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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

	)	
<b>U.S. Commodity Futures Trading Commission,</b>	)	<b>Case No.: 4:11-CV-21-TUC-DCB</b>
<b>Plaintiff,</b>	)	
<b>v.</b>	)	
<b>Anthony Eugene Linton d/b/a The Private Trading Pool,</b>	)	<b><i>EX PARTE</i> STATUTORY RESTRAINING ORDER</b>
<b>Defendant.</b>	)	
	)	

**EX PARTE STATUTORY RESTRAINING ORDER**

Having read the Complaint for Injunctive and Other Equitable Relief and Motion for *Ex Parte* Statutory Restraining Order filed by Plaintiff Commodity Futures Trading Commission (“CFTC” or “Commission”); the Memorandum in Support of Its Motions for Injunctive And Other Equitable Relief submitted in support of the CFTC’s Motion; the Declarations of Mark A. Klase, Carolyn M. Azcona, Rodney W. Belknap, William S.

1 Eno, Frederick L. Freeman, Robert S. Herrington, and Melissa M. Glasbrenner, and  
2 exhibits thereto; and the transcript of Susan D. Linton's sworn testimony before the  
3 CFTC,

4 **THE COURT FINDS:**

5  
6 1. The Court has jurisdiction over the subject matter of this case.

7 2. Section 6c of the Commodity Exchange Act (the "Act"), 7 U.S.C. § 13a-1,  
8 as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246,  
9 Title XIII (the CFTC Reauthorization Act of 2008 ("CRA")), §§ 13101- 13204, 122 Stat.  
10 1651 (enacted June 18, 2008), and the Dodd-Frank Wall Street Reform and Consumer  
11 Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and  
12 Accountability Act of 2010), §§ 701-774, 124 Stat. 1376 (enacted July 21, 2010), to be  
13 codified at 7 U.S.C. §§ 1 *et seq.*, authorizes this Court to enter an *ex parte* statutory  
14 restraining order against Defendant Anthony Eugene Linton d/b/a The Private Trading  
15 Pool ("Defendant").  
16  
17

18 3. It appears that there is good cause to believe that Defendant has engaged, is  
19 engaging in or is about to engage in violations of Sections 4b(a)(2)(A) and (C) of the Act,  
20 7 U.S.C. §§ 6b(a)(2)(A) and (C).  
21

22 4. It further appears that there is good cause to believe that immediate and  
23 irreparable harm to the Court's ability to grant effective final relief for Defendant's  
24 commodity pool customers in the form of monetary redress will occur from the sale,  
25

1 transfer, assignment, or other disposition by Defendant of his assets or destruction of  
2 records unless Defendant is immediately restrained and enjoined by order of this Court.

3 Accordingly, there is good cause to issue this Order.

4  
5 5. It further appears to the satisfaction of the Court that this is a proper case  
6 for granting an *ex parte* statutory restraining order to preserve the status quo and to  
7 protect public commodity pool participants from further loss and damage.

8 **ORDER**

9  
10 **DEFINITIONS**

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

12 6. “Assets” means any legal or equitable interest in, right to, or claim to, any  
13 real or personal property, including but not limited to chattels, goods, instruments,  
14 equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries,  
15 inventory, checks, notes, accounts including bank accounts and accounts at financial  
16 institutions, credits, receivables, lines of credit, securities, contracts including spot and  
17 futures contracts, insurance policies, and all cash, wherever located.  
18

19  
20 7. “Document” is synonymous in meaning and equal in scope to the usage of  
21 the term in Federal Rule of Civil Procedure 34(a), and includes writings, drawings,  
22 graphs, charts, photographs, audio and video recordings, computer records, and other data  
23 compilations from which information can be obtained and translated through detection  
24 devices into reasonably usable form. A draft or non-identical copy is a separate  
25

1 document within the meaning of the term.

2 8. "Defendant" means Anthony Eugene Linton d/b/a The Private Trading Pool  
3 and any person insofar as he or she is acting in the capacity of an officer, agent, servant,  
4 employee or attorney of Defendant, and any person who receives actual notice of this  
5 Order by personal service or otherwise, including United Parcel Service, Federal Express,  
6 electronic mail and facsimile, insofar as he or she is acting in concert or participation  
7 with Defendant.  
8

9  
10 **RELIEF GRANTED**

11 **STATUTORY RESTRAINING ORDER**

12 ***I. ASSET FREEZE***

13 **IT IS ORDERED** that Defendant is restrained and enjoined from directly or  
14 indirectly withdrawing, transferring, removing, dissipating, selling, alienating,  
15 liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, converting,  
16 or otherwise disposing of any funds, assets or other property, wherever located, including  
17 funds, property or assets held outside the United States, except as ordered by the Court.  
18

