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 CLERK, U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 SOUTHERN DIVISION
 BY: [Signature] DEPUTY

16 Attorneys for Plaintiff Commodity Futures Trading Commission

17 **UNITED STATES DISTRICT COURT**
 18 **CENTRAL DISTRICT OF CALIFORNIA**
 19 **SOUTHERN DIVISION**

20 **COMMODITY FUTURES TRADING COMMISSION,**

21 Plaintiff,

22 vs.

23 **FX ADVISORS, LLC, FX ADVISORS**
 24 **EAST, LLC, FX ADVISORS**
 25 **PACIFIC, LLC, MAS FX LLC,**
 26 **formerly known as MAS FINANCIAL**
 27 **SERVICES, INC, GLOBAL EQUITY**
 28 **MANAGEMENT GROUP, LLC,**
BRIAN MOORE, RON ROZILLIO,
DENNIS HEYBURN, DON LAKIN,
FARZAD NAFEIY AND CHRISTIAN
WEBER,

Defendants.

Case No. SACV02-173 DOC(LANX)

~~PROPOSED~~ EX PARTE
 STATUTORY RESTRAINING
 ORDER
 AND ORDER TO SHOW
 CAUSE RE:
 PRELIMINARY INJUNCTION

1 1. ~~This matter came on for hearing on February _____, 2002~~, on the
2 application of Plaintiff Commodity Futures Trading Commission ("CFTC"), Susan
3 J. Gradman and Edwin J. Yoshimura appearing for Plaintiff CFTC, for an *Ex Parte*
4 statutory restraining order **without notice** against MAS FX, LLC, formerly known
5 as MAS Financial Services, LP ("MAS FX"), FX Advisors, LLC ("FXA"), FX
6 Advisors Pacific, LLC ("FXP"), FX Advisors East, LLC ("FXE"), Global Equity
7 Management Group, LLC ("GEM"), Brian Moore ("Moore"), Christian Weber
8 ("Weber"), Dennis Heyburn ("Heyburn"), Ron Rozillio ("Rozilio"), Don Lakin
9 ("Lakin") and Farzad Nafeiy ("Nafeiy") (collectively "Defendants"), and the Court
10 having considered the complaint, memorandum of points and authorities,
11 declarations and other filings and evidence in support thereof, makes the following
12 findings:

13 2. This Court has jurisdiction over the parties and over the subject matter
14 of this action, and venue lies properly in this Judicial District.

15 3. There is good cause to believe that defendants have engaged in and
16 are likely to engage in acts and practices that violate Sections 4(a) and 4b(a)(i) and
17 (iii), of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. §§ 6(a) and
18 6b(a)(i) and (iii) (2001), and Commission Regulation 1.1(b)(1) and (3), 17 C.F.R.
19 § 1.1(b)(1) and (3) (2001), and that the CFTC has a reasonable probability of
20 prevailing on the merits of this action.

21 4. There is good cause to believe that immediate and irreparable damage
22 to the Court's ability to grant effective final relief for customers in the form of
23 monetary redress will occur from the sale, transfer, assignment, or other
24 disposition by defendants of their assets or destruction of records unless defendants
25 are immediately restrained and enjoined by Order of this Court and, accordingly,
26 there is good cause to issue this order.

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1 5. Good cause exists for freezing the defendants' assets, and the issuance
2 of an order prohibiting the defendants from destroying records and denying agents
3 of the CFTC access to inspect and copy records.

4 6. Weighing the equities and considering the CFTC's reasonable
5 probability of success in its claims for relief, the issuance of an *ex parte* statutory
6 restraining order, pursuant to Section 6c(a) of the Act, 7 U.S.C. § 13a-1(a) 2001, is
7 in the public interest.

8 ORDER

9 DEFINITIONS

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

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

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

25 9. "Defendants" means MAS FX, FXA, FXP, FXE, GEM, Moore,
26 Weber, Heyburn, Rozilio, Lakin and Nafeiy and any person insofar as he or she is
27 acting in the capacity of an officer, agent, servant, employee or attorney of MAS
28 FX, FXA, FXP, FXE, GEM, Moore, Weber, Heyburn, Rozilio, Lakin and Nafeiy,

1 and any person who receives actual notice of this Order by personal service or
2 otherwise, including facsimile, insofar as he or she is acting in concert or
3 participation with MAS FX, FXA, FXP, FXE, GEM, Moore, Weber, Heyburn,
4 Rozilio, Lakin and Nafeiy.

