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DISTRICT OF UTAH
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

_____)	
COMMODITY FUTURES)	
TRADING COMMISSION,)	
)	2:03 CV-0260 JT6
Plaintiff,)	
)	
v.)	CIVIL ACTION NO _____
)	
BRYAN KEITH HAWKER, and)	
)	
G, HAWKER & STONE, LLC,)	STAUTORY EX PARTE
)	RESTRAINING ORDER
Defendants.)	
_____)	

The Court having read the Complaint for Injunctive and Other Equitable Relief, the Motion for Entry of a Statutory *Ex Parte* Restraining Order, the affidavit of Jude Archuleta, investigator for the Utah Division of Securities of the Department of Commerce, and the declarations of Terry Anderson, Janet Leeann Crane, Michael Buhler, James Stone, and David Elledge, investors, and Michael Tallarico, a Futures Trading

Investigator with the Commission's Division of Enforcement, and exhibits thereto, the memorandum in support thereof, and all other papers filed herein by the plaintiff, Commodity Futures Trading Commission ("Commission"), it appearing that the Court has jurisdiction over the subject matter and that Section 6c(a) of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 13a-1(a) (2001), permits this Court to grant an *ex parte* restraining order; it further appearing to the satisfaction of the Court that there is good cause to believe that defendants Bryan Keith Hawker ("Hawker") and G, Hawker & Stone, LLC ("GHS") (collectively referred to as "defendants"), have engaged, are engaging in and are about to engage in violations of Sections 4b(a)(i), 4b(a)(ii), 4b(a)(iii), of the Act, 7 U.S.C. §§ 6b(a)(i), 6b(a)(ii), 6b(a)(iii), and Regulations Regulations 1.1(b)(1), (2) and (3) thereunder, 17 C.F.R. §§ 1.1(b)(1), (2) and (3) (2002), and it further appearing to the satisfaction of the Court that this is a proper case for granting an *ex parte* restraining order to preserve the status quo and to protect public investors from loss and damage;

1. IT IS HEREBY ORDERED that Bryan Keith Hawker and G, Hawker & Stone, LLC, 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 them, who receive actual notice of this Order by personal service, facsimile or otherwise, shall be prohibited from directly or indirectly:

- a) Dissipating, withdrawing, transferring, removing, concealing or disposing of cash, cashier's checks, funds, assets or other property of, or within the custody, control or possession of the defendants, including funds or property of investors, wherever located, whether held in the name of Hawker, GHS, or otherwise; and

- b) Destroying, mutilating, concealing, altering or disposing of, in any manner, any of the books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of the defendants, wherever located, including all such records concerning the defendants' business operations, until further order of the Court.

2. IT IS FURTHER ORDERED that each firm, corporation or other person or entity with notice which holds, or which holds, or which is a depository of, funds, securities, property, or other assets of or under the control of Hawker or GHS, whether held in the name of Hawker or GHS or otherwise, including funds and property of investors, is prohibited from transferring, withdrawing, removing, or disposing of any such funds, securities, property, or other assets until further order of the Court.

3. IT IS FURTHER ORDERED that representatives of the plaintiff Commission be allowed to immediately inspect the books, records and other electronically stored data, tape recordings, and other documents of defendants Hawker and GHS and their agents, including all such records of defendants' business operations, wherever they are situated and whether they are in the hands of the defendants or others and to copy said documents, data, and records either on or off the premises where they may be situated.

4. IT IS FURTHER ORDERED that this Statutory *Ex Parte* Restraining Order shall remain in full force and effect until further order of this Court, upon application, notice and an opportunity to be heard.

5. IT IS FURTHER ORDERED that plaintiff's Motion for a Preliminary Injunction is set for hearing on April 17, 2003, at 10:00 Am., at the U.S. Courthouse 350 South Main, Salt Lake City, Utah, 84101, in courtroom 420.

5. IT IS FURTHER ORDERED that service of this Order on all third-party persons or entities can be effected by facsimile.

Date: March 13, 2003

Time: 10:20 AM

J. Pamela Greene
United States District Judge

I hereby certify that the annexed document is a true and correct copy of the original on file in this office.

ATTEST: MARKUS B. ZIMMER
Clerk, U.S. District Court
District of Utah

By: Markus B. Zimmer
Deputy Clerk

Date: 3/13/2003