and decrees which may be entered herein and to entertain any suitable  
6 application or motion for additional relief within the jurisdiction of this Court.

7 SO AGREED AND STIPULATED:

8  
9 DATED: September \_\_\_\_, 2006

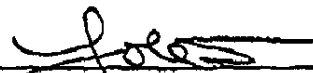
10 \_\_\_\_\_  
11 Stephen L. Cohen  
12 John Bulgozdy  
13 Attorneys for Plaintiff  
14 Securities and Exchange Commission

15 DATED: September 26th 2006

16 \_\_\_\_\_  
17   
18 Defendant Henry Jones

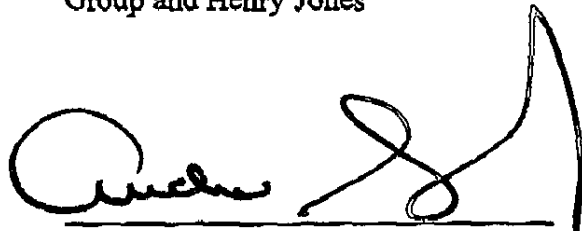
19 APPROVED AS TO FORM AND CONTENT:

20 Olson  
21 DATED: September 3, 2006

22 \_\_\_\_\_  
23   
24 John Cotton  
25 Attorney for Defendants Marina Investors  
26 Group and Henry Jones

27 IT IS SO ORDERED:

28 Oct. 6  
DATED: September \_\_\_\_, 2006

\_\_\_\_\_   
Honorable Andrew J. Guilford  
UNITED STATES DISTRICT JUDGE

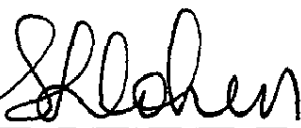
1 4030.

2 **XVIII.**

3 IT IS FURTHER ORDERED that this Court shall retain jurisdiction  
4 over this action for the purpose of implementing and carrying out the terms of all  
5 orders and decrees which may be entered herein and to entertain any suitable  
6 application or motion for additional relief within the jurisdiction of this Court.

7 **SO AGREED AND STIPULATED:**

8  
9 DATED: October 4, 2006

  
\_\_\_\_\_  
10 Stephen L. Cohen  
11 John Bulgozdy  
12 Attorneys for Plaintiff  
13 Securities and Exchange Commission

14 DATED: September \_\_\_\_, 2006

\_\_\_\_\_  
15 Defendant Henry Jones

16  
17  
18 **APPROVED AS TO FORM AND CONTENT:**

19  
20 DATED: September \_\_\_\_, 2006

\_\_\_\_\_  
21 John Cotton  
22 Attorney for Defendants Marina Investors  
23 Group and Henry Jones

24 **IT IS SO ORDERED:**

25  
26 DATED: October \_\_\_\_, 2006

\_\_\_\_\_  
27 Honorable Andrew J. Guilford  
28 UNITED STATES DISTRICT JUDGE