

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED by *RS* D.C.
SEP 29 2005
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

Sealed

CASE NO: _____

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

INTERNATIONAL BERKSHIRE GROUP
HOLDINGS, INC., BERKSHIRE
INTERNATIONAL, LLC a.k.a. BERKSHIRE
INTERNATIONAL GROUP, INC.,
BERKSHIRE INTERNATIONAL HOLDINGS,
LLC, BERKSHIRE INTERNATIONAL
HOLDINGS GROUP, LLC, INTERNATIONAL
IMS GROUP HOLDINGS, INC. a.k.a. IMS
HOLDINGS, INC., a.k.a. IMS GROUP
HOLDINGS, INC, IMS HOLDINGS, LLC,
HARRINGTON ADVISORY SERVICES SL
a.k.a. HARRINGTON GROUP, INC.,
RICHMOND ROYCE ADVISORY SERVICES,
SLU a.k.a. RICHMOND ROYCE
INTERNATIONAL GROUP, LTD,
STRATFORD ADVISORY SERVICES,
OAKMONT INTERNATIONAL LLC, ,
ROXANA SOFIA LAO MENDEZ, a.k.a.
ROXANA SOFIA LAO, BEATRIZ PERALTA
QUESADA, a.k.a. BEATRIZ PERALTA, and
JEFFERY PAUL JEDLICKI ,

Defendants

v.

FED AND ASSOCIATES, LLC, JEFFERY
JEDLICKI, INC., BRISCOE AND
ASSOCIATES, INC., INTERNATIONAL
INVESTMENTS HOLDINGS CORPORATION
and GERAUD ENTERPRISES, INC.

Relief Defendants

05-61588

CIV-ALTONAGA

MAGISTRATE JUDGE
TURNOFF

**EX PARTE STATUTORY RESTRAINING ORDER REGARDING
ASSETS AND BOOKS AND RECORDS, AND EXPEDITED DISCOVERY**

Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a Complaint for permanent injunction and other relief, and moved pursuant to Section 6c of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. § 13a-1 (2003) and Rule 7.1 of the Local Rules of the United States District Court for the Southern District of Florida for a Statutory Restraining Order prohibiting Defendants from, among other things, dissipating, concealing, transferring, or otherwise disposing of any assets, as set forth below, or destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect and copy, when and as requested, any books, records, electronically stored data, including computers and computer data, or other documents wherever they may be. Additionally, the Commission seeks leave of court to conduct expedited discovery. The Commission also seeks an accounting and repatriation of the Defendants and Relief Defendants' assets.

As it appears to the Court that the Court has jurisdiction over the subject matter of this case, that Section 6c of the Act, 7 U.S.C. § 13a-1, authorizes *ex parte* relief, that there is good cause to believe that the Defendants have engaged in, are engaging in or are about to engage in violations of the Act, and that this is a proper case for granting an *ex parte* statutory restraining Order to preserve the status quo, protect public customers from loss and damage, and enable the Commission to fulfill its statutory duties, the Court orders as follows:

DEFINITIONS

For the purposes of this Order, the following definitions apply:

1. The term "document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes, but is not limited to,

writings, drawings, graphs, charts, photographs, audio and video recordings, computer records (including, but not limited to, floppy diskettes, hard disks, ZIP disks, CD-ROMs, optical discs, backup tapes, printer buffers, smart cards, memory calculators, pagers, personal digital assistants such as Palm Pilot computers, as well as printouts or readouts from any magnetic storage device), and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

2. "Defendants" means Roxana Sofia Lao Mendez, aka Roxana Sofia Lao, Beatriz Peralta Quesada, aka Beatriz Peralta, Jeffery Paul Jedlicki, International Berkshire Group Holdings, Inc., Berkshire International, LLC aka Berkshire International Group, Inc., Berkshire International Holdings, LLC, Berkshire International Holdings, LLC, Berkshire International Holdings Group, LLC, International IMS Group Holdings, Inc., aka IMS Holdings, Inc., aka IMS Group Holdings, Inc, IMS Holdings, LLC, Harrington Advisory Services SL, aka Harrington Group, Inc., Richmond Royce Advisory Services, SLU, aka Richmond Royce International Group, LTD, Stratford Advisory Services, and Oakmont International, LLC and any person insofar as he or she is acting in the capacity of their officer, agent, servant, employee or attorney, and any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with them. "Relief Defendants" means FED and Associates, Inc., Jeffery Jedlicki, Inc., Briscoe and Associates, Inc., International Investments Holdings Corporation and Geraud Enterprises, Inc. and any person insofar as he or she is acting in the capacity of their officer, agent, servant, employee or attorney, and any person who

receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with them

I.

Asset Freeze

IT IS HEREBY ORDERED that the Defendants and Relief Defendants, except as otherwise ordered by this Court, are restrained and enjoined from directly or indirectly:

- A. Transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any assets, wherever located, including assets held outside the United States, except as otherwise ordered by the Court;
- B. Opening or causing to be opened any safe deposit boxes titled in the name or subject to access by any of the Defendants or Relief Defendants.
- C. Notwithstanding the provisions of this paragraph, Defendants and Relief Defendants shall transfer possession of all assets of the Defendants and Relief Defendants pursuant to paragraph III of this Order.

II.

