

filed their Complaint for Injunctive and Other Equitable Relief and for Civil Penalties Under the Commodity Exchange Act and the Oklahoma Uniform Securities Act (“Complaint”). The Court’s clerk issued a corresponding Summons for Lee on the same day (“Lee Summons”). On November 23, 2009, Lee was properly served with the Lee Summons and the Complaint. Pursuant to FRCP 12, Lee had until December 14, 2009 to answer or otherwise defend in response to the Complaint. To date, Lee has not done so. Therefore, the clerk must enter Lee’s default.

WHEREFORE, the Commission respectfully requests that the Court grant this Motion and enter the [Proposed] Order of Clerk’s Entry of Default Against Defendant Kenneth Wayne Lee.

Date: January 14, 2010

Respectfully submitted,

ATTORNEYS FOR THE PLAINTIFF
U.S. COMMODITY FUTURES TRADING
COMMISSION

/s/ Katherine S. Driscoll

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

U.S. COMMODITY FUTURES)
TRADING COMMISSION and)
OKLAHOMA DEPARTMENT OF)
SECURITIES *ex rel.* IRVING L.)
FAUGHT,)

Plaintiffs,)

v.)

PRESTIGE VENTURES CORP., a)
Panamanian corporation,)
FEDERATED MANAGEMENT)
GROUP, INC., a Texas corporation,)
KENNETH WAYNE LEE, an)
individual, and SIMON YANG (a/k/a)
XIAO YANG a/k/a SIMON CHEN), an)
individual,)

Defendants.)

CASE NO. CIV-09-1284-R

DECLARATION OF KATHERINE S.
DRISCOLL PURSUANT TO 28 U.S.C.
§ 1746 IN SUPPORT OF MOTION
AND BRIEF IN SUPPORT FOR
CLERK’S ENTRY OF DEFAULT
AGAINST DEFENDANT KENNETH
WAYNE LEE

I, Katherine S. Driscoll, hereby declare as follows:

1. I am a Trial Attorney employed by Plaintiff U.S. Commodity Futures Trading Commission (“Commission”) located at 1155 21st Street NW, Washington, DC 20581. I make this declaration in support of the Commission’s Motion and Brief in Support for Clerk’s Entry of Default Against Defendant Kenneth Wayne Lee (“Lee”). The facts contained herein are within my personal knowledge.

2. On November 20, 2009, the Commission and the Oklahoma Department of Securities *ex rel.* Irving L. Faught filed their complaint against Prestige Ventures Corp., Federated Management Group, Inc., Lee, and Simon Yang in the United States District Court for the Western

District of Oklahoma (“Complaint”). The Court’s clerk issued a corresponding Summons on the same day (“Lee Summons”).

3. On November 23, 2009, a licensed process server personally delivered the Lee Summons and the Complaint to Lee pursuant to Rule 4(c) of the Federal Rules of Civil Procedure and Okla. Stat. tit. 12, § 2004(C)(1)(a).

3. To date, Lee has not pleaded or otherwise defended in response to the Complaint.

4. Lee is neither an infant nor incompetent.

5. Lee currently is not in the military service of the United States of America.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: January 14, 2010

Respectfully submitted,

/s Katherine S. Driscoll

Katherine S. Driscoll

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