

## UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF KENTUCKY

COMMODITY FUTURES TRADING COMMISSION, Plaintiff,

v.

E NET SPECULATION LTD. d/b/a E NET SPECULATION S.A., PATRICE CORNAZ, and ATHOS SOCRATOUS, Defendants.

CIVIL ACTION NO: 3-04cv169-S

The Honorable Charles R. Simpson

## Consent Order of Preliminary Injunction Against E Net Speculation Ltd.

Plaintiff Commodity Futures Trading Commission ("Commission") filed a Complaint against Defendants E Net Speculation, Ltd., d/b/a E Net Speculation S.A. (E Net Speculation, Ltd. and E Net Speculation S.A. are collectively referred to as "E Net"), Patrice Cornaz, and Athos Socratous, seeking injunctive and other equitable relief for violations of the Commodity Exchange Act, as amended, 7 U.S.C. §§ 1 et seq. (2001), and Regulations promulgated thereunder, 17 C.F.R. §§ 1 et seq. (2003).

E Net, without admitting or denying the allegations of the Complaint for the purpose of this Consent Order of Preliminary Injunction ("Order"), consents to the entry of this Order and states that this consent is entered into voluntarily and that no promise or threat has been made by the Commission or any member, officer, agent or representative thereof, to induce them to consent to this Order. E Net further consents, solely for the purpose of the entry of this consent order, to the jurisdiction of this Court to enter such order; provided however, that E Net's right to contest personal jurisdiction is preserved and if the Court subsequently determines that it does not have such jurisdiction, this preliminary injunction shall dissolve

## IT IS THEREFORE ORDERED THAT:

- 1. E Net is preliminarily restrained, enjoined and prohibited, during the pendency of this action or until further order of the Court, from directly or indirectly in connection with the advertising, promotion, offering for sale, or sale of any futures contracts to individuals residing in the United States or any of its territories, offering to enter into, entering into, or otherwise dealing in any transaction in connection with a contract for the purchase or sale of a commodity for future delivery, with respect to individuals residing in the United States or any of its territories.
- 2. E Net is further restrained, enjoined and prohibited, during the pendency of this action or until further order of the Court, from directly or indirectly destroying, mutilating, concealing, altering or disposing of any books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of E Net, wherever located, including all such records concerning its business operations.
- 3. The injunctive provisions of this Order shall be binding on E Net, upon any person insofar as he or she is acting in the capacity of officer, agent, servant, employee or attorney of E Net and upon any person who receives actual notice of this Order by personal service, facsimile or otherwise insofar as he or she is acting in active concert or participation with E Net in accordance with Fed. R. Civ. Proc. 65(d).
- 4. During the pendency of this action or until further order of this Court, (a) E Net shall prominently display a banner notice on its website, and the banner notice shall inform all visitors to the website that E Net's products and services are not available to residents of the United States: or its territories and (b) E Net shall also modify the website in any way necessary to prevent residents of the United States or its territories from effecting transactions with E Net.

The website modifications that E Net has made as of the date of this order are sufficient to satisfy the order contained within this paragraph.

- 5. This Order may be served by facsimile transmission or electronic mail.
- 6. E Net's consent to the entry of this preliminary injunction shall not constitute a waiver of any defense to any of the claims asserted in this litigation, including a defense based on lack of jurisdiction and shall not be deemed an appearance by E Net or its counsel.

IT IS SO ORDERED.	-ENTERED	
Dated: April <u>12</u> , 2004	APR 2 1 2004 UNITED UNITED LINE CLERK	STATES DISTRICT JUDGE
CONSENTED TO AND	BY Topping strangs	W. ~ P = 00
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