

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES COMMODITY)
FUTURES TRADING COMMISSION,)

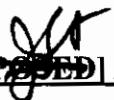
Plaintiff,)

v)

C.A. No. 1:11-cv-10621- JLT

GREEN TREE CAPITAL and LYNDON)
LYDELL PARRILLA,)

Defendants.)

~~PROPOSED~~  EX PARTE STATUTORY RESTRAINING ORDER

This Court having read the Complaint for Injunctive and Other Equitable Relief, the Motion for Entry of an *Ex Parte* Statutory Restraining Order, the Memorandum of Points and Authorities and the supporting declarations, exhibits and attachments thereto;

THE COURT FINDS:

1. The Court has jurisdiction over the subject matter.
2. Section 6c(a) of the Commodity Exchange Act, as amended (the "Act"), to be codified 7 U.S.C. § 13a-1, permits this Court to enter an *ex parte* statutory restraining order.
3. It appears to the satisfaction of the Court that there is good cause to believe that Defendants have engaged, are engaging in and are about to engage in violations of Section 4b(a)(2)(A)-(C) of the Act, to be codified at 7 U.S.C. § 6b(a)(2)(A)-(C), and Section 4o(1)(A)-(B) of the Act, to be codified at 7 U.S.C. § 6o(1)(A)-(B), as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act of 2008) ("CRA"), §§ 13101-13204, 122 Stat. 1651 (enacted June 18, 2008), and the Dodd-Frank

Wall Street Reform and Consumer Protection Act of 2010 (“Dodd-Frank”), Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §§ 701-774, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 1 *et seq.* (citations refer to the “Act”), and Commission Regulations promulgated thereunder (“Regulations”), 17 C.F.R. §§ 1.1 *et seq.* (2010). There is good cause to also believe that Defendants have engaged, are engaging in and are about to engage in violations of Regulation 5.2(b)(1)-(3), to be codified at 17 C.F.R. § 5.2(b)(1)-(3), and Regulation 5.3(a)(3)(i), to be codified at 17 C.F.R. § 5.3(a)(3)(i).

4. There is good cause to believe further that customers and prospective customers may be cheated and defrauded and that immediate and irreparable damage to the Court's ability to grant effective final relief for customers in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition or dissipation of by the Defendants of their assets or destruction of records unless the Defendants are immediately restrained and enjoined by Order of this Court.

5. Consequently, the Court is satisfied that this is a proper case for granting an *ex parte* statutory restraining order to preserve the status quo and to protect public investors from further deceit, loss or damage, and enable the Commission to fulfill its statutory duties.

DEFINITIONS

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

6. The term “assets” means any legal or equitable interest in, right to, or claim to, any real or personal property, including but not limited to chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts including bank accounts and accounts at financial institutions, brokerage

firms or futures commissions merchants, credits, receivables, lines of credit, contracts including spot and futures contracts, insurance policies, and all cash, wherever located.

7. 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, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, 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.

8. “Defendants” means Green Tree Capital and Lyndon Parrilla, as well as any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee or attorney of Defendants, and any person who receives notice of this Order by personal service or otherwise, including Federal Express, United Parcel Service, electronic mail and facsimile, insofar as he or she is acting in concert or participation with Defendants.

STATUTORY RESTRAINING ORDER & RELIEF GRANTED

I. ASSET FREEZE

IT IS ORDERED that Defendants, and their agents, servants, employees, successors, assigns, attorneys and all persons insofar as they are acting in active concert or participation with them, who receive notice of this Order by personal service or otherwise, including facsimile, electronic mail, Federal Express and United Parcel Service or other commercial overnight service, are restrained and enjoined from directly or indirectly withdrawing, transferring, removing, dissipating, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, converting, or otherwise disposing of any cash, cashier’s checks, funds, assets or other property of, or within the custody, control, or actual or constructive possession of

Defendants including, but not limited to, all funds, personal property, money or securities held in Defendants' name, all funds on deposit in any safety deposit box, financial institution, futures commission merchant, insurance agency, pension plan benefits provider, custodian, brokerage firm, bank or savings and loan account held by, under the actual or constructive control, or in the name of Defendants, all funds or property of Defendants' customers, wherever located, including funds, property or assets held outside the United States, except as ordered by the Court, whether held in the name of the Defendants, individually or jointly, or any other entity owned or controlled by Defendants, or held on behalf of the Defendants, at any time since October 1, 2009. The assets affected by this Paragraph shall include both existing assets and assets acquired after the effective date of this Order.

