

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>U.S. COMMODITY FUTURES TRADING COMMISSION,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>DAVID BRYANT,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No: 1:15-cv-10816</p> <p>Hon. Edmond E. Chang</p>
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STATUTORY RESTRAINING ORDER

Having read the Complaint for Injunctive and Other Equitable Relief and Penalties Under the Commodity Exchange Act (“Complaint”) against Defendant David Bryant (“Bryant”) filed by Plaintiff Commodity Futures Trading Commission (“CFTC” or “Commission”), Plaintiff’s Motion for a Statutory Restraining Order (“Motion”), the Memorandum in Support of Plaintiff’s Motions for a Statutory Restraining Order and Preliminary Injunction submitted in support of the Motion (“Memorandum”) and the declarations and attachments thereto, and being fully advised in the premises,

THE COURT FINDS:

1. This Court has jurisdiction over Bryant and the subject matter of this action pursuant to Section 6c(a) of the Commodity Exchange Act (the “Act”), 7 U.S.C. § 13a-1(a) (2012), which authorizes this Court to enter a statutory restraining order against Bryant.
2. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e).

3. It appears that there is good cause to believe Bryant has engaged, is engaging, and/or is about to engage in violations of the Act. Specifically, it appears that Bryant has violated Sections 4b(a)(1)(A)-(C), 4o(1), and 4m(1) of the Act, 7 U.S.C. §§ 6b(a)(1)(A)-(C), 6o(1), and 6m(1) (2012).

4. It further appears that that there is good cause to believe immediate and irreparable harm to the Court's ability to grant effective final relief to Bryant's commodity pool participants in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by Bryant of his assets or destruction of records unless Bryant is immediately restrained and enjoined by order of this Court. Accordingly, there is good cause to issue this Order.

ORDER

DEFINITIONS

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

5. "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, credits, receivables, lines of credit, securities, contracts including spot and futures contracts, insurance policies, and all cash, wherever located.

6. "Document" is synonymous in meaning and equal in scope to the usage of the term in FED. R. CIV. P. 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 through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of the term.

7. “Bryant” refers to Defendant David Bryant (“Bryant”) and all persons insofar as they are acting in the capacity of Bryant’s agents, servants, successors, employees, assigns, and attorneys, and all persons insofar as they are acting in active concert or participation with Bryant who receive actual notice of this Order by personal service or otherwise, including electronic mail, facsimile, United Parcel Service, or Federal Express.

RELIEF GRANTED

I. ASSET FREEZE

IT IS HEREBY ORDERED that Bryant is restrained and enjoined from, directly or indirectly, withdrawing, transferring, removing, dissipating, concealing, assigning, pledging, leasing, encumbering, disbursing, converting, selling, or otherwise disposing of, in any manner, any funds, assets, or other property, wherever located, including funds, assets, or other property held outside the United States, except as ordered by the Court. 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 not specifically identified below.

IT IS FURTHER ORDERED that, pending further Order of this Court, any bank, financial or brokerage institution, entity, or person that holds, controls, or maintains custody of any accounts, funds, assets, or other property of Bryant or controlled by Bryant, or has held, controlled, or maintained custody of any accounts, funds, assets, or other property of Bryant and who receives notice of this Order by any means, including facsimile, electronic mail, United Parcel Service, or Federal Express, shall:

A. prohibit Bryant and any other person from withdrawing, transferring, removing, dissipating, concealing, assigning, pledging, leasing, encumbering, disbursing, converting, selling, or otherwise disposing of, in any manner, any such assets, except as directed by further order of the Court;

B. deny Bryant and any other person access to any safe deposit box that is:

1. titled in the name of or maintained by Bryant, whether individually, jointly, or in any other capacity, including safe deposit boxes titled in the name of or maintained by nominees of Bryant; or

2. otherwise subject to the control of or access by Bryant; and

C. cooperate with all reasonable requests of the CFTC relating to implementation of this Order, including producing records related to Bryant's accounts and trading activities.

II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that Bryant and all persons or entities who receive notice of this Order by personal service or otherwise, including electronic mail, facsimile, United Parcel Service, or Federal Express, are restrained and enjoined from directly or indirectly destroying, mutilating, concealing, altering, or disposing of, in any manner, directly or indirectly, any books, records, or other documents of Bryant, including all such records concerning Bryant's solicitation and trading activities, wherever located.

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 Bryant and his agents, including all such records concerning Bryant's solicitation and trading activities, wherever they

may be situated and whether they are in the possession of Bryant or others, and to copy said books, records, and other documents, either on or off the premises where they may be situated.

IV. SERVICE OF ORDER AND ASSISTANCE OF U.S. MARSHALS SERVICE

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including personal service, United Parcel Service, Federal Express, or other commercial overnight service, email, facsimile, Rule 5 of the Federal Rules of Civil Procedure, or Articles 2 through 10 of the Hague Convention, Service Abroad of Judicial and Extrajudicial Documents, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of Bryant or that may be subject to any provision of this Order. Joseph Patrick, an employee of the CFTC, is hereby specially appointed to serve process, including of this Order and all other papers in this case.

IT IS FURTHER ORDERED that the U.S. Marshals Service is directed to assist the CFTC with service of process, including of 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 Bryant.

V. BOND NOT REQUIRED OF PLAINTIFF

IT IS FURTHER ORDERED THAT pursuant to Section 6c(b) of the Act, 7 U.S.C. § 13a-1(b) (2012), no bond need be posted by the CFTC, which is an agency of the United States of America.

VI. SERVICE ON THE COMMISSION

IT IS FURTHER ORDERED that Bryant shall serve all pleadings, correspondence, notices required by this Order, and other materials on the CFTC by delivering a copy to Stephanie Reinhart, Senior Trial Attorney, Division of Enforcement, U.S. Commodity Futures

Trading Commission, 525 W. Monroe St., Suite 1100, Chicago, Illinois, 60661 and/or by filing such pleadings or other materials electronically with the Court.

VII. COURT MAINTAINS JURISDICTION

IT IS FURTHER ORDERED that this 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.

VIII. FURTHER COURT HEARINGS

IT IS FURTHER ORDERED that this matter is set for a status hearing on **December 15, 2015, at 10:15 a.m.**, and that Plaintiff's Motion for Preliminary Injunction is set for hearing for that date and time, if the parties are ready to proceed. If the CFTC wishes to file a 14-day renewal motion, the CFTC shall file the motion by December 11, 2015, noticing for presentment at the status hearing date and time. If the parties are ready for the preliminary injunction hearing, then the CFTC will file a supplement to the preliminary-injunction motion on December 11, 2015.

IT IS SO ORDERED.

s/Edmond E. Chang
HONORABLE EDMOND E. CHANG
United States District Court Judge

DATE: December 2, 2015 at 5 p.m.
EXPIRES: December 16, 2015 at 5 p.m.