

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

FILED
ASHEVILLE, N.C.

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COMMODITY FUTURES TRADING COMMISSION

Plaintiff,

v.

JAMES DARREN MOORE and
JDM INVESTMENTS

Defendants.

Case No. 1:03cv1498-
W. DIST. OF N.C.

CONSENT ORDER OF
PRELIMINARY
INJUNCTION AND FOR
OTHER EQUITABLE
RELIEF

Plaintiff, the Commodity Futures Trading Commission (the "Commission"), has filed a complaint for permanent injunction and other relief, and moved for a Preliminary Injunction. The Court has considered the pleadings, 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 James Darren Moore ("Moore") and JDM Investments ("JDM"), (collectively "Defendants") have engaged, are engaging in, or are about to engage in violations of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. §§ 1 *et. seq.* (1994), and Commission Regulations, 17 C.F.R. §§ 1 *et. seq.* (2003), 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:

I.***Jurisdiction and Venue***

THE PARTIES AGREE AND IT IS HEREBY ORDERED that:

1. This Court has jurisdiction over Defendants and the subject matter of this case pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(a) (1994), which authorizes the Commission to seek injunctive relief against any person whenever it shall appear that such person has engaged, is engaging, or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation, or order thereunder.

2. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e), in that Defendants are found, inhabit, or transact business in this district, and the acts and practices in violation of the Act have occurred, are occurring, or are about to occur within this district.

II.***Prohibition From Violations of the Act***

THE PARTIES AGREE AND IT IS FURTHER ORDERED that:

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

1. in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, made, or to be made, for or on behalf of any other persons, where such contract for future delivery was or could be used for (A) hedging any transaction in interstate commerce in such commodity or the products or byproducts

thereof, or (B) determining the price basis of any transaction in interstate commerce in such commodity, or (C) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof,

- (i) cheating or defrauding or attempting to cheat or defraud other persons;
- (ii) willfully making or causing to be made to other persons false reports or statements, or willfully entering or causing to be entered for other persons false records in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, made, or to be made, for or on behalf of any other person; and
- (iii) willfully deceiving or attempting to deceive other persons in violation of Sections 4b(a)(2)(i), (ii), and (iii) of the Act, 7 U.S.C. §§ 6b(a)(2)(i), (ii), and (iii) and Regulation 1.1(b), 17 C.F.R. § 1.1(b) (2003);

2. Defendants and any other person or persons acting in concert or participation with Defendants, are prohibited from engaging in, for or on behalf of any other individual or entity, foreign currency futures transactions, or options on foreign currency futures transactions, which involve the use of funds not belonging to Defendants, funds given to Defendants to trade, or funds in the trading account of another which Defendants have power of attorney over; and

3. Defendants and any other person or persons acting in concert or participation with Defendants, are prohibited from soliciting new customers or otherwise soliciting, accepting or receiving funds or other property from an existing or prospective participant in any investment relating to foreign currency futures contracts.

III.***Inspection and Copying of Books and Records***

THE PARTIES AGREE AND IT IS FURTHER ORDERED that:

1. Representatives of the Commission be immediately allowed to inspect the books, records, and other documents of Defendants and their agents, including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of the Defendants or others, and to copy said documents, data, and records, either on or off the premises where they may be situated;
2. Defendants and their agents, servants, employees, attorneys, and persons in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise, including facsimile transmission, shall cooperate fully with the Commission to locate and provide to representatives of the Commission all documents, books, and records of Defendants, wherever such documents, books, and records may be situated.

VI.***Force and Effect***

THE PARTIES AGREE AND 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.

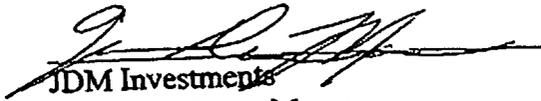
SO ORDERED, this 1st day of July, 2003, at Asheville, North

Carolina.


UNITED STATES DISTRICT JUDGE


James Daren Moore
Pro Se

Date: June 23, 2003


JDM Investments
by: James Daren Moore
Pro Se

Date: June 23, 2003


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Date: June 26, 2003