

IN THE DISTRICT COURT OF PONTOTOC COUNTY  
STATE OF OKLAHOMA

FILED  
Book \_\_\_\_\_ Page \_\_\_\_\_

DEC 31 2003

JANIS ROWSEY, Court Clerk  
Pontotoc County, Oklahoma

By \_\_\_\_\_  
Deputy

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator, )

Plaintiff, )

v. )

Yankee Financial Group, Inc., )  
Vasiliy Kouznetsov *aka* David Anderson, )  
Gary J. Giordano, and )  
Richard Francis Kresge, )

Defendants. )

Case No. C-03-586

**MOTION FOR DEFAULT JUDGMENT**

Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, moves this Court to issue judgment by default in its favor and against Defendant, Gary J. Giordano ("Giordano"). In support of this motion Plaintiff states as follows:

1. On the 27th day of October, 2003, defendants were served with petition and summons by personal process server.
2. As of the 31<sup>st</sup> day of December, 2003, Defendant Giordano has failed to answer or otherwise plead to the petition, and his time for doing so has expired.
4. Plaintiff is entitled to judgment as requested in its petition.

WHEREFORE, Plaintiff prays that judgment by default be entered in its favor and against Giordano for:

1. a permanent injunction, forever enjoining, restraining and prohibiting Giordano, directly or indirectly, from issuing, offering or selling any security in and/or from the state of Oklahoma; and

2. restitution and interest of 10% per annum to Warren Bates who purchased securities from Defendants, the total amount to be determined in a subsequent evidentiary hearing as ordered by the Court.

Respectfully submitted,

**OKLAHOMA DEPARTMENT OF SECURITIES  
IRVING L. FAUGHT, ADMINISTRATOR**

By: Rebecca A. Cryer

Rebecca Cryer OBA #2065

Oklahoma Department of Securities

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Attorney for Plaintiff