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JOHN T. WISE, Calif. State Bar No. 87567
COMMODITY FUTURES TRADING COMMISSION
140 Broadway, 19th Floor
New York, NY 10005
Telephone (646) 746-9700
Facsimile (646) 746-9940

ORIGINAL

FILED
CLERK, U.S. DISTRICT COURT
SEP - 2 2004
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Attorneys for Plaintiff
Commodity Futures Trading Commission

LOGGED
CLERK, U.S. DISTRICT COURT
AUG 30 2004
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

vs.

FINTREX, INC., a California
corporation; ARMAN OVSEPYAN, an
individual; and LYTRESSE M. FOX aka
LISA M. FOX, an individual;

Defendants.

Case No. CV-01-06907 PA (CWx)
~~PROPOSED~~ FINAL CONSENT
ORDER OF PERMANENT
INJUNCTION

DOCKETED ON CM
SEP - 3 2004
BY [Signature]

Defendant Lytresse M. Fox a.k.a. Lisa M. Fox ("Fox"), having signed her Consent to this Order of Permanent Injunction ("Order"), which Consent has been filed with the Court and is incorporated herein by reference, it appears to the Court that:

1. On August 9, 2001 Plaintiff Commodity Futures Trading Commission ("the Commission") filed a complaint against Fox and others seeking injunctive and other equitable relief, as well as the imposition of civil penalties, for violations of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. §§ 1 et seq. (2002).

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1 The original Complaint has been superseded by amended pleadings, and the
2 currently operative complaint is the Second Amended Complaint.

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4 2. This Court has jurisdiction over this action pursuant to Section 6c(a) of the
5 Act, 7 U.S.C. § 13a-1(a)(2002), which provides that whenever it shall appear to the
6 Commission that any person has engaged, is engaging, or is about to engage in any
7 act or practice constituting a violation of the Act or any rule, regulation, or order
8 thereunder, the Commission may bring an action against such person in the proper
9 District Court of the United States to enjoin such practice, to enforce compliance
10 with the Act, to remove any danger of violation of the Act, and for civil penalties.

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13 3. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7
14 U.S.C. § 13a-1(e)(2002), in that the defendants, including Defendant Fox, are found
15 in, inhabit and transact business in this district, and the acts and practices in
16 violation of the Act have occurred, are occurring, and are likely to continue to occur
17 within this district, among other places.

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20 4. The Court finds that there is good cause for the entry of an order of
21 permanent injunction against Defendant Fox pursuant to Section 6c of the Act, 7
22 U.S.C. § 13a-1 (2002), and that there is no just reason for delay. The Court directs
23 the entry of a final judgment for permanent injunction against Defendant Fox,
24 pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, as set forth herein.
25 This Order fully disposes of all controverted issues between Plaintiff Commission
26 and Defendant Fox in this action.
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IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:

5. Defendant Fox and any person insofar as he or she is acting in the capacity of officer, agent, servant, employee, or attorney of Fox, and any person insofar as he or she is acting in active concert or participation with Fox who receives actual notice of this Order by personal service or otherwise, is permanently enjoined from directly or indirectly violating, or aiding and abetting any other person in violating, Section 4(a) of the Act, 7 U.S.C. § 6(a)(2002), by offering to enter into, entering into, executing, confirming the execution of, or conducting business for the purpose of soliciting, accepting any order for, or otherwise dealing in any transaction in, or in connection with, a contract for the purchase or sale of a commodity for future delivery, when:

(A) such transactions have not been conducted on or subject to the rules of a board of trade which has been designated or registered by the Commission as a contract market or derivatives transaction execution facility for such commodity; and

(B) such contracts have not been executed or consummated by or through a contract market.

