

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

COMMODITY FUTURES TRADING COMMISSION,)	
)	Case. No. 1 02-CV-1381
)	
Plaintiff,)	(Proposed)
)	Preliminary Injunction
)	Enjoining Defendants
)	From Violating the
v.)	Commodity Exchange
)	Act, as Amended,
ADVENT CAPITAL PARTNERS, LTD. and)	7 U.S.C. §§ 1 et. seq.
SAMUEL DALEY)	
)	
)	
)	
Defendants.)	
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Plaintiff, Commodity Futures Trading Commission ("Commission"), has filed a complaint for permanent injunction and other relief, and moved pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction. The Court has considered the pleadings, declarations, exhibits, and memorandum filed in support of the Commission's motion for preliminary injunction, and any opposition thereto. As it appears to the Court that there is good cause to believe that Defendants Advent Capital Partners, Ltd., and Samuel Daley have engaged, are engaging in or are about to engage in violations of the Commodity Exchange Act, as amended, 7 U.S.C. §§ 1 et. seq., and that this is a proper case for granting a Preliminary Injunction to preserve the status quo, protect public customers

from further loss and damage, and enable the Commission to fulfill its statutory duties, the Court orders as follows:

RELIEF GRANTED

I.

***Prohibition From Violations of the
Act and Regulations***

IT IS HEREBY ORDERED that the Defendants, all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns, or attorneys of the Defendants, and all persons insofar as they are acting in active concert or participation with the Defendants who receive actual notice of this order by personal service or otherwise, shall be prohibited and restrained from:

A. Directly or indirectly offering to enter into, entering into, executing, confirming the execution of, or conducting an office or business in the United States for the purpose of soliciting, accepting any order for, or otherwise dealing in transactions in, or in connection with, a contract for the purchase or sale of a commodity for future delivery when such transactions have not been (a) conducted on or subject to the rules of a board of trade which has been designated by the Commission as a contract market or derivatives transaction execution facility for such commodity; (b) executed or

consummated by or through a contract market; and (c) evidenced by a record in writing which shows the date, the parties to the contract and their addresses, the property covered and its price, and the terms of delivery, in violation of Section 4(a) of the Commodity Exchange Act, as amended by the Commodity Futures Modernization Act of 2000 ("CFMA"), Appendix E of Pub. L. No. 106-554, 114 Stat. 2763, 7 U.S.C. § 6(a) (2000); and

B. Soliciting or accepting funds from prospective and current investors; trading commodity futures contracts or options on futures contracts on any exchange; and marketing and/or selling any seminars or materials relating to trading of commodity futures or options on commodity futures.

II.

Force and Effect

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until further order of this Court, and that this Court retains jurisdiction of this matter for all purposes. The *ex parte* Statutory Restraining Order previously ordered by the Court shall remain in full force and effect until further order of this Court.

SO ORDERED, at Atlanta, Georgia on this 4th day of May, 2002, at _____ .m.

UNITED STATES DISTRICT JUDGE