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8 202-418-5372 (Barrett)  
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FILED  
CLERK, U.S. DISTRICT COURT  
OCT - 6 2003  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY

ORIGINAL

10 Attorneys for Plaintiff  
11 Commodity Futures Trading Commission

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 Commodity Futures Trading Commission, ) Case No. SACV 03-1454-JVS(MLGx)  
15 )  
16 Plaintiff, ) ~~(PROPOSED)~~  
17 ) EX PARTE STATUTORY  
18 v. ) RESTRAINING ORDER, AND  
19 ) ORDER TO SHOW CAUSE  
20 ) REGARDING PRELIMINARY  
21 ) INJUNCTION  
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1 This matter came on for hearing on Oct 6, 2003 on the Application  
2 without notice of Plaintiff, Commodity Futures Trading Commission (the  
3 "Commission" or "Plaintiff"), for an *ex parte*: (1) Statutory Restraining Order and (2)  
4 Order to Show Cause Regarding Preliminary Injunction (the "Application"). The  
5 Court, having considered the Commission's Complaint, Application, Memorandum  
6 of Points and Authorities, Exhibits, other materials, all other evidence presented by  
7 Plaintiff filed herein, and having heard the arguments of Plaintiff's counsel, finds  
8 that:

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2003 OCT - 6 AM 10:16  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA  
BY [Signature]



1 reasonably usable form. A draft or non-identical copy is a separate document  
2 within the meaning of the term.

3 7. "Assets" means any legal or equitable interest in, right to, or claim to,  
4 any real or personal property, including but not limited to: chattels, goods,  
5 instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or  
6 other deliveries, inventory, checks, notes, accounts including bank accounts and  
7 accounts at financial institutions, credits, receivables, lines of credit, contracts  
8 including spot and futures contracts, insurance policies, and all cash, wherever  
9 located.

10 8. "Defendants" means FX First, Inc., Alexey Mironov and William  
11 Whyte, currently residing and/or conducting business in Orange County,  
12 California.

### 13 **RELIEF GRANTED**

#### 14 **I.**

#### 15 **Order Against Transfer, Dissipation, and Disposal of Assets**

16 **IT IS HEREBY ORDERED** that

17 9. Defendants, their agents, servants, employees, attorneys, and persons in  
18 active concert or participation with it who receive notice of this Order in accordance  
19 with Section IX of this Order, and except as otherwise ordered by this Court, are  
20 restrained and enjoined from directly or indirectly transferring, selling, alienating,  
21 liquidating, encumbering, pledging, leasing, loaning, assigning, concealing,  
22 dissipating, converting, withdrawing, or otherwise disposing of any assets,  
23 wherever located, including assets held outside the United States, except as  
24 provided in Paragraph III of this Order, or as otherwise ordered by the Court. The  
25 assets affected by this paragraph shall include both existing assets and assets acquired  
26 after the effective date of this Order wherever located.  
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1 entity to whom such account or other asset was remitted; and (c) the identification  
2 of any safe deposit box that is either titled in the name, individually or jointly, of  
3 Defendants or is otherwise subject to access by Defendants; and

4 14. Upon request by the Commission, promptly provide the Commission  
5 with copies of all records or other documentation pertaining to such account or  
6 asset, including, but not limited to, originals or copies of account applications,  
7 account statements, signature cards, checks, drafts, deposit tickets, transfers to and  
8 from the accounts, all other debit and credit instruments or slips, currency  
9 transaction reports, 1099 forms, and safe deposit box logs

### 10 **III.**

#### 11 **Accounting and Transfer of Funds and Documents Held in Foreign Countries**

12 **IT IS FURTHER ORDERED** that within five (5) business days following  
13 the service of this Order, Defendants shall:

14 15. Provide the Commission with a full accounting of all funds, assets and  
15 documents outside of the United States held by them, for their benefit, or under  
16 their direct or indirect control, whether jointly or singly;

17 16. Transfer to the territory of the United States all funds, assets and  
18 documents located in foreign countries which are held by them, for their benefit, or  
19 under their direct or indirect control, whether jointly or singly; and

20 17. Provide the Commission access to all records of Defendants held by  
21 financial institutions located outside the territorial United States by signing the  
22 Consent to Release of Financial Records attached to this Order.

