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CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY S. DEPUTY

1 PLAINTIFF
2 COMMODITY FUTURES TRADING COMMISSION
3 TIMOTHY J. MULREANY
4 CHIEF TRIAL COUNSEL
5 D.C. FED. BAR NO. (467478)
6 KARON J. POWELL
7 D.C. BAR NO. (461767)
8 TRIAL ATTORNEY
9 DIVISION OF ENFORCEMENT
10 1155 21ST STREET N.W.
11 WASHINGTON, D.C. 20581
12 (202) 418-5000

CV '03 1820 PHX PGR

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

INTERNATIONAL FUNDING ASOCIATION;
CAMBRIDGE GLOBAL GROUP; GLOBAL
MANAGEMENT GROUP; and RONALD
STEPHEN HOLT,

Defendants.

Case No. _____

**EX PARTE STATUTORY
RESTRAINING ORDER WITH
ASSET FREEZE**

~~(FILED UNDER SEAL)~~

17 Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a
18 complaint for permanent injunction and other relief, and moved *ex parte*, pursuant to
19 Section 6c of the Commodity Exchange Act (the "Act"), 7 U.S.C. § 13a-1 (2001), for a
20 Statutory Restraining Order freezing the assets of defendants and relief defendants,
21 prohibiting defendants from destroying any business records, books or documents and
22 granting leave to take expedited discovery. The Court has considered the pleadings,
23

1 declarations, exhibits, and memorandum filed in support of the Commission's motion. As it
2 appears to the Court that the Court has jurisdiction over the subject matter of this case, that
3 Section 6c of the Act, 7 U.S.C. § 13a-1, authorizes *ex parte* relief, that there is good cause to
4 believe that Defendants have engaged in, are engaging in or are about to engage in
5 violations of the Act, and that this is a proper case for granting an *ex parte* statutory
6 restraining Order to preserve the status quo, protect public customers from loss and damage,
7 and enable the Commission to fulfill its statutory duties, the Court orders as follows:

8 DEFINITIONS

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

10
11 1. The term "document" is synonymous in meaning and equal in scope to the
12 usage of the term in Federal Rule of Civil Procedure 34(a), and includes, but is not limited
13 to, writings, drawings, graphs, charts, photographs, audio and video recordings, computer
14 records, and other data compilations from which information can be obtained and translated,
15 if necessary, through detection devices into reasonably usable form. A draft or non-
16 identical copy is a separate document within the meaning of the term.

17 2. "Defendants" means International Funding Association, ("IFA"), Global
18 Management Group, ("GMG"), Cambridge Global Group, ("Cambridge"), Ronald Stephen
19 Holt, ("Holt"), and any person insofar as he or she is acting in the capacity of an officer,
20 agent, servant, employee, or attorney of IFA, GMG, Cambridge or Holt, and any person
21 who receives actual notice of this Order by personal service or otherwise insofar as he or she
22 is acting in concert or participation with IFA, GMG, Cambridge or Holt.
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I.

Asset Freeze

IT IS HEREBY ORDERED that Defendants, except as otherwise ordered by this Court, are restrained and enjoined from directly or indirectly:

- A. transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any assets, wherever located, including assets held in corporate or partnership accounts in which defendants and relief defendants have an interest, except as provided in Paragraphs III of this Order or as otherwise ordered by the Court;
- B. opening or causing to be opened any safe deposit boxes titled in the name of, or subject to access by any defendant or relief defendant.

II.

Directives to Financial Institutions and Others

IT IS FURTHER ORDERED, pending further Order of this Court, that any financial or brokerage institution, business entity, or person, that holds, controls, or maintains custody of any account or asset, or at any time since **January, 1999**, has held, controlled, or maintained custody of any account or asset of any defendant or relief defendant shall:

- A. Prohibit defendants and relief defendants and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling or otherwise disposing of any such asset except as directed by further order of the Court;

- 1 B. Deny Defendants and all other persons access to any safe deposit box that is:
- 2 1. titled in the name of any defendant either individually or jointly; or
- 3 2. otherwise subject to access by any defendant.
- 4 C. Provide the counsel for the Commission, within five (5) business days of
- 5 receiving a copy of this Order, a statement setting forth:
- 6 1. the identification number of each and every account or asset titled in
- 7 the name, individually or jointly, of, or held on behalf of, or for the
- 8 benefit of, any defendant;
- 9 2. the balance of each such account, or a description of the nature and
- 10 value of such asset as of the close of business on the day on which this
- 11 Order is served, and, if the account or other asset has been closed or
- 12 removed, the date closed or removed, the total funds removed in order
- 13 to close the account, and the name of the person or entity to whom such
- 14 account or other asset was remitted; and
- 15 3. the identification of any safe deposit box that is either titled in the
- 16 name, individually or jointly, of any defendant or is otherwise subject
- 17 to access by any defendant;
- 18 D. Upon request by the Commission, promptly provide the Commission with
- 19 copies of all records or other documentation pertaining to such account or
- 20 asset, including, but not limited to, originals or copies of account applications,
- 21 account statements, signature cards, checks, drafts, deposit tickets, transfers to
- 22 and from the accounts, all other debit and credit instruments or slips, currency
- 23 transaction reports, 1099 forms, and safe deposit box logs.
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III.