19 The assets affected by this Paragraph shall include both existing assets and assets  
20 acquired after the effective date of this Order, as well as accounts not specifically  
21 identified below.  
22

23 **IT IS FURTHER ORDERED** that, pending further order of this Court, any bank,  
24 financial or brokerage institution, entity, or person that holds, controls, or maintains  
25

1 custody of any funds, assets or other property of Defendant, or has held, controlled, or  
2 maintained custody of any funds, assets or other property of Defendant, and who receives  
3 notice of this Order by any means, including facsimile, electronic mail, United Parcel  
4 Service and Federal Express, shall:

5  
6 A. Prohibit Defendant and any other person from withdrawing, removing,  
7 assigning, transferring, pledging, encumbering, disbursing, dissipating, converting,  
8 selling or otherwise disposing of any such assets except as directed by further order of the  
9 Court;

10  
11 B. Deny Defendant and all other persons access to any safe deposit box that is:  
12 1. titled in the name of or maintained by Defendant, either individually,  
13 jointly or in any other capacity, including safe deposit boxes titled in the name of or  
14 maintained by nominees of Defendant; or

15  
16 2. otherwise subject to the control of or access by Defendant;

17 C. Cooperate with all reasonable requests of the CFTC relating to  
18 implementation of this Order, including producing records related to Defendant's  
19 accounts and Defendant's businesses.  
20

21 **II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS**

22 **IT IS FURTHER ORDERED** that Defendant and all persons or entities who  
23 receive notice of this Order by personal service or otherwise, including electronic mail,  
24 facsimile, United Parcel Service and Federal Express, are restrained and enjoined from  
25

1 directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of,  
2 in any manner, directly or indirectly, any documents that relate to the business practices  
3 or business or personal finances of Defendant.  
4

5  
6 **III. ACCESS TO AND INSPECTION OF BOOKS AND RECORDS**

7 **IT IS FURTHER ORDERED** that representatives of the CFTC be allowed  
8 immediately to inspect the books, records, and other documents of Defendant and his  
9 agents including, but not limited to, electronically stored data, tape recordings, and  
10 computer discs, wherever they may be situated and whether they are in the possession of  
11 Defendant or others, and to copy said documents, data and records, either on or off the  
12 premises where they may be situated.  
13

14  
15 **IV. SERVICE OF ORDER AND ASSISTANCE OF U.S. MARSHALS SERVICE**

16 **IT IS FURTHER ORDERED** that copies of this Order may be served by any  
17 means, including electronic mail, facsimile transmission, United Parcel Service and  
18 Federal Express, upon any financial institution or other entity or person that may have  
19 possession, custody, or control of any documents or assets of Defendant, or that may be  
20 subject to any provision of this Order. Melissa Glasbrenner, Eleanor Oh, and Venice  
21 Bickham, all employees of the CFTC, are hereby specially appointed to serve process,  
22 including this Order and all other papers in this cause.  
23

24  
25 **IT IS FURTHER ORDERED** that the United States Marshals Service is directed  
26

1 to assist the CFTC with service of process, including the Summons and Complaint and all  
2 other papers in this case, as well as assist the CFTC with taking control and custody of  
3 the assets, records and business premises of Defendant.  
4

5  
6 ***V. SERVICE ON THE COMMISSION***

7 **IT IS FURTHER ORDERED** that Defendant shall serve all pleadings,  
8 correspondence, notices required by this Order, and other materials on the CFTC  
9 by delivering a copy to David Slovick, Senior Trial Attorney, Division of  
10 Enforcement, Commodity Futures Trading Commission, 525 W. Monroe St., Suite  
11 1100, Chicago, Illinois 60661.  
12

13 ***VI. COURT MAINTAINS JURISDICTION***

14  
15 **IT IS FURTHER ORDERED** that this Order shall remain in full force and effect  
16 until further order of this Court, upon application, notice and an opportunity to be heard,  
17 and that this Court retains jurisdiction of this matter for all purposes.  
18

19 ***VII. FURTHER COURT HEARINGS***

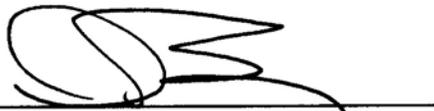
20 **IT IS FURTHER ORDERED** that this matter is set for a telephonic status  
21 conference on **January 20, 2011 at 9:30 a.m.** Plaintiff should initiate a telephone  
22 conference call to chambers with all counsel of record on the line to (520)205-4560.  
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**IT IS FURTHER ORDERED** that Plaintiff's Motion for Preliminary Injunction is set for hearing on **February 17, 2011 at 11:00 a.m.**

**IT IS SO ORDERED.**

Dated this 13th day of January, 2011.



David C. Bury  
United States District Judge