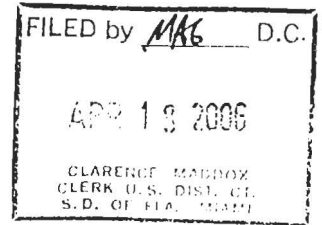


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA



\_\_\_\_\_  
COMMODITY FUTURES TRADING )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
 )  
FIRST INTERNATIONAL GROUP, INC., )  
MICHAEL MESA, and TOM KEESEE, )  
 )  
Defendants. )  
 )  
\_\_\_\_\_ )

Case No.: 06-20979-CIV-JORDAN

**ORDER GRANTING PLAINTIFF'S MOTION FOR AN EX PARTE STATUTORY  
RESTRAINING ORDER CONCERNING  
ASSETS AND DOCUMENTS**

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 an *Ex Parte* Statutory Restraining Order prohibiting the defendant, First International Group, from, among other things, dissipating, concealing, transferring, or otherwise disposing of any assets, as set forth below; and an *Ex Parte* Statutory Restraining Order prohibiting all the 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:

### DEFINITIONS

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

1. The term “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, but is not limited to, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records (including, but not limited to, floppy diskettes, hard disks, ZIP disks, CD-ROMs, optical discs, backup tapes, printer buffers, smart cards, memory calculators, pagers, personal digital assistants such as Palm Pilot computers, as well as printouts or readouts from any magnetic storage device), 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.

2. First International Group, Inc. means First International Group, a Florida Corporation whose address is 1001 Brickell Bay Drive #2110, Miami, Florida and d/b/a First International Trading Group, Inc. and any person insofar as he or she is acting in the capacity of their officer, agent, servant, employee or attorney, and any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with them.

3. United Clearing, LLC means United Clearing, a Florida Corporation whose address is 601 S. Federal Highway Suite 202, Boca Raton, FL 33432 and any person insofar as he or she is acting in the capacity of their officer, agent, servant, employee or attorney, and any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with them.

4. Michael Mesa, an individual, residing at 8220 NW 157<sup>th</sup> Terrace, Miami, FL 33016 and any person insofar as he or she is acting in the capacity of his officer, agent, servant, employee or attorney, and any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with him.

5. Tom Keesee, an individual, residing at 16681 NW 82<sup>nd</sup> Ave, Hialeah, FL 33016 and any person insofar as he or she is acting in the capacity of his officer, agent, servant, employee or attorney, and any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in concert or participating with him.

I.

**ASSET FREEZE**

**IT IS ORDERED** that the defendant, First International Group, Inc., except otherwise ordered by this Court, is restrained and enjoined from directly or indirectly:

**Transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any assets, wherever located, including assets held outside the United States.**

**II.**

**MAINTENANCE OF DOCUMENTS**

**IT IS FURTHER ORDERED** that all the Defendants and all persons or entities who receive notice of this Order by personal service or otherwise, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing, or disposing of, in any manner, directly or indirectly, any books, records or documents in the possession or control of all the Defendants, their agents, attorneys, partners, servants, representatives, employees, attorneys, any person (s) acting or purporting to act for or on their behalf, and/or acting for or on behalf of any corporation, partnership or any other type of entity in which the Defendants have an interest.

**III.**

**INSPECTION AND COPYING OF DOCUMENTS**

**IT IS FURTHER ORDERED** that representatives of the Commission be immediately allowed to inspect the books, records, and other documents of all the Defendants, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and /or any corporate, partnership or any other entity in which the Defendants have an interest, wherever situated, including, but not limited to, electronically stored data, tape recordings, computer files and computer discs, wherever they may be situated, whether they are in the possession or control of the Defendants, or the possession or control of others, and to copy said documents, data and records, either on or off the premises where they may be situated.

**IT IS FURTHER ORDERED** that representatives of the Commission be immediately allowed to inspect the books, records, and other documents that directly or indirectly relate to

First International Group investors in the possession of United Clearing, LLC, their agents, attorneys, partners, servants, representatives, employees, any person(s) acting or purporting to act for or on their behalf, and /or any corporate, partnership or any other entity in which United Clearing, LLC has an interest, wherever situated, including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated, whether they are in the possession or control of United Clearing, LLC, or the possession or control of others, and to copy said documents, data and records, either on or off the premises where they may be situated.

IV.

**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 affected by U.S. Marshal or deputy U.S. Marshal, or in accordance with Federal Rule of Civil Procedure 4.

*Proof of service shall be filed with the clerk. gje*

V.

**SERVICE ON THE COMMISSION**

**IT IS FURTHER ORDERED** that the Defendants shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Robert J. Hildum, Senior Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington, D.C. 20581.

VI.

BOND NOT REQUIRED OF PLAINTIFF

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

VII.

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 shall retain jurisdiction of this matter for all purposes. A preliminary injunction hearing will be set upon request by the defendants. *efra*

SO ORDERED, at Miami, Florida,

This 18<sup>th</sup> day of April, 2006, at 1:20 p.m.

*Adalberto*

UNITED STATES DISTRICT JUDGE

cc: Counsel for CFTC