Accounting

IT IS FURTHER ORDERED that within three (3) business days following the service of this Order, each defendant and relief defendant shall:

- A. Provide the Commission with a full accounting of all funds and assets both within and outside of the United States which are held by the defendant, on their behalf, or under their direct or indirect control, whether jointly or singly, or in which they have an interest, and a full accounting of all funds and assets that each defendants and relief defendant received from its clients and the ultimate use or current location of those funds or assets;
- B. Provide the Commission with full access to and permit copying of all documents both within and outside of the United States which are held by them, on their behalf, or under their direct or indirect control, or relate to a corporate or partnership entity in which they have an interest;
- C. Transfer to the territory of the United States all funds, documents, and assets located in foreign countries which are held by them, for their benefit, or under their direct or indirect control, whether jointly or singly;
- D. Provide the Commission access to all records of the defendant held by financial institutions located both within and outside the territorial United States by signing a Consent to Release of Financial Records; and
- E. Provide the Commission with a complete customer list, including, without limitation, the names, addresses and telephone numbers of all persons who transferred funds to the defendant or relief defendant from January 1, 1997 to the present.

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IV.

Maintenance of and Access to Business Records

IT IS HEREBY ORDERED that the defendants and all persons or entities who receive notice of this Order by personal service or otherwise, 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.

V.

Inspection and Copying of Books and Records

IT IS FURTHER ORDERED that representatives of the Commission be immediately allowed to inspect the books, records, and other documents of the defendants and relief defendants and their agents including, but not limited to, paper documents, 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.

VI.

Expedited Discovery

IT IS FURTHER ORDERED that the parties are granted leave, at any time after service of this Order, to take the deposition of and demand the production of documents from any person or entity for the purpose of discovering the nature, location, status, and extent of assets of the defendants, and the location of documents reflecting the business transactions of the defendants; forty-eight (48) hours notice shall be deemed sufficient for any such deposition and five (5) days notice shall be deemed sufficient for the production of

1 any such documents. The limitations and conditions set forth in Federal Rule of Civil
2 Procedure 30(a)(2)(B) regarding subsequent depositions of an individual shall not apply to
3 depositions taken pursuant to this Paragraph. Nor shall any depositions taken pursuant to
4 this Paragraph count towards the ten deposition limit set forth in Federal Rule of Civil
5 Procedure 30(a)(2)(A).

6 **VII.**

7 **Service on the Commission**

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

12 **IX.**

13 **Service of Order**

14 **IT IS FURTHER ORDERED** that copies of this Order may be served by any
15 means, including facsimile transmission, upon any entity or person that may have
16 possession, custody, or control of any documents or assets of defendants, or that may be
17 subject to any provision of this Order, and, additionally, that representatives of the
18 Commission are specially appointed by the Court to effect service. Service of the summons,
19 Complaint or other process may be affected by U.S. Marshal or deputy U.S. Marshal, or in
20 accordance with Fed. R. Civ. P. 4.

X.

Order to Show Cause

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3 **IT IS FURTHER ORDERED** that the defendants shall appear before this Court on the

4 ^{TA} 29 day of SEPT, 2003, at 3:00 PM .m., before the Honorable

5 PAUL G. ROSEN at the United States Courthouse for the District of Arizona, Phoenix

6 Division to show cause why this Court should not enter a Preliminary Injunction enjoining

7 the defendants from further violations of the Act, and ordering any additional relief this

8 Court deems appropriate. Should any party wish to file a memorandum of law or other

9 papers concerning the issuance of a Preliminary Injunction against the defendants, such

10 materials shall be filed, served and received by all parties at least two (2) days before the

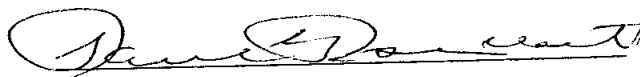
11 hearing ordered above.

12
13 **XI.**

Force and Effect

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

18 **SO ORDERED**, at PHOENIX, Arizona on this 18TH day of SEPT, 2003,
19 at 3:32 p.m.

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22 UNITED STATES DISTRICT JUDGE