

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

<b>U.S. COMMODITY FUTURES TRADING COMMISSION,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>THOMAS GILLONS,</b>  <b>Defendant.</b>	<b>Civil Action No: 14-cv-9262</b>  <b>Hon. Harry D. Leinenweber</b>
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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”) filed by Plaintiff Commodity Futures Trading Commission (“CFTC” or “Commission”), Plaintiff’s Motion for Statutory Restraining Order (“Motion”), the Memorandum in Support of Plaintiff’s Motions for 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 Gillons and the subject matter of this action pursuant to Section 6c(a) of the Act, 7 U.S.C. § 13a-1(a) (2012), which authorizes this Court to enter a statutory restraining order against Gillons.
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 Gillons has engaged, is engaging, and/or is about to engage in violations of the Act. Specifically, it appears that Gillons has

violated Sections 4b(a)(1)(A)-(C) and 4d(a)(1) of the Act, 7 U.S.C. §§ 6b(a)(1)(A)-(C), 6d(a)(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 Gillons' customers in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by Gillons of his assets or destruction of records unless Gillons 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. "Gillons" refers to defendant Thomas Gillons ("Gillons") and all persons insofar as they are acting in the capacity of Gillons' agents, servants, successors, employees, assigns,

and attorneys, and all persons insofar as they are acting in active concert or participation with Gillons 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 Gillons is restrained and enjoined from, directly or indirectly, withdrawing, transferring, removing, dissipating, concealing, assigning, pledging, leasing, loaning, encumbering, disbursing, converting, selling, liquidating, alienating, or otherwise disposing of 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 funds, assets, or other property of Gillons, or has held, controlled, or maintained custody of any funds, assets, or other property of Gillons or any of his customers and who receives notice of this Order by any means, including facsimile, electronic mail, United Parcel Service, or Federal Express, shall:

A. prohibit Gillons 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 Gillons and any other person access to any safe deposit box that is:

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

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

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

## **II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS**

**IT IS FURTHER ORDERED** that Gillons 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, erasing, altering, concealing, or disposing of, in any manner, directly or indirectly, any documents that relate to the business operations or practices, or the business or personal finances, of Gillons.

## **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 Gillons 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 Gillons 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 Gillons or that may be subject to any provision of this Order. Melissa Glasbrenner, 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 Gillons.

**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 Gillons 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.

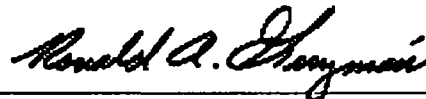
**VII. COURT MAINTAINS JURISDICTION**

**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 1, 2014 at 1:30 p.m. and that Plaintiff's Motion for Preliminary Injunction is set for hearing on date to be determined.

**IT IS SO ORDERED:** November 19, 2014



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U.S. District Court Judge