

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Case No. 5:03-CR-40142-JAR
	)	
DAVID C. WITTIG and	)	
DOUGLAS T. LAKE,	)	
	)	
Defendants.	)	

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WESTAR ENERGY, INC.,	)	
	)	
Petitioner.	)	

**CORRECTED FINAL ORDER OF FORFEITURE AS TO DOUGLAS T. LAKE**

This matter comes before the Court on the Petition of Westar Energy, Inc. For a Determination of Rights to Property Identified in this Court’s “Joint Proposed Preliminary Order of Forfeiture as to Douglas T. Lake”, filed October 27, 2005 (hereinafter “Petition”), and the Joint Motion of the United States and Westar Energy, Inc. for Entry of Final Order of Forfeiture as to Douglas T. Lake, filed March 3, 2006 (hereinafter “Joint Motion”) .

On September 28, 2005, the Court entered the “Joint Proposed Preliminary Order of Forfeiture as to Douglas T. Lake (hereinafter “Preliminary Order of Forfeiture”). In the Preliminary Order of Forfeiture, the Court found in accordance with the jury’s verdicts as to Defendant Lake on Counts 1, 17-18, 20-22 and 40, that any right title or interest Defendant Lake may have or claim to have in the following property was subject to forfeiture:

Item 1:           Guardian restricted stock unit dividends in the amount of  
\$148,820.00.

- Item 2: unpaid Westar Stock units for compensation, in the amount of 3166 units, plus Westar Dividends in the amount of \$25.23.
- Item 3: unpaid Redeemed Guardian Series C Stock units in the amount of \$1,575,000.00.
- Item 4: unpaid Guardian Series D in the amount of 717 stock units and unpaid Guardian Series E in the amount of 2207 stock units.
- Item 5: unpaid Guardian Cash Dividends (Series C and E) in the amount of \$620,235.00.
- Item 6: unpaid benefits claimed by the defendant as a result of a Qualified Termination.
- Item 7: restricted share units outstanding (not vested) of Guardian Series D in the amount of 3,537 shares.
- Item 8: restricted share units outstanding (not vested) of Guardian Series E in the amount of 235 shares.
- Item 9: any arbitration award granted to Lake, jointly or individually, arising out of his employment at Westar and any subsidiary or affiliate company (which does **not** include the \$1,412,827.53 that Westar transferred to Lake pursuant to an order of the arbitration panel awarding Lake reimbursement of attorneys fees and expenses incurred in the arbitration and that was placed in an escrow account held by Hughes, Hubbard & Reed LLP)

(Preliminary Order of Forfeiture at 1-3.) (These items are collectively referred to hereinafter as the “Property.”)

On October 27, 2005, Westar Energy, Inc. filed the Petition asserting an interest in the Property. No other party asserted an interest in the Property within the time period provided for in 21 U.S.C. § 853(n).

On March 3, 2006, the United States and Westar Energy, Inc. filed the Joint Motion for Entry of Final Order of Forfeiture as to Douglas T. Lake indicating that they have reached an agreement on the disposition of the Property identified in the Preliminary Order of Forfeiture.

IT IS HEREBY ORDERED AND ADJUDGED THAT, based on the agreement in the Joint Motion that Westar Energy, Inc. has title to the Property superior to any interest the United States obtained through forfeiture of any interest Defendant Lake had in the Property, any interest the United States has in the Property is transferred and released to Westar Energy, Inc.

IT IS FURTHER ORDERED AND ADJUDGED THAT Westar Energy, Inc. shall hold the Property, or any proceeds thereof, pending the disposition of any appeals of final judgment entered in this case.

SO ORDERED this 31<sup>st</sup> day of March, 2006.

S/ Julie A. Robinson

Julie A. Robinson  
United States District Judge

Approved as to Form:

UNITED STATES OF AMERICA

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