5 **RELIEF GRANTED**
6 **STATUTORY RESTRAINING ORDER**

7 **I.**

8 **ASSET FREEZE**

9 **IT IS ORDERED** defendants MAS FX, FXA, FXP, FXE, GEM, Moore,
10 Rozillio, Weber, Heyburn, Lakin and Nafeiy are restrained and enjoined from
11 directly or indirectly withdrawing, transferring, removing, dissipating, selling,
12 alienating, liquidating, encumbering, pledging, leasing, loaning, assigning,
13 concealing, converting, or otherwise disposing of any funds, assets or other
14 property, wherever located, including funds, property or assets held outside the
15 United States, except as ordered by the Court. The assets affected by this
16 Paragraph shall include both existing assets and assets acquired after the effective
17 date of this Order.

18 **IT IS FURTHER ORDERED** that the following specific financial
19 institution accounts are frozen until further Order of this Court.

20 a. Account Name: FX Advisors East, LLC, Union Bank of California,
21 account number 0350026622

22 b. Account Name: FX Advisors East, LLC, Bank of America, account
23 number 24397-01072.

24 c. Account Name: FX Advisors Pacific, LLC, Union Bank of California,
25 account numbers 0350026568 and 0350026436.

26 d. Account Name: FX Advisors Pacific, LLC, Bank Of America, account
27 number 24399-01090.

1 e. Account Name: Global Equity Management Group, LLC, Union Bank of
2 California, account number 0630068843.

3 f. Account Name: MAS FX, LLC Chase Manhattan Bank, account numbers
4 904778517, 904778525, 904778533.

5 g. Account Name: FX Advisors East, LLC, Key Bank, NA, account number
6 353021001063.

7 h. Account Name: FX Advisors East, LLC, US Bank, account number
8 0577949696

9 h. Account Name: MAS FX, LLC, Rosenthal Collins Group, LLC, account
10 number 00270005.

11 i. Account Name: Ron Rozillio, Alaron Futures & Options, account number
12 50077630 and Lind Waldock & Co. account number 583570.

13 j. Account Name: IBFX, Bank of America, account number 2439901113.

14 k. Account Name: Strategic Equity Management Group, LLC, Union Bank
15 of California, account numbers 0633012711 and 0630069734.

16 **IT IS FURTHER ORDERED** that, pending further Order of this Court,
17 any financial or brokerage institution, business entity, or person that holds,
18 controls, or maintains custody of any funds, assets or other property of any
19 Defendant, or has held, controlled, or maintained custody of any funds, assets or
20 other property of any Defendant, and who receives notice of this order by any
21 means, including facsimile, shall:

22 A. Prohibit Defendants and any other person from withdrawing,
23 removing, assigning, transferring, pledging, encumbering, disbursing, dissipating,
24 converting, selling or otherwise disposing of any such asset except as directed by
25 further order of the Court;

26 B. Deny Defendants, and all other persons access to any safe deposit box
27 that is:

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1 1. titled in the name of any Defendant, either individually or
2 jointly; or

3 2. otherwise subject to access by any Defendant;

4 C. Provide counsel for the CFTC within five (5) business days of
5 receiving a copy of this Order, a statement setting forth:

6 1. the identification number of each such account or asset titled in
7 the name, individually or jointly, of any of the Defendants, or held on behalf of, or
8 for the benefit, of any of the Defendants;

9 2. the balance of each such account, or a description of the nature
10 and value of such asset as of the close of business on the day on which this Order
11 is served, and, if the account or other asset has been closed or removed, the date
12 closed or removed, the total funds removed in order to close the account, and the
13 name of the person or entity to whom such account or other asset was remitted; and

14 3. the identification of any safe deposit box that is either titled in
15 the name, individually or jointly, of any Defendant, or is otherwise subject to
16 access by any Defendant;

17 D. Upon the request by the CFTC, promptly provide the CFTC with
18 copies of all records or other documentation pertaining to such account or asset,
19 including, but not limited to, originals or copies of account applications, account
20 statements, signature cards, checks, drafts, deposit tickets, transfers to and from the
21 accounts, all other debit and credit instruments or slips, currency transaction
22 reports, 1099 forms, and safe deposit box logs; and

23 E. Cooperate with all reasonable requests of the CFTC relating to
24 implementation of this Order, including producing records related to Defendants'
25 accounts and Defendants' businesses.