### 23 **IV.**

#### 24 **Maintenance of Business Records**

25 **IT IS FURTHER ORDERED** that:

26 18. Defendants and all persons or entities who receive notice of this  
27 Order, are restrained and enjoined from directly or indirectly destroying,  
28

1 mutilating, erasing, altering, concealing or disposing of, in any manner, directly or  
2 indirectly, any documents that relate to the business practices or business or  
3 personal finances of Defendants.

4 **V.**

5 **Inspection and Copying of Books and Records**

6 **IT IS FURTHER ORDERED** that:

7 19. Representatives of the Commission be immediately allowed to inspect  
8 the books, records, and other documents of Defendants and their agents including,  
9 but not limited to, electronically stored data, tape recordings, and computer discs,  
10 wherever they may be situated and whether they are in the possession of  
11 Defendants or others, and to copy said documents, data and records, either on or  
12 off the premises where they may be situated; and

13 20. Defendants and their agents, servants, employees, attorneys, and  
14 persons in active concert or participation with them who receive notice of this Order,  
15 shall cooperate fully with the Commission to locate and provide to representatives of  
16 the Commission all books and records of Defendants, wherever such books and  
17 records may be situated.

18 **VI.**

19 **Power To Appoint A Receiver**

20 **IT IS FURTHER ORDERED THAT:**

21 21. The Commission shall have the authority and discretion to appoint a  
22 Receiver to take possession of the assets and property of Defendants.

23 **VII.**

24 **Bond Not Required of Plaintiff**

25 **IT IS FURTHER ORDERED** that:

26 22. Plaintiff Commission is an agency of the United States of America and,  
27 accordingly, the Commission need post no bond.  
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VIII.

Order To Show Cause

**IT IS FURTHER ORDERED** that:

23. Defendants shall appear before this Court on the 15<sup>th</sup> day of October, 2003, at 8:00 A. .m., before the Honorable JANET V. SERVA at the United States Courthouse for the Central District of California Southern Division at 411 W. Fourth Street, Santa Ana, California 92701 to show cause, if there be any, why an Order for Preliminary Injunction should not be granted to prohibit further violations of the Act and why the other relief requested should not be granted pending trial on the merits of this action.

24. Should any party wish to file a memorandum of law or other papers in opposition to Plaintiff's Motion for a Preliminary Injunction, all papers shall be filed on or before October 13, 2003 and served no later than 5:00 PM.

IX.

Service of Order

**IT IS FURTHER ORDERED** that:

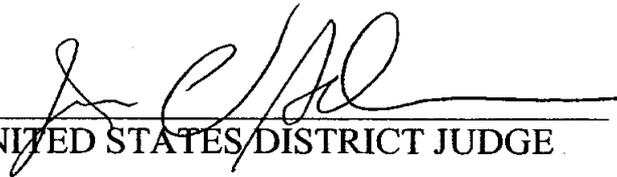
25. Copies of this Order may be served by any means, including facsimile transmission, upon any entity or person that may have possession, custody, or control of any documents or assets of Defendants or that may be subject to any provision of this Order, and, additionally, that Frank Rangoussis, Richard Glaser, and Lenora Majors-Guy are specially appointed by the Court to effect service. Service of the summons, Complaint or other process may be effected by Commission investigator Lenora Majors-Guy, any other investigator for the Commission, any U.S. Marshal or deputy U.S. Marshal, or in accordance with Federal Rule of Civil Procedure 4.

1 X.

2 **Force and Effect**

3 **IT IS FURTHER ORDERED** that this Order shall remain in full force and  
4 effect until further order of this Court, and that this Court retains jurisdiction of this  
5 matter for all purposes.

6  
7 **SO ORDERED**, at Santa Ana, California on this 6<sup>th</sup> day of  
8 October, 2003 at 10:05 a.m.

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10   
11 UNITED STATES DISTRICT JUDGE

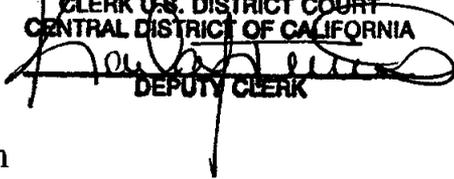
12 Presented by:

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17 Frank G. Rangoussis, Esq. (Pro Hac Vice)  
18 Richard Glaser, Esq. (Pro Hac Vice)  
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26 Attorneys for Plaintiff  
27 Commodity Futures Trading Commission  
28 Washington, D.C.

I hereby attest and certify on 10/6/03  
that the foregoing document is a full, true  
and correct copy of the original on file in  
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

  
DEPUTY CLERK

