

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 11-14063-CIV-MOORE/LYNCH

U.S. COMMODITIES FUTURE
TRADING COMMISSION,

Plaintiff,

vs.

DAVID L. ORTIZ, GOYEP INTERNATIONAL,
INC., ROYAL RETURNS, INC.,

Defendants,

LOREDANA ORTIZ, and NATURAL HEALTH
MATTERS, L.L.C.

Relief Defendants.

FILED UNDER SEAL¹

STATUTORY RESTRAINING ORDER

Having read the Complaint for Injunctive and Other Equitable Relief, the Plaintiff's Motion for an *ex parte* Statutory Restraining Order, the Memorandum in Support of Plaintiff's Motion for a Statutory Restraining Order, the Declaration of Joy McCormack, and the Attachments thereto, and all other papers filed herein by the Plaintiff, Commodity Futures Trading Commission ("CFTC"),

THE COURT FINDS:

1. The Court has jurisdiction over the parties and over the subject matter of this case.
2. Section 6c(a) of the Commodity Exchange Act ("Act"), 7 U.S.C. § 13a-1(a), as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII

¹ Because receipt of this Order may frustrate the purpose of the referred Orders, no notice of the referrals shall be provided to the Defendants.

(the CFTC Reauthorization Act of 2008 ("CRA")), §§ 13101-13204, 122 Stat.1651 (enacted June 18, 2008), and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability Act of 2010), §§ 701-774, 124 Stat. 1376 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 1 *et seq.*, authorizes this Court to enter an *ex parte* statutory restraining order against Defendants David L. Ortiz ("Ortiz"), Goyep International, Inc. ("Goyep") and Royal Returns, Inc. ("Royal Returns") and Relief Defendants Loredana Ortiz ("L. Ortiz") and Natural Health Matters, L.L.C. ("Natural Health").

3. Venue lies properly within this District pursuant to Sections 6c(e) of the Act, 7 U.S.C. § 13a-1(e).

4. It appears to the satisfaction of the Court that there is good cause to believe that the Defendants, have engaged, are engaging in and are about to engage in violations of §§ 4(b)(a)(2)(A) - (C) of the Act, 7 U.S.C. §§ 6b(a)(2)(A) - (C), and that Defendants Ortiz and Goyep, with respect to acts occurring on or after October 18, 2010, have engaged in violations of Sections 5.3(a)(3)(i) and 5.3(a)(3)(ii) of the Regulations, to be codified at 17 C.F.R. 5.3(a)93)(i) and 5.3(a)(3)(ii).

5. There is good cause to believe that Relief Defendants, L. Ortiz and Natural Health ("Relief Defendants"), received funds and/or property as a result of the Defendants' unlawful conduct and have been unjustly enriched thereby. The Relief Defendants have no legitimate entitlement to or interest in all of the funds and/or property received as a result of the Defendants' unlawful conduct.

6. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for investors in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by Defendants or Relief Defendants

of assets or records unless Defendants and Relief Defendants are immediately restrained and enjoined by order of the Court, and accordingly there is good cause to issue this Order.

7. There is good cause to believe further that forex customers may be cheated and defrauded and that immediate and irreparable damage to the Court's ability to grant effective final relief for forex customers in the form of monetary redress will occur from the destruction of records unless the Defendants and Relief Defendants are immediately restrained and enjoined by Order of this Court and, accordingly, there is good cause to issue this Order.

8. It further appears to the satisfaction of the Court that this is a proper case for granting a statutory restraining order to preserve the status quo, protect public customers from loss and damage, and enable the CFTC to fulfill its statutory duties.

ORDER

DEFINITIONS

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

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

10. "Document" is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure 34(a), and includes, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into

reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

11. "Defendants" means David L. Ortiz, Goyep International, Inc. and Royal Returns, Inc., and any person insofar as he or she is acting in the capacity as an officer, agent, servant, employee or attorney of any of the Defendants, individually or jointly, and any person who receives actual notice of this Order by personal service or otherwise, including Federal Express or other commercial overnight service, email or facsimile.

12. "Relief Defendants" means Loredana Ortiz and Natural Health Matters, L.L.C., and any person insofar as he or she is acting in the capacity as an officer, agent, servant, employee or attorney of any of the Relief Defendants, individually or jointly, and any person who receives actual notice of this Order by personal service or otherwise, including Federal Express or other commercial overnight service, email or facsimile.

