

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

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ASHEVILLE, N.C.
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DISTRICT COURT
W. DIST. OF N.C.

CIVIL NO. 1:03CV149

U.S. COMMODITY FUTURES)
TRADING COMMISSION,)
)
Plaintiff,)
)
Vs.)
)
JAMES DARREN MOORE, and JDM)
INVESTMENTS,)
)
Defendants.)
_____)

JUDGMENT

THIS MATTER is before the Court for entry of Judgment, Permanent Injunction, and other equitable relief against the Defendants. Plaintiff's motion for summary judgment was granted by the Court by Order filed October 28, 2004.

I. PERMANENT INJUNCTION

The injunctive provisions of this Judgment shall be binding upon Defendants James Darren Moore and JDM Investments ("the Defendants"), any person insofar as he or she is acting in the capacity of officer, agent, servant, or attorney of the Defendants, and any person who receives actual notice of this Judgment by personal service or otherwise, insofar as he or she is acting in active concert or participation with the Defendants.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Defendants are permanently restrained, enjoined, and prohibited from directly or indirectly



cheating or defrauding or attempting to cheat or defraud other persons; from making false, deceptive or misleading representations or material facts; from failing to disclose material facts; from wilfully deceiving or attempting to deceive other persons; and from misappropriating customer funds, in or in connection with orders to make, or the making of, contracts of sale of commodities for future delivery, made or to be made for or on behalf of any person in violation of Section 4b(a)(2)(i) - (iii) of the Act, 7 U.S.C. § 6b(a)(2)(i) - (iii), and Regulation 1.1(b), 17 C.F.R. § 1.1(b).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants shall not apply for registration with the Commission in any capacity, seek exemption from such registration, nor engage in any activity requiring such registration or exemption from registration, except as provided for in Section 4.14(a)(9) of the Regulations, 17 C.F.R. § 4.14(a)(9) (2003), nor act as a principal, agent, officer or employee of any person registered, required to be registered, or exempted from registration, unless such exemption is pursuant to Section 4.14(a)(9) of the Regulations, 17 C.F.R. § 4.14(a)(9).

II. RESTITUTION AND ANCILLARY RELIEF

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

A. Restitution

The Defendants are jointly and severally liable for full restitution in the amount of **SEVEN HUNDRED, FIFTY-NINE THOUSAND, TWO HUNDRED SEVEN DOLLARS (\$759,207.00)**, plus pre- and post-judgment interest, to all persons who gave funds, either



directly or indirectly, to the Defendants as a result of their course of illegal conduct alleged in the Complaint.¹

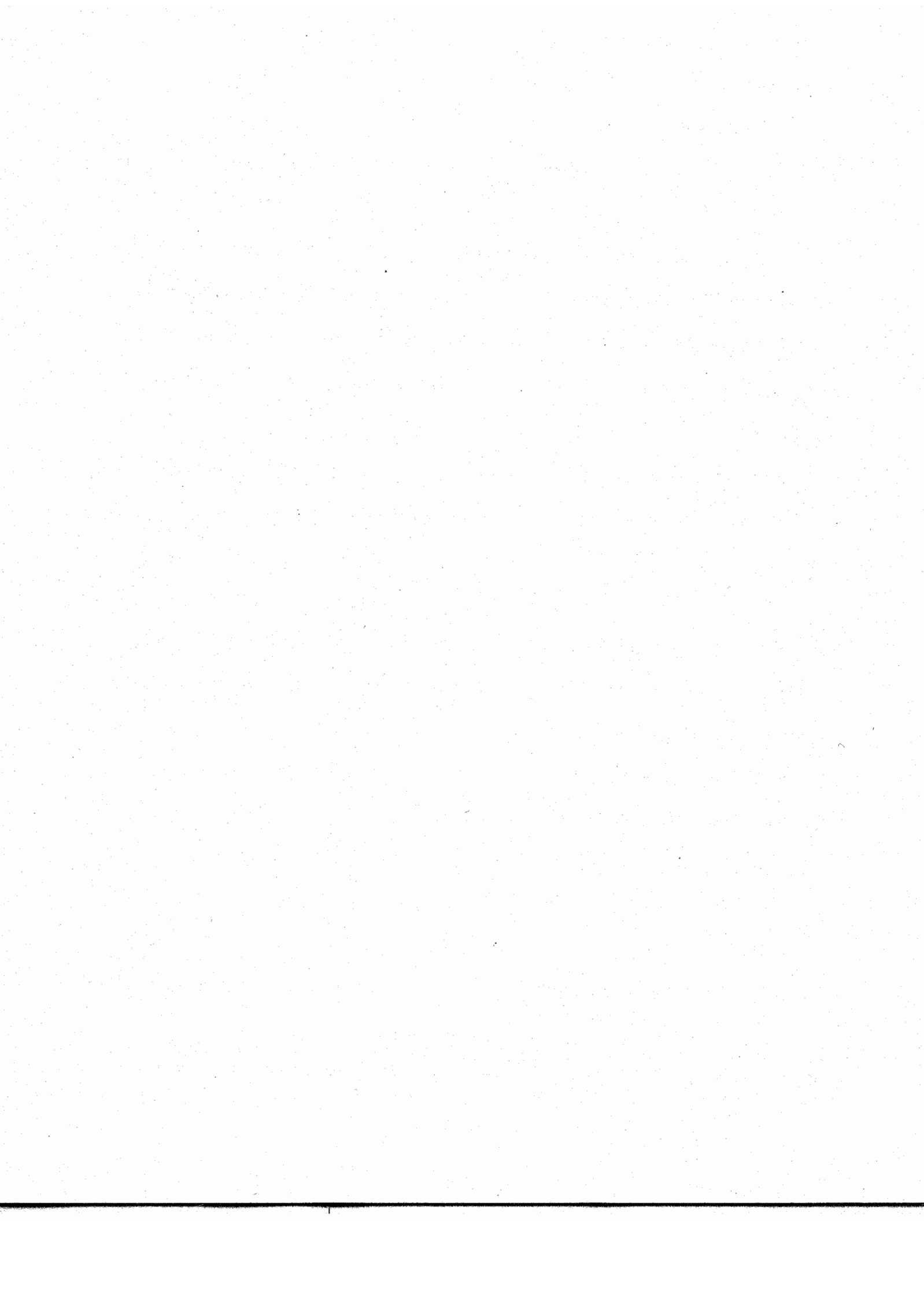
Pre-judgment interest shall be determined by using the underpayment rate established quarterly by the Internal Revenue Service pursuant to 26 U.S.C. § 662(a)(2) from August 2001 to the date of entry of this Judgment. Post-judgment interest shall be determined by using the Treasury Bill rate prevailing on the date of entry of this Judgment pursuant to 28 U.S.C. § 1961(a).

