

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**U.S. COMMODITY FUTURES
TRADING COMMISSION,**

Plaintiff,

v.

Case No. 13-C-0477

**DAVID PRESCOTT,
a/k/a David Weeks, Individually and
d/b/a Cambridge Currency Partners,**

Defendant.

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

This Court having read the Complaint for Injunctive and Other Equitable Relief, the Motion for Entry of an *Ex Parte* Statutory Restraining Order, the memorandum of law in support thereof, the Declarations of two pool participants and CFTC Investigator Mary Elizabeth Spear ("Spear"), as well as the exhibits, and all other papers filed herein by the Plaintiff, Commodity Futures Trading Commission ("Commission" or "CFTC"),

THE COURT FINDS:

1. It has jurisdiction over the subject matter. Section 6c of the Commodity Exchange Act ("Act"), 7 U.S.C. § 13a-1, as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (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 ("Dodd-Frank Act"), Pub. L. No. 111-203, Title VII (the Wall Street Transparency and Accountability

Act of 2010), §§ 701-774 (enacted July 21, 2010), 7 U.S.C. §§ 1 *et seq.*, authorizes this Court to enter a statutory restraining order against David Prescott (“Prescott”), a/k/a David Weeks (“Weeks”), individually and d/b/a Cambridge Currency Partners (“CCP”) (“Defendant”).

2. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e).

3. There is good cause to believe that Defendant has engaged, is engaging in and is about to engage in violations of Sections 4b(a)(2)(A) and (C), 4o(1) and 4m(1) of the Act, , 7 U.S.C. §§ 6b(a)(2)(A), (C), 6o(1) and 6m(1), and Regulations 5.2(b)(1), (3) and 5.3(a)(2)(i), 17 C.F.R. §§ 5.2(b)(1), (3) and 5.3(a)(2)(i) (2012).

4. There is good cause to believe that immediate and irreparable damage to the Court’s ability to grant effective final relief for pool participants in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by the Defendant of his assets or destruction of records unless the Defendant is immediately restrained and enjoined by this Court as set forth below.

DEFINITIONS

For the purposes discussed below, 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, 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 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.

7. "Defendant" means Prescott, a/k/a Weeks, individually and d/b/a as CCP, and any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee or attorney of Defendant, and any person who receives actual notice of this Order by personal service or otherwise, including Federal Express and facsimile, insofar as he or she is acting in concert or participation with Defendant.

Now, therefore,

I. ASSET FREEZE

IT IS ORDERED that Defendant is restrained and enjoined from directly or indirectly withdrawing, transferring, removing, dissipating, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, converting, or otherwise disposing of any funds, assets or other property, wherever located, including funds, property or assets held outside the United States, except as ordered by the Court. These assets include existing assets and assets acquired after the effective date of this Order, as well as accounts not specifically identified herein.

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 funds, assets or other property of the Defendant, or has held, controlled, or maintained custody of any funds, assets or other property of the Defendant, and who receives notice of this order by any means, including facsimile, electronic mail, and Federal Express, shall:

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

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

1. titled in the name of the Defendant, either individually or jointly; or
2. otherwise subject to access by the Defendant; and

C. Cooperate with all reasonable requests of the CFTC relating to implementation of this Order, including producing records related to Defendant's accounts and Defendant's businesses.

II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that Defendant and all persons or entities who receive notice of this Order, by personal service or otherwise, including electronic mail, facsimile, United Parcel Service and Federal Express, 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 the Defendant.

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 the Defendant and his agents including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of the Defendant 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. MARSHALS SERVICE

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including electronic mail, facsimile transmission, United Parcel Service and Federal Express, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of the Defendant, or that may be subject to any provision of this Order. Mary Elizabeth Spear and Venice Bickham, 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.

V. BOND NOT REQUIRED OF PLAINTIFF

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

VI. SERVICE ON THE COMMISSION

IT IS FURTHER ORDERED that the Defendant shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Diane M. Romaniuk, Senior Trial Attorney, or Ava M. Gould, Chief Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, Illinois 60661.

VII. 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.

VIII. FURTHER COURT HEARINGS

IT IS FURTHER ORDERED that this matter is set for a telephonic status hearing on May 15, 2013, at 4:00 p.m., at which time this Court will set a hearing date on Plaintiff's Motion for Preliminary Injunction.

IT IS SO ORDERED at 4:00 p.m., this 3rd day of May, 2013, at Milwaukee, Wisconsin.

BY THE COURT

/s/ C. N. Clevert, Jr.

C. N. CLEVERT, JR.

U. S. DISTRICT JUDGE