

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FILED by *[Signature]* D.C.
JUN 09 2004
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

v.

STERLING TRADING GROUP, INC.,
UNIVERSAL FX, INC., STG GLOBAL
TRADING, INC., QIX, INC., GRAYSTONE
BROWNE FINANCIAL INC., JOSEPH
ARSENAULT, AND ANDREW STERN

Defendants.

CIVIL ACTION NO: _____

04-21346

CIV-LENARD

MAGISTRATE JUDGE
SIMONTON

gv **SEALED**

~~(proposed)~~ **Ex Parte Statutory Restraining Order Regarding
Books and Records and Order to Show Cause**

Plaintiff, the Commodity Futures Trading Commission ("Commission"), has filed a Complaint for permanent injunction and other relief, and moved pursuant to Section 6c of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. § 13a-1 (2003), for a Statutory Restraining Order prohibiting defendants from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect and copy, when and as requested, any books, records, electronically stored data, including computers and computer data, or other documents wherever they may be. As it appears to the Court that the Court has jurisdiction over the subject matter of this case, that Section 6c of the Act, 7 U.S.C. § 13a-1, authorizes *ex parte* relief, that there is good cause to believe that the defendants have engaged in, are engaging in or are about to engage in violations of the Act, and that this is a proper case for granting an *ex parte* statutory restraining Order to preserve the status quo, protect public customers from loss and damage, and enable the Commission to fulfill its statutory duties, the Court orders as follows:

attorneys, any person (s) acting or purporting to act for or on their behalf, and corporate and partnership entities in which Defendants have an interest.

II.

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, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and corporate and partnership entities in which Defendants have an interest, including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the person of the Defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated.

III.

Service of Order

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including facsimile transmission, upon any entity or person that may have possession, custody, or control of any documents of the Defendants or that may be subject to any provision of this Order, and, additionally, that representatives of the Commission, are specially appointed by the Court to effect service. Service of the summons, Complaint or other process may be effected by U.S. Marshal or deputy U.S. Marshal, or in accordance with Federal Rule of Civil Procedure 4.

IV.

Notification of Service

IT IS FURTHER ORDERED that upon service of the summons and the Complaint, the Plaintiff shall within 5 days both file a return of service with the Court and also notify by telephone the United States Magistrate Judge Andrea M. Simonton of execution of service.

V.

Force and Effect

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

DONE AND ORDERED in Chambers at Miami, Florida this 9 day of June, 2004. *at 1:35 P.M.*



JOAN A. LENARD
UNITED STATES DISTRICT JUDGE

Cc: Magistrate Judge Andrea M. Simonton

All counsel of record.

04-21346-CIV-LENARD/SIMONTON

