IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

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U.S. DISTRICT COURT
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Commodity Futures Trading Commission, Plaintiff, v. Foreign Fund a/k/a First Bank, Ron Mealing, and John Shirck, Defendants, Wally Dow, MW First Inc., MW First Trustees Inc., Wolfgang J. Fastian, Deana Whitely, and Star Connection Inc., Relief Defendants.	O4 CIV 3 04 0898 **JUDGE ECHOLS**

ORDER OF PRELIMINARY INJUNCTION AS TO DEFENDANT FOREIGN FUND

Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a complaint for permanent injunction and other relief, and moved for a Preliminary Injunction against the Defendant Foreign Fund a/k/a First Bank ("Foreign Fund"). The Court has considered the testimony and other evidence provided at a hearing held in this matter on February 28, 2005, and the pleadings, declarations, exhibits, and memorandum filed in support of the Commission's motion. As it appears to the Court that the Court has jurisdiction over the subject matter of this case, that there is good cause to believe that the defendant Foreign Fund has engaged in, is engaging in or is about to engage in violations of the Act, and that this is a proper case for granting a preliminary injunction to preserve

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the status quo, protect public customers from further loss and damage, remove the danger of further violation of the Act, and enable the Commission to fulfill its statutory duties, the Court finds as follows:

1. This Court has jurisdiction over the subject matter of this case pursuant to Section 6c of the Commodity Exchange Act, 7 U.S.C. § 13a-1 (2002), and it also has jurisdiction over Foreign Fund.

2. There is good cause to believe that Defendant Foreign Fund has engaged in, is engaging in and is about to engage in fraudulent solicitation of investor funds in violation of Section 4b(a)(2)(i) and (iii) of the of the Commodity Exchange Act ("Act"), 7 U.S.C. § 6b(a)(2)(i) and (iii) (2002), and Commission Regulation 1.1(b)(1) and (3), 17 C.F.R. § 1.1(b)(1) and (3) (2004); and that Defendant Foreign Fund is engaged in, is engaging in, or is about to engage in soliciting, or accepting any order for, or otherwise dealing in, illegal off-exchange futures contracts in violation of Section 4(a) of the Act, 7 U.S.C. § 6(a) (2002).

3. There is substantial likelihood that, absent the continuation of the asset freeze, Defendant Foreign Fund will conceal, dissipate or otherwise divert assets, thereby defeating the possibility of effective final relief in the form of equitable monetary relief for investors.

4. Absent a preliminary injunction, there is reasonable likelihood that Defendant Foreign Fund's violations of the Commodity Exchange Act will be repeated. There is no just reason for delay in entering this Order.

RELIEF GRANTED

I. *Prohibited Conduct*

IT IS HEREBY ORDERED that the Defendant Foreign Fund is restrained and enjoined, directly or indirectly, from violating Section 4b(a)(2)(i) and (iii) of the Act, 7 U.S.C. § 6b(a)(2)(i) and (iii), and Commission Regulation 1.1(b)(1) and (3), 17 C.F.R. § 1.1(b)(1) and (3) by cheating or defrauding investors or potential investors by making material misrepresentations, among other means; and employing devices, schemes or artifices to defraud investors or prospective investors, or engaging in transactions, practices or courses of business that operate as a fraud or deceit upon investors or prospective investors.

IT IS FURTHER ORDERED that the Defendant Foreign Fund is restrained and enjoined, directly or indirectly, from violating Section 4(a) of the Act, 7 U.S.C. §6(a) by offering to enter into, entering into, executing, confirming the execution of, or conducting an office or business for the purpose of soliciting, accepting any order for, or otherwise dealing in transactions 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, (b) such contracts have not been executed or consummated by or through a contract market member, and (c) such contracts have not been evidenced by a record in writing which shows the property covered, its price, and the terms of delivery.

IT IS FURTHER ORDERED that the Defendant Foreign Fund is restrained and enjoined, directly or indirectly, from soliciting customers through any Internet web site, including but not limited to, the web sites www.foreign-fund.com and https//ff-bank.net and any person or entity within the jurisdiction of this court, including but not limited to, Beyond The Network America, Inc., shall cease to provide any and all Internet services, directly or indirectly, to Foreign Fund that facilitate in any way the continued operation of Foreign Fund.

II. *Continuing Force and Effect of SRO*

IT IS FURTHER ORDERED that the mandates of the Statutory Restraining Order ("SRO") dated October 5, 2004 shall continue with respect to Foreign Fund pending further order of this Court. Specifically, Foreign Fund will abide by all obligations outlined in pages 3-7 of the Statutory Restraining Order pertaining to the: (1) asset freeze, (2) directives to financial institutions and others, (3) accounting, (4) maintenance and access to business records of the Defendant that are in its possession, custody, or control, and (5) inspection and copying of books and records of the Defendant that are in its possession, custody, or control.

III. *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 business or other entity or person that may have possession, custody, or control of any documents or assets of Foreign Fund that may be subject to any provision of this Order.

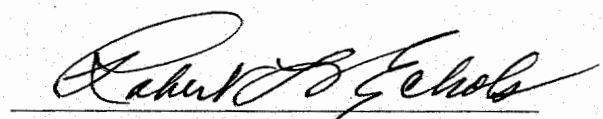
IV. *Service on the Commission*

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

V. *Force and Effect of this Order*

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

IT IS SO ORDERED, on this 8th day of March 2005.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE