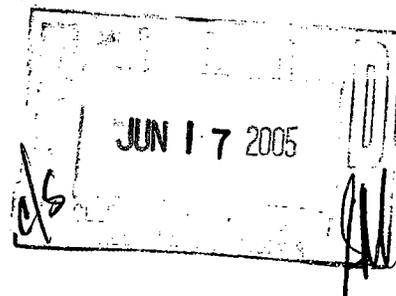


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

Civil Action No. 1:05 CV 492 CMH/LO



COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

v.

PRESIDENTIAL FX, INC., ADAM LEÓN, AND  
JOSEPH MARCHIANO,

Defendants.

Consent Order of Preliminary Injunction  
and Other Equitable Relief

**Consent Order of Preliminary Injunction  
and Other Equitable Relief**

Plaintiff Commodity Futures Trading Commission ("Commission"), on May 2, 2005, filed a Complaint for permanent injunction and other equitable relief and civil penalties against Defendants Presidential FX, Inc., Adam León, and Joseph Marchiano (collectively, "Defendants") for violations of the Commodity Exchange Act, as amended, ("CEA"), 7 U.S.C. §§ 1-25 (2002) and the Commission's Regulations promulgated thereunder ("Regulations"), 17 C.F.R. §§ 1 et seq. (2004).

Defendants, without admitting or denying the allegations of the Complaint for the purpose of this Consent Order of Preliminary Injunction and Other Equitable Relief ("Order"), but admitting to allegations referring to jurisdiction and venue for purposes of this Order only, consent to the entry of this Order and state that this Order is entered into voluntarily and that no promise or threat has been made by the Commission or any member,

officer, agent or representative thereof, to induce them to consent in this Order. This consent is given without any waiver of any defense that Defendants may have to this action, including but not limited to a defense of lack of jurisdiction or improper venue.

**I. Jurisdiction and Venue**

**THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

For purposes of this Order only:

This Court has jurisdiction over the subject matter of this action and all parties hereto pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2002), which authorizes the Commission to seek injunctive relief against any person whenever it shall appear that such person has engaged, is engaging or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder.

Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C § 1.13a-1(e) (2002), in that Defendants are found, are inhabitants of, or transact business in this district, or the acts and practices in violation of the Act have occurred, are occurring or are about to occur within this district.

**II. Relief Granted**

**THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

Defendants and all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns, or attorneys of Defendants, and all persons insofar as they are acting in active concert or participation with Defendants who receive actual notice of this order by personal service or otherwise, including service by facsimile or other transmission, shall be prohibited and restrained from directly or indirectly:

Cheating, defrauding, or deceiving, or attempting to cheat, defraud, or deceive, any person in or in connection with an offer to enter into, the entry into, the confirmation of the execution of, or the maintenance of, commodity option transactions in violation of Section 4c(b) of the Act, 7 U.S.C. § 6c(b), and Commission Regulations and 32.9(a) and (c), 17 C.F.R. §§ 32.9(a) and (c) (2004).

Cheating, defrauding, or attempting to cheat or defraud any person and willfully deceiving or attempting to deceive any person by any means whatsoever in violation of Regulations 1.1(b)(1) and (3), 17 C.F.R. §§ 1.1 (b)(1) and (3) (2004).

### **III. Force and Effect**

#### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

This Order shall remain in full force and effect until further order of this Court, and that this Court retains jurisdiction of this matter for purposes of this Order. The parties further agree that this Order shall not be deemed to establish any fact and may not be used or introduced in any other proceeding, including, but not limited to, actions under § 8a(2)(C) of the Act, for any purpose, except by this Court to enforce this Order in conjunction with its terms. Nothing in this Order shall constitute a waiver of any defense available to Defendants with respect to this action, including, but not limited to, a defense of lack of jurisdiction or improper venue.

### **IV. Bond Not Required of Plaintiff**

#### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

Plaintiff Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

SO ORDERED, this 17<sup>th</sup> day of June, 2005, at Alexandria, Virginia.

Claude M. Hilton  
CLAUDE M. HILTON  
U.S. DISTRICT JUDGE  
EASTERN DISTRICT OF VIRGINIA

[Signature]  
Summer Moté, President  
Presidential FX, Inc.

[Signature]  
Adam León

Joseph Marchiano  
[Signature]  
William Longwitz  
Trial Attorney, Division of Enforcement  
U.S. Commodity Futures Trading Commission  
1155 21st Street, NW  
Washington, DC 20581  
(202) 418-5642 (phone)  
(202) 418-5523 (fax)  
Attorney for Plaintiff  
Commodity Futures Trading Commission

Approved as to Form:  
[Signature]  
R. Lawrence Bomier  
Francisco O. Sanchez  
Homer & Bonner, P.A.  
1441 Brickell Avenue  
Suite 1200  
Miami, FL 33131  
(305) 350-5100 (phone)  
(305) 982-0060 (fax)  
Attorneys for Defendants Presidential FX, Inc. and Adam León

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

Civil Action No. 1:05 CV 492 CMH/LO

**COMMODITY FUTURES TRADING  
COMMISSION,**

Plaintiff,

v.

**PRESIDENTIAL FX, INC., ADAM LEÓN, AND  
JOSEPH MARCHIANO,**

Defendants.

Consent Order of Preliminary Injunction  
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**Consent Order of Preliminary Injunction  
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Plaintiff Commodity Futures Trading Commission ("Commission"), on May 2, 2005, filed a Complaint for permanent injunction and other equitable relief and civil penalties against Defendants Presidential FX, Inc., Adam León, and Joseph Marchiano (collectively, "Defendants") for violations of the Commodity Exchange Act, as amended, ("CEA"), 7 U.S.C. §§ 1-25 (2002) and the Commission's Regulations promulgated thereunder ("Regulations"), 17 C.F.R. §§ 1 et seq. (2004).

Defendants, without admitting or denying the allegations of the Complaint for the purpose of this Consent Order of Preliminary Injunction and Other Equitable Relief ("Order"), but admitting to allegations referring to jurisdiction and venue for purposes of this Order only, consent to the entry of this Order and state that this Order is entered into voluntarily and that no promise or threat has been made by the Commission or any member,

officer, agent or representative thereof, to induce them to consent in this Order. This consent is given without any waiver of any defense that Defendants may have to this action, including but not limited to a defense of lack of jurisdiction or improper venue.

#### **I. Jurisdiction and Venue**

##### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

For purposes of this Order only:

This Court has jurisdiction over the subject matter of this action and all parties hereto pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2002), which authorizes the Commission to seek injunctive relief against any person whenever it shall appear that such person has engaged, is engaging or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder.

Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C § 1.13a-1(e) (2002), in that Defendants are found, are inhabitants of, or transact business in this district, or the acts and practices in violation of the Act have occurred, are occurring or are about to occur within this district.

#### **II. Relief Granted**

##### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

Defendants and all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns, or attorneys of Defendants, and all persons insofar as they are acting in active concert or participation with Defendants who receive actual notice of this order by personal service or otherwise, including service by facsimile or other transmission, shall be prohibited and restrained from directly or indirectly:

Cheating, defrauding, or deceiving, or attempting to cheat, defraud, or deceive, any person in or in connection with an offer to enter into, the entry into, the confirmation of the execution of, or the maintenance of, commodity option transactions in violation of Section 4c(b) of the Act, 7 U.S.C. § 6c(b), and Commission Regulations and 32.9(a) and (c), 17 C.F.R. §§ 32.9(a) and (c) (2004).

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### **III. Force and Effect**

#### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

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### **IV. Bond Not Required of Plaintiff**

#### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

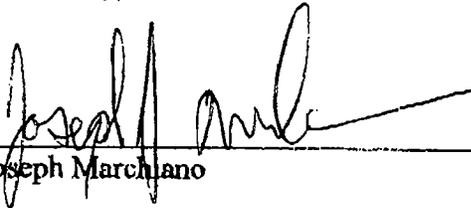
Plaintiff Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

**SO ORDERED**, this \_\_\_\_ day of \_\_\_\_\_, 2005, at Alexandria, Virginia.

\_\_\_\_\_  
CLAUDE M. HILTON  
U.S. DISTRICT JUDGE  
EASTERN DISTRICT OF VIRGINIA

\_\_\_\_\_  
Summer Moté, President  
Presidential FX, Inc.

\_\_\_\_\_  
Adam León

  
\_\_\_\_\_  
Joseph Marchiano

\_\_\_\_\_  
William Longwitz  
Trial Attorney, Division of Enforcement  
U.S. Commodity Futures Trading Commission  
1155 21st Street, NW  
Washington, DC 20581  
(202) 418-5642 (phone)  
(202) 418-5523 (fax)  
Attorney for Plaintiff  
Commodity Futures Trading Commission

Approved as to Form:

\_\_\_\_\_  
R. Lawrence Bonner  
Francisco O. Sanchez  
Homer & Bonner, P.A.

**1441 Brickell Avenue  
Suite 1200  
Miami, FL 33131  
(305) 350-5100 (phone)  
(305) 982-0060 (fax)  
Attorneys for Defendants Presidential FX, Inc. and Adam León**

RECEIVED

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

2005 JUN 16 P 3:22

CLERK US DISTRICT COURT  
ALEXANDRIA, VIRGINIA

Civil Action No. 1:05 CV 492 CMH/LO

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

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PRESIDENTIAL FX, INC., ADAM LEÓN, AND  
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Defendants, without admitting or denying the allegations of the Complaint for the purpose of this Consent Order of Preliminary Injunction and Other Equitable Relief ("Order"), but admitting to allegations referring to jurisdiction and venue for purposes of this Order only, consent to the entry of this Order and state that this Order is entered into voluntarily and that no promise or threat has been made by the Commission or any member,

officer, agent or representative thereof, to induce them to consent in this Order. This consent is given without any waiver of any defense that Defendants may have to this action, including but not limited to a defense of lack of jurisdiction or improper venue.

**I. Jurisdiction and Venue**

**THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

For purposes of this Order only:

This Court has jurisdiction over the subject matter of this action and all parties hereto pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2002), which authorizes the Commission to seek injunctive relief against any person whenever it shall appear that such person has engaged, is engaging or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder.

Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C § 1.13a-1(e) (2002), in that Defendants are found, are inhabitants of, or transact business in this district, or the acts and practices in violation of the Act have occurred, are occurring or are about to occur within this district.

**II. Relief Granted**

**THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

Defendants and all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns, or attorneys of Defendants, and all persons insofar as they are acting in active concert or participation with Defendants who receive actual notice of this order by personal service or otherwise, including service by facsimile or other transmission, shall be prohibited and restrained from directly or indirectly:

Cheating, defrauding, or deceiving, or attempting to cheat, defraud, or deceive, any person in or in connection with an offer to enter into, the entry into, the confirmation of the execution of, or the maintenance of, commodity option transactions in violation of Section 4c(b) of the Act, 7 U.S.C. § 6c(b), and Commission Regulations and 32.9(a) and (c), 17 C.F.R. §§ 32.9(a) and (c) (2004).

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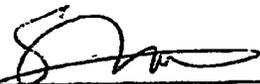
### **IV. Bond Not Required of Plaintiff**

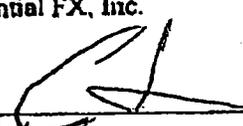
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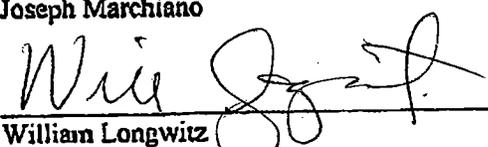
Plaintiff Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, at Alexandria, Virginia.

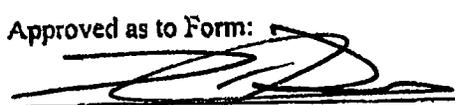
\_\_\_\_\_  
CLAUDE M. HILTON  
U.S. DISTRICT JUDGE  
EASTERN DISTRICT OF VIRGINIA

  
\_\_\_\_\_  
Summer Moté, President  
Presidential FX, Inc.

  
\_\_\_\_\_  
Adam León

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Attorney for Plaintiff  
Commodity Futures Trading Commission

Approved as to Form:

  
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Attorneys for Defendants Presidential FX, Inc. and Adam León

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

Civil Action No. 1:05 CV 492 CMH/LO

**COMMODITY FUTURES TRADING  
COMMISSION,**

Plaintiff,

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Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C § 1.13a-1(e) (2002), in that Defendants are found, are inhabitants of, or transact business in this district, or the acts and practices in violation of the Act have occurred, are occurring or are about to occur within this district.

#### **II. Relief Granted**

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### **IV. Bond Not Required of Plaintiff**

#### **THE PARTIES AGREE AND IT IS FURTHER ORDERED THAT:**

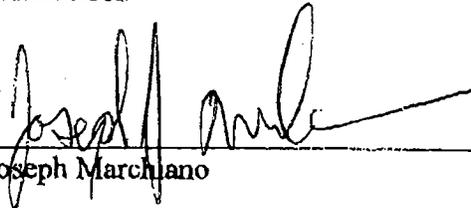
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SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, at Alexandria, Virginia.

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CLAUDE M. HILTON  
U.S. DISTRICT JUDGE  
EASTERN DISTRICT OF VIRGINIA

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