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II.

PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that the Defendants and all persons or entities who receive notice of this Order by personal service or otherwise, including facsimile, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any documents that relate to the business practices or business or personal finances of any Defendant.

III.

ACCESS TO AND INSPECTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that representatives of the CFTC be allowed immediately to inspect the books, records, and other documents of the Defendants and their agents including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of the Defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated including but not limited to:

A. A list of all persons and entities who invested in the foreign currency futures contracts described in the Complaint in this action from January 1, 2001 to the present, including the name, address, telephone number, dates of investments and withdrawals, and amounts of investments and withdrawals by each investor;

B. Copies of all commodity brokerage account documents reflecting all trades made with investor funds from January 1, 2001 to the present;

C. Copies of all statements of account sent to or maintained on behalf of any investor from January 1, 2001 to the present;

D. All financial records relating to every transaction in which any funds or other assets of any kind, or the interest or accrual on such funds, obtained from

1 investors in the matters alleged in the Complaint in this action were received,
2 transferred, invested, or otherwise disposed of or expended.

3 IV.

4 SERVICE OF ORDER

5 IT IS FURTHER ORDERED that copies of this Order may be served by
6 any means, including facsimile transmission, upon any financial institution or other
7 entity or person that may have possession, custody, or control of any documents or
8 assets of any Defendant, or that may be subject to any provision of this Order.
9 Merle K. Hampton and Deborah D. Boone – Malbrew, both employees of the
10 CFTC, are hereby specially appointed to serve process, including this Order and all
11 other papers in this cause.

12 V.

13 BOND NOT REQUIRED OF PLAINTIFF

14 IT IS FURTHER ORDERED that Plaintiff CFTC is an agency of the
15 United States of America and, accordingly, no bond need be posted by Plaintiff.

16 VI.

17 ORDER TO SHOW CAUSE

18 IT IS FURTHER ORDERED that Defendants MAS FX, FXA, FXP, FXE,
19 GEM, Moore, Weber, Heyburn, Rozilio, Lakin and Nafeiy, shall show cause, if
20 there be any, at 4:30 o'clock ~~a.m.~~ (p.m.) on March 6, 2002
21 before the Honorable David O. Carter, Courtroom 9D, United
22 States District Court, Central District of California, located
23 at 411 W. 4th Street, Santa Ana, California, why a Preliminary
24 Injunction should not be granted to prohibit further violations of the Act and the
25 Regulations promulgated thereunder.

26 IT IS FURTHER ORDERED that Service of a copy of this Order upon
27 Defendants, in accordance with Rule 4 of the Federal Rules of Civil Procedure or
28 in any manner provided by law on or before 10:00 o'clock (a.m.) ~~p.m.~~ on

1 the 22 day of February, 2002, shall be deemed good and sufficient service
2 and notice thereof.

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6 VII.

7 IT IS FURTHER ORDERED that any papers in opposition to Plaintiff's
8 Motion for a Preliminary Injunction shall be filed on or before
9 February 27 2002, and copies of such opposition delivered to Plaintiff on or
10 before 4:00 am/pm on February 27 2002.

11 IT IS FURTHER ORDERED that this Order shall expire on March 7, 2002
12 o'clock a.m. / p.m. on the _____ day of January, 2002, unless for good cause
13 shown it is extended, or unless Defendants consent that it may be extended for a
14 longer period.

15 IT IS SO ORDERED.

16 Signed at 9:30 am o'clock am/pm on the 21 day of February, 2002

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18
19 David O. Carter
20 UNITED STATES DISTRICT JUDGE

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23 Presented by:

24
25 Susan J. Gradman
26 Susan J. Gradman
27 Attorney for Plaintiff
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