PROVIDED, HOWEVER, that this prohibition shall not apply to foreign currency contracts offered to a person who is an eligible contract participant within the meaning of Section 1a(12) of the Act, 7 U.S.C. § 1a(12)(A)(xi) (2002), or where the counterparty to such contracts, or the person offering to be the counterparty, is one

U.S.C.
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1 of the regulated entities enumerated in Section 2(c)(2)(B)(i)-(ii) of the Act, 7
2 § 2(c)(2)(B)(i)-(ii) (2002).
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4 6. Defendant Fox shall cooperate with the Commission in its further
5 prosecution of this action and in the administration of the restitution obligations
6 imposed on Defendants Fintrex, Inc. and Arman Ovsepyan pursuant to the Final
7 Order of Default Judgment Against Fintrex, Inc. and Arman Ovsepyan. Such
8 cooperation shall include, but shall not be limited to: (a) appearing at any hearings
9 and testifying truthfully without the necessity of a subpoena, (b) meeting with
10 counsel for Plaintiff to prepare for hearings, (c) retrieving and interpreting data
11 from the office computer of Defendant Fintrex, Inc. which is in Plaintiff's
12 possession, (d) assisting the National Futures Association in identifying and
13 communicating with customers of Defendant Fintrex, Inc. for purposes of
14 restitution of investment losses, and (e) otherwise responding to reasonable
15 requests for assistance.
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20 7. On June 13, 2002 Defendant Fox presented the Commission with her
21 Financial Disclosure Statement (Commission Form 12) notarized and signed under
22 penalty of perjury, and listing all of her assets and liabilities. In May, 2004
23 Defendant Fox presented the Commission with a statement signed under penalty of
24 perjury that her financial condition has not materially changed since she executed
25 her Financial Disclosure Statement. Based upon Defendant Fox's sworn
26 representations in her Financial Disclosure Statement and other evidence provided
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1 by her to the Commission regarding her financial condition, the Commission has
2 agreed that this Order would not require her to pay a civil monetary penalty. The
3 Commission's determination not to require payment of a civil monetary penalty is
4 contingent upon the accuracy and completeness of Defendant Fox's Financial
5 Disclosure Statement and other evidence provided by Fox regarding her financial
6 condition. If at any time following the entry of this Order, the Commission obtains
7 information indicating that Defendant Fox's representations to the Commission
8 concerning her financial condition were fraudulent, misleading, inaccurate or
9 incomplete in any material respect as of the time such representations were made,
10 the Commission may move this Court for entry of an order requiring Fox to pay a
11 civil monetary penalty. In connection with any such motion, the only issue shall be
12 whether the financial information provided by Defendant Fox was fraudulent,
13 misleading, inaccurate or incomplete in any material respect as of the time such
14 representations were made, and the amount of civil monetary penalty to be paid. In
15 its motion, the Commission may also request additional discovery concerning those
16 issues. Defendant Fox may not, by way of defense to such motion, challenge the
17 validity of her Consent or this Order.⁸ All notices required to be given by any
18 provision in this Order shall be sent by certified mail, return receipt requested, as
19 follows:
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Notice to Commission:

Regional Counsel
Division of Enforcement - Eastern Regional Office
Commodity Futures Trading Commission
140 Broadway, 19th Floor
New York, NY 10005

Notice to Fox:

Lytresse Fox
1137 N. Central Ave., #318
Glendale, California 91202

9. In the event that Defendant Fox moves her residence at any time, she shall provide written notice of her new address to the Commission.

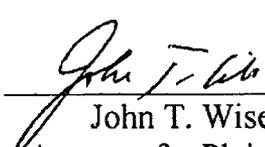
10. Upon being served with a copy of this Order after entry by the Court, Defendant Fox shall sign an acknowledgement of such service and serve such acknowledgement on the attorneys of record for the Commission within seven (7) days.

IT IS SO ORDERED

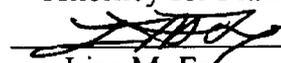
DATED: September 1, 2004 
UNITED STATES DISTRICT JUDGE

Consented to and
Approved for Entry by:

Dated: 8/26/04


John T. Wise
Attorney for Plaintiff

Dated: 6/7/04


Lisa M. Fox

PROOF OF SERVICE

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I certify and declare that I am over the age of 18 years, not a party to the above-entitled action, and employed in the office of a member of the Bar of this Court at whose direction the service was made. My business address is 140 Broadway, 19th Floor, New York, NY 10005. On August 26, 2004 I served a true copy of [PROPOSED] FINAL CONSENT ORDER OF PERMANENT INJUNCTION by depositing it with the United States Postal Service in a sealed envelope with the postage thereon fully prepaid to:

Lytresse Fox
1137 N. Central Ave., #206
Glendale, California 91202

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 26, 2004 at New York, New York.


Patricia McCall