Directives to Financial Institutions and Others

IT IS FURTHER ORDERED, pending further Order of this Court, that any financial or brokerage institution, business entity, or person that holds, controls, or maintains custody of any account or asset titled in the name of, held for the benefit of, or otherwise under the control of any Defendant, or has held, controlled, or maintained custody of any such account or asset of any Defendant at any time shall:

- A. Prohibit Defendants, Relief Defendants and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting,

selling or otherwise disposing of any such asset except as directed by further order of the Court or, as to receivership assets, as directed by the Receiver appointed herein;

B. Deny Defendants and Relief Defendants, and all other persons access to any safe deposit box that is:

1. titled in the name of any Defendant or Relief Defendant either individually or jointly; or
2. otherwise subject to access by any Defendant or Relief Defendant.

Notwithstanding this Paragraph, the Receiver appointed herein shall be provided with access to any safe deposit box titled in the name of, or subject to access by, the Defendants;

C. Provide Counsel for the Commission, within five (5) business days of receiving a copy of this Order, a statement setting forth:

1. the identification number of each such account or asset titled in the name, individually or jointly, of any of the Defendants, or held on behalf of, or for the benefit of, any of the Defendants, or under the control of any of the Defendants;
2. the balance of each such account, or a description of the nature and value of such asset as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted; and
3. the identification of any safe deposit box that is either titled in the name, individually or jointly, of any Defendant or Relief Defendant, or is otherwise subject to access by any Defendant or Relief Defendant;

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

E. Cooperate with all reasonable requests of the Commission relating to implementation of this Order.

III.

IT IS FURTHER ORDERED that within five (5) business days following the service of this Order, each Defendant and Relief Defendant shall:

A. Provide the Commission and the Receiver with a full accounting of all funds, documents, and assets outside of the United States which are (1) titled in the name individually or jointly of such Defendant or Relief Defendant; or (2) held by any person or entity, for the benefit of any Defendant or Relief Defendant; or (3) under such Defendant or Relief Defendant's direct or indirect control, whether jointly or singly;

B. Transfer to the territory of the United States and deliver to the Receiver all funds, documents, and assets located in foreign countries which are (1) titled in the name individually or jointly of such Defendant or Relief Defendant; or (2) held by any person or entity, for the benefit of any Defendant or Relief Defendant; or (3) under such Defendant or Relief Defendant direct or indirect control, whether jointly or singly;

C. Provide the Commission access to all records of accounts or assets of the Defendants and Relief Defendants held by financial institutions located outside the territorial United.

IV.

IT IS FURTHER ORDERED that, immediately upon service of this Order upon them, Defendants and any other person or entity served with a copy of this Order, shall immediately deliver over to the Commission or the Commission's representative:

A. Possession and custody of all funds, assets, property, and all other assets, owned beneficially or otherwise, wherever situated, of the Defendants and Relief Defendants;

B. Possession and custody of documents of the Defendants and Relief Defendants, including but not limited to, all books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents and other papers;

C. Possession and custody of all precious metals, other commodities, funds, and other assets being held by or on behalf of the Defendants and Relief Defendants or on behalf of the Defendants' customers;

D. All keys, computer passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or documents of the Defendants, including but not limited to, access to the Defendants' business premises, means of communication, accounts, computer systems, or other property; and

E. Information identifying the accounts, employees, properties or other assets or obligations of the Defendants or Relief Defendants.

V.

Maintenance of and Access to Business Records

IT IS HEREBY ORDERED that the Defendants, Relief Defendants and all persons or entities who receive notice of this Order by personal service or otherwise, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any documents that relate to the business practices or business or personal finances of any Defendant or Relief Defendants.

VI.

IT IS FURTHER ORDERED that representatives of the Commission be immediately allowed to inspect the books, records, and other documents of the Defendants, Relief Defendants, and their agents including, but not limited to, paper documents, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of the Defendants, Relief Defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated.

VII.

Service of Order

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of any Defendant or Relief Defendant, or that may be subject to any provision of this Order.

VIII.

IT IS FURTHER ORDERED that 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 of the Defendants or Relief Defendants or that may be subject to any provision of this Order, and, additionally, that representatives of the Plaintiff are specially appointed by the Court to effect service. Service of the summons, Complaint or other process may be effected in accordance with Federal Rule of Civil Procedure 4.

XII.

Expedited Discovery

IT IS FURTHER ORDERED that the parties are granted leave, at any time after service of this Order, to take the deposition of and demand the production of documents from any person or entity for the purpose of discovering the nature, location, status, and extent of assets of the Defendants and Relief Defendants, and the location of documents reflecting the business transactions of the Defendants and Relief Defendants; forty-eight (48) hours notice shall be deemed sufficient for any such deposition and five (5) days notice shall be deemed sufficient for the production of any such documents.

XII.

IT IS FURTHER ORDERED that the limitations and conditions set forth in Federal Rule of Civil Procedure 30(a)(2)(B) regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Order. No depositions taken pursuant to paragraph XV shall count towards the ten deposition limit set forth in Federal Rule of Civil Procedure 30(a)(2)(A).

XIII.

IT IS FURTHER ORDERED that pursuant to Federal Rule of Civil Procedure 30(a)(2), the parties and the Receiver are granted leave to take the depositions of Defendants confined in prison.

XIV.

Service on the Commission

IT IS FURTHER ORDERED that the Defendants shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Timothy J. Mulreany, Chief Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington, D.C. 20581.

XV.

Bond Not Required Of Plaintiff

IT IS FURTHER ORDERED that Plaintiff Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

XVI.

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until further order of this Court, *but shall not exceed 10 days* and that this Court retains jurisdiction of this matter for all purposes.

SO ORDERED, at Miami, Florida

on this 29 day of September, 2005, at 10:15a.m.

Cecilia M. Altman
UNITED STATES DISTRICT JUDGE