

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

AUG 24 2017

RICK WARREN
COURT CLERK
36_____

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
v.)
)
Nick's Oil & Gas Corporation, an)
unincorporated association;)
Semper Fidelis Exploration & Production,)
LLC, a Texas limited liability company;)
Harbor Resources, LLC, a)
dissolved Texas limited liability company;)
BTJ Consulting, Inc., a Texas corporation;)
and Nicholas P. Yukich, III, an individual,)
)
Defendants.)

Case No. CJ-2016-2884
Judge Aletia H. Timmons

JUDGMENT

This action came on for hearing before the Court on the motion of Plaintiff, Oklahoma Department of Securities ("Department"), ex rel. Irving L. Faught, Administrator, for summary judgment against Defendants Nick's Oil & Gas Corporation ("NOG"), Semper Fidelis Exploration & Production, LLC ("SFEP") and Nicholas P. Yukich, III ("Yukich") (collectively, the "Defendants").

The Department validly served its *Motion for Summary Judgment* (the "Motion") on the Defendants, via personal process, on July 1, 2015. To date, no response to the Motion has been filed, the time to do so has expired, and, therefore, each material fact submitted in the Motion is deemed admitted.

Based upon the statements filed in support of the Motion, the Court finds that there is no substantial controversy as to the following material facts:

1. Yukich is the president, sole owner and control person of NOG and SFEP.
2. The Defendants offered and sold securities, as defined in the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011), in and/or from Oklahoma.
3. The securities offered and sold by the Defendants have not been registered pursuant to Section 1-301, and are not the subject of any exemption notice filing under Sections 1-201 through 1-203, of the Act.
4. NOG and SFEP are issuers as defined in Section 1-102(19) of the Act.
5. Yukich, William Jackson and Steve Diamond are agents as defined in Section 1-102(2) of the Act (the "Agents").
6. NOG and SFEP employed and associated with the Agents who transacted business on their behalf in this state.
7. The Agents have not been registered pursuant to Section 1-402(A), and are not exempt from registration pursuant to Section 1-402(B) of the Act.
8. Defendants made untrue statements of material fact in connection with the offer and sale of securities.
9. Defendants omitted to state material facts in connection with the offer and sale of securities.

Based upon the aforementioned material facts to which no substantial controversy exists, the Court finds that Plaintiff is entitled to judgment as a matter of law as to all its claims, to wit:

1. Defendants offered and sold securities in and/or from this state in violation of Section 1-301 of the Act.
2. Defendants NOG and SFEP employed or associated with unregistered agents who transacted business on their behalf in this state in violation of Section 1-402(D) of the Act.
3. Defendants made untrue statements of material fact and omissions of material fact in connection with the offer and sale of securities in violation of Section 1-501(2) of the Act.
4. Defendants engaged in an act, practice or course of business which operated or would operate as a fraud or deceit upon other persons in violation of Section 1-501(3) of the Act.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendants, and any entity the Defendants own and/or control, are permanently restrained and enjoined from transacting business in and/or from Oklahoma as an issuer, issuer agent, broker-dealer or broker-dealer agent or otherwise offering or selling securities in and/or from Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants shall make restitution, in amounts and to investors to be determined by this Court, with interest accruing thereon at the statutory rate from the date this judgment is entered until paid in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants shall disgorge any and all ill-gotten gains in amounts to be determined by this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any order of restitution, made pursuant to this judgment, be enforceable by the Plaintiff and/or each investor to which such restitution is owed.

THIS ORDER IS ENTERED this 24th day of August, 2017, at 9:00, a.m.

ALETIA HAYNES TIMMONS
DISTRICT COURT JUDGE

CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

AUG 24 2017

RICK WARREN COURT CLERK
Oklahoma County

Rick Warren

APPROVED



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