

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

COMMODITY FUTURES TRADING COMMISSION

Plaintiff,

v.

SOVEREIGN RESOURCE MANAGEMENT, INC.,
KEN MITRA,
VIRGIL E. SMITH, individually and d/b/a Maximus
Capital Consultants; and
ANTHONY J. HEPPNER, individually and d/b/a
J.T. Investments,

Defendants.

Civil Action No.

02-1783 (MSJ/36L)

STATUTORY RESTRAINING ORDER

The Court having read the Complaint for Injunctive and Other Equitable Relief and Civil Monetary Penalties Under the Commodity Exchange Act, the Plaintiff's Motion for a Statutory Restraining Order ("SRO"), the Brief in Support of Plaintiff's Motions for Statutory Restraining Order, Preliminary Injunction and Expedited Discovery, the declarations of Thomas J. Koprowski, and the attachments thereto, including, among others, the declarations of Matthew Arthur Foxall, Mike Kaselnak, Aaron J. Moeckly, Thomas B. Boughton, Antone Lechner, Brian Mesko, Darlene Binner and Charles A. Mohs, and the attachments thereto, and all other papers filed herein by the Plaintiff, Commodity Futures Trading Commission ("Commission"), it appearing that the Court has jurisdiction over the subject matter and that Section 6c of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 13a-1 (1994), permits this Court to grant a statutory

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RICHARD D. SLETTEN, CLERK
JUDGMENT ENTERED
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restraining order; it further appearing to the satisfaction of the Court that there is good cause to believe that Defendants Sovereign Resource Management, Inc., Ken Mitra, Virgil E. Smith and Anthony J. Heppner (collectively "the Defendants"), have engaged, are engaging in or are about to engage in violations of Sections 4b(a)(i) and (iii), 4b(a)(ii), 4m(1), 4k(2) and 4o(1) of the Commodity Exchange Act ("the Act"), 7 U.S.C. §§ 6b(a)(i) and (iii), 6b(a)(ii), 6(m)(1), 6k(2) and 6o(1) (1994), and Commission Regulation 4.21 thereunder, 17 C.F.R. § 4.21 (2002), and it further appearing to the satisfaction of the Court that this is a proper case for granting a statutory restraining order to preserve the *status quo* and to protect public customers from further loss and damage;

IT IS HEREBY ORDERED:

1. That the Defendants, and all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns or attorneys of the Defendants and all persons insofar as they are acting in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, shall be prohibited from directly or indirectly:

Destroying, mutilating, concealing, altering or disposing of, in any manner, any of the books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of Defendant and Relief Defendants, wherever located, including all such records concerning their business operations, until further order of the Court.

2. IT IS FURTHER ORDERED that representatives of the plaintiff Commission be allowed to immediately inspect the books, records and other electronically stored data, tape recording, and other documents of Defendants and their agents, including all such records of Defendant's business operations, wherever they are

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situated and whether they are in the hands of Defendant, or others and to copy said documents, data, and records either on or off the premises wherever they may be situated.

4. IT IS FURTHER ORDERED that this Order may be served by facsimile transmissions.

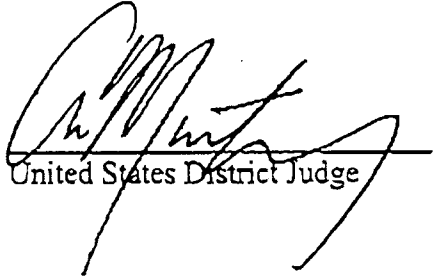
5. IT IS FURTHER ORDERED that this Statutory Restraining Order shall remain in full force and effect until further Order of this Court, upon application, notice and an opportunity to be heard.

6. IT IS FURTHER ORDERED that plaintiff's Motion for a Preliminary Injunction is set for hearing on July 31, 2002, at 2:30 pm o'clock.

7. IT IS FURTHER ORDERED that Thomas J. Koprowski, an employee of the Commission, is hereby specially appointed to serve process, including the summons and complaint, and all other papers in this cause.

Date: July 19, 2002

Time: 9:05 am


United States District Judge