II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that the Defendants and their agents, servants, employees, successors, assigns, attorneys and all persons or entities who receive notice of this Order by personal service or otherwise, including facsimile, electronic mail, Federal Express and United Parcel Service, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any books and records, documents or other property of Defendants wherever located, that relate to the Defendants' business practices or business or personal finances.

III. ACCESS TO AND INSPECTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that the Defendants and their agents, servants, employees, successors, assigns, attorneys and all persons or entities who receive notice of this Order by personal service or otherwise, including facsimile, electronic mail, Federal Express and United Parcel Service, are restrained and enjoined from directly or indirectly refusing to make

available for inspection and/or copying by the Commission any books and records, documents or other property of Defendants, wherever located, that relate to the Defendants' business practices or business or personal finances.

IV. BOND NOT REQUIRED OF PLAINTIFF

IT IS FURTHER ORDERED that, pursuant to Section 6c(b) of the Act, to be codified 7 U.S.C. § 13a-1, no bond need be posted by the Plaintiff CFTC, which is an agency of the United States of America.

V. SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, electronic mail, Federal Express and United Parcel Service, upon any financial institution, bank, futures commission merchant, brokerage firm or other entity or person that may have possession, custody, or control of any documents or assets of the Defendants, or that may be subject to any provision of this Order. Ava Gould, Alex Levine, David Chu, Mary Elizabeth Spear, Melissa Glasbrenner, and Venice Bickham, all employees of the CFTC, are hereby specially appointed to serve process, including this Order and all other papers in this cause.

IT IS FURTHER ORDERED that the United States Marshals Service or agents of the Department of Justice are directed to assist the Commission with service of process, including the summons and complaint, and all other papers in this case as well and assist the Commission with taking control and custody of the assets, books and records, documents and business premises of the Defendants.

VI. 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 Plaintiff Commission by delivering a copy to Alex Levine, Senior Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, Illinois 60661.

VII. COURT MAINTAINS JURISDICTION

IT IS FURTHER ORDERED that this *Ex Parte* Statutory Restraining Order shall remain in full force and effect until further Order of this Court, upon application, notice and an opportunity to be heard, and that this Court retains jurisdiction of this matter for all purposes.

VIII. FURTHER COURT HEARINGS

~~**IT IS FURTHER ORDERED** that this matter is set for a status hearing on _____, 2011, at _____ o'clock, by [appearance of parties] [telephone conference call to chambers].~~

~~**IT IS FURTHER ORDERED** that should any party wish to file a memorandum of law or other papers in opposition to the Motion for a Preliminary Injunction, all papers shall be filed on or before _____, 2011 and served no later than _____.~~

~~**IT IS FURTHER ORDERED** that Plaintiff's Motion for a Preliminary Injunction is set for hearing on April __, 2011 at 9:30 AM. Briefing to be presented under the schedule established in this Court's Minute Order of April __, 2011.~~

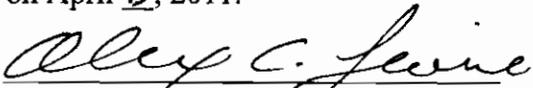
IT IS SO ORDERED.

Signed at 1 PM o'clock am/pm on the 15 day of April, 2011


UNITED STATES DISTRICT JUDGE

*Paragraph VIII
is
excluded
from
this
order.
JLT*

I hereby certify that a true copy of the above document was served upon Lyndon Parrilla and Green Tree Capital by mail (or by hand) on April 13, 2011.


Alex C. Levine, Attorney for CFTC