

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

05 - 60342

CIV - COOKE
McALLEY

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

SONOMA TRADING CORPORATION,
WILLIAM DAVID SEIGLER, Jr.

Defendants.

FILED by *JMM* D.C.
MGC
MAR - 9 2005
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

**EX PARTE STATUTORY RESTRAINING ORDER CONCERNING
ASSETS AND DOCUMENTS AND EXPEDITED DISCOVERY**

Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a Complaint for permanent injunction and other relief, and moved *ex parte* pursuant to Section 6c of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. § 13a-1 (2002), 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.

As it appears 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:

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.

"Defendants" means William David Seigler, Jr. and Sonoma Trading Corporation, 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 ORDERED that the defendants are restrained and enjoined from directly or indirectly, transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any funds, assets, or other property, wherever situated, including, but not limited to, all personal assets, assets held in corporate or partnership accounts in which defendants have an interest, held in any safe-deposit box or other storage facility, and assets held outside the United States, or causing such conduct to take place, except as may be otherwise ordered by the Court; and

II**MAINTENANCE OF DOCUMENTS**

IT IS HEREBY FURTHER ORDERED that the 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 books, records or documents in the possession or control of the defendants, their agents, attorneys, partners, servants, representatives, employees, attorneys, any person (s) acting or purporting to act for or on their behalf, and/or acting for or on behalf of any corporation, partnership or any other type of entity in which defendants have an interest, and

III.**INSPECTION AND COPYING OF DOCUMENTS**

IT IS FURTHER ORDERED that representatives of the Commission be immediately allowed to inspect the books, records, and other documents of the defendants, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and /or any corporate, partnership or any other entity in which defendants have an interest, wherever situated, including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated, whether they are in the possession or control of the defendants, or the possession or control of others, and to copy said documents, data and records, either on or off the premises where they may be situated, and

IV.**EXPEDITED DISCOVERY**

IT IS FURTHER ORDERED that expedited discovery is hereby authorized and discovery may commence forthwith.

V.**SERVICE OF ORDER**

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 that may be subject to any provision of this

Order, and, additionally, that representatives of the Commission, are specially appointed by the Court to effect service. Service of the summons, Complaint or other process may be affected in accordance with Federal Rule of Civil Procedure 4.

VI.

FORCE AND EFFECT

IT IS FURTHER ORDERED that this Order shall remain in full force and effect until further order of this Court, and that this Court shall retain jurisdiction of this matter for all purposes.

SO ORDERED, at Miami, Florida,

This 9th day of March, 2005.



Marcia G. Cooke
UNITED STATES DISTRICT JUDGE