RELIEF GRANTED

STATUTORY RESTRAINING ORDER

I. ASSET FREEZE

IT IS ORDERED that Defendants and Relief Defendants, and their agents, servants, employees, successors, assigns, attorneys 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, including Federal Express or other commercial overnight service, email or facsimile, is restrained and enjoined from directly or indirectly dissipating, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, converting or otherwise disposing of any cash, cashier's checks, funds, assets or other property, wherever located, including funds,

property or assets held outside the United States, except as ordered by the Court. The assets affected by this Paragraph shall include all of those within the custody, control or actual or constructive possession of Defendants or Relief Defendants, including, but not limited to, all funds, personal property, money or securities held in Defendants' or Relief Defendants' name, all funds on deposit in any safety deposit box, financial institution, futures commission merchant ("FCM"), custodian, brokerage firm, bank or savings and loan account held by, under the actual or constructive control, or in the name of Defendants or Relief Defendants, all funds or property of Defendants' investors, wherever located, whether held in the name of the Defendants or Relief Defendants, individually or jointly, or any other entity owned or controlled by Defendants or Relief Defendants, or held on behalf of the Defendants or Relief Defendants. The assets affected by this Paragraph shall include both existing assets and assets acquired after the effective date of this Order, as well as accounts held at the institutions specifically identified below.

IT IS FURTHER ORDERED that, pending further Order of this Court, any bank, financial or brokerage firm, futures commission merchant, or business entity, or person that holds, controls, or maintains custody of any funds, assets or other property of Defendants or Relief Defendants, or has held, controlled, or maintained custody of any funds, assets or other property of Defendants or Relief Defendants, including, but not limited, to Bank of America, N.A., Etrade Securities, L.L.C., JP Morgan Chase Bank, N.A., Interactive Brokers, L.L.C., ODL Securities, Ltd., PFG Best, MB Trading Futures, Inc., TD Ameritrade, Inc., and who receive notice of this Order by any means, including facsimile, electronic mail, United Parcel Service, Federal Express or other commercial overnight service, shall:

- A. Prohibit Defendants and Relief Defendants and any other person 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;

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

1. titled in the name of Defendants or Relief Defendants, either individually or jointly; or maintained by nominees of Defendants or Relief Defendants; or
2. otherwise subject to access by the Defendants or Relief Defendants;

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

1. the identification number of each such account or asset titled in the name of Defendants or Relief Defendants, individually or jointly, or held on behalf of, or for the benefit, of the Defendants or Relief Defendants;
2. the balance of each such account, or a description of the nature and value of such asset as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other asset was remitted; and
3. the identification of any safe deposit box that is either titled in the name of Defendants or Relief Defendants, individually or jointly, or is otherwise subject to access by the Defendants or Relief Defendants;

D. Upon the request by the CFTC, promptly provide the CFTC with copies of all records or other documentation pertaining to such account or asset, including, but not limited to,

originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, wire transfers to and from the accounts, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs; and

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

II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that Defendants and Relief Defendants and their agents, servants, employees, successors, assigns, attorneys 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, including facsimile, email or Federal Express or other commercial overnight service, are restrained and enjoined 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 Defendants and Relief Defendants, wherever located, including all such records concerning the Defendants' and Relief Defendants' business operations.

III. ACCESS TO AND INSPECTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that Defendants and Relief Defendants must permit representatives of the Plaintiff CFTC to immediately inspect the books, records and other electronically stored data, tape recordings, and other documents of the Defendants and Relief Defendants and their agents, including all such records of Defendants' and Relief Defendants'

business operations, wherever they are situated and whether they are in the possession of the Defendants or Relief Defendants or others and to copy said documents, data, and records either on or off the premises where they may be situated and whether they are in the possession of the Defendants or Relief Defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated.

IV. SERVICE OF ORDER and ASSISTANCE OF U.S. MARSHAL'S SERVICE

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, electronic mail, United Parcel Service and Federal Express or other commercial overnight service, upon any financial institution, FCM, bank, brokerage firm or other entity or person that may have possession, custody, or control of any documents or assets of the Defendants or Relief Defendants, or that may be subject to any provision of this Order. Joy McCormack and John Wilson, employees of the CFTC, are hereby specially appointed to serve process, including this Order and all other papers in this cause.

IT IS FURTHER ORDERED that the United States Marshals Service is directed to assist the CFTC with service of process, including the summons and Complaint and all other papers in this case, as well as assist the CFTC with taking control and custody of the assets, records and business premises of Defendants and Relief Defendants.

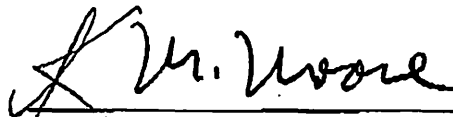
V. SERVICE ON THE COMMISSION

IT IS FURTHER ORDERED that the Defendants shall serve all pleadings, correspondence or notices required by this Order, and other materials on the CFTC by delivering a copy to, Susan B. Padove, Senior Trial Attorney or Elizabeth M. Streit, Trial Team Leader, Division of Enforcement, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, Illinois 60661.

VI. COURT MAINTAINS JURISDICTION

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, and that this Court retains jurisdiction of this matter for all purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 24th day of February, 2011.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Frank J. Lynch, Jr.
Susan Padove, Senior Trial Attorney