The National Futures Association is designed as Monitor to oversee any restitution payments made by Defendant Moore and/or Defendant JDM Investments pursuant to this Judgment.

The Defendant Moore and/or the Defendant JDM Investments shall make all restitution payments by electronic funds transfer, or by U.S. postal money order, certified check, bank cashier's check, or bank money order, made payable to the National Futures Association and sent to Vice President, Compliance, National Futures Association, 200 West Madison Street, Chicago, Illinois, 60606, under cover of a letter that identifies the Defendant Moore and/or the Defendant JDM Investments and the name and docket number of this proceeding. The Defendant Moore and/or the Defendant JDM Investments will simultaneously transmit a copy of the cover letter and the form of payment to the Monitor and to the Commission.

The Monitor will distribute any funds obtained from the Defendant Moore and/or the Defendant JDM Investments in an equitable fashion, as determined by the Monitor, to persons

¹Upon proper showing, the total restitution figure owed by the Defendants shall be offset by any amount of restitution paid by the Defendants to participants in Money on Forex, whether independently or in connection with another court-ordered judgment.



who gave funds, either directly or indirectly, to the Defendants as a result of their course of illegal conduct alleged in the Complaint, and to any other investor upon sufficient proof of his or her investment with the Defendant Moore and/or the Defendant JDM Investments.

B. Civil Monetary Penalty

The Defendants are each ordered to pay a civil monetary penalty ("CMP") in the amount of **TWO HUNDRED, SIXTY-SEVEN THOUSAND, NINETY-THREE DOLLARS (\$267,093.00)**. The Defendant Moore and/or the Defendant JDM Investments shall make all CMP payments by electronic funds transfer, or by U.S. postal money order, certified check, bank cashier's check, or bank money order, made payable to the U.S. Commodity Futures Trading Commission, Division of Enforcement, Three Lafayette Center, 1155 21st Street, NW, Washington, D. C., 20581, under cover of a letter that identifies the Defendant Moore and/or the Defendant JDM Investments and the name and docket number of this proceeding. The Defendant Moore and/or the Defendant JDM Investments will simultaneously transmit a copy of the cover letter and the form of payment to the Monitor and to the Commission.

C. Third-Party Beneficiaries

Pursuant to Fed. R. Civ. P. 71, the investors explicitly are made intended third-party beneficiaries of this Judgment and may enforce obedience of this Judgment to obtain satisfaction of any portion of the restitution obligation not paid by Defendant Moore and/or Defendant JDM Investments, and to hold Defendant Moore and/or Defendant JDM Investments in default and/or contempt for any violation of any provision of this Order.



III. OTHER PROVISIONS

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that:

A. Jurisdiction of the Court

This Court shall retain jurisdiction of this cause to ensure compliance with this Judgment and for all other purposes related to this action.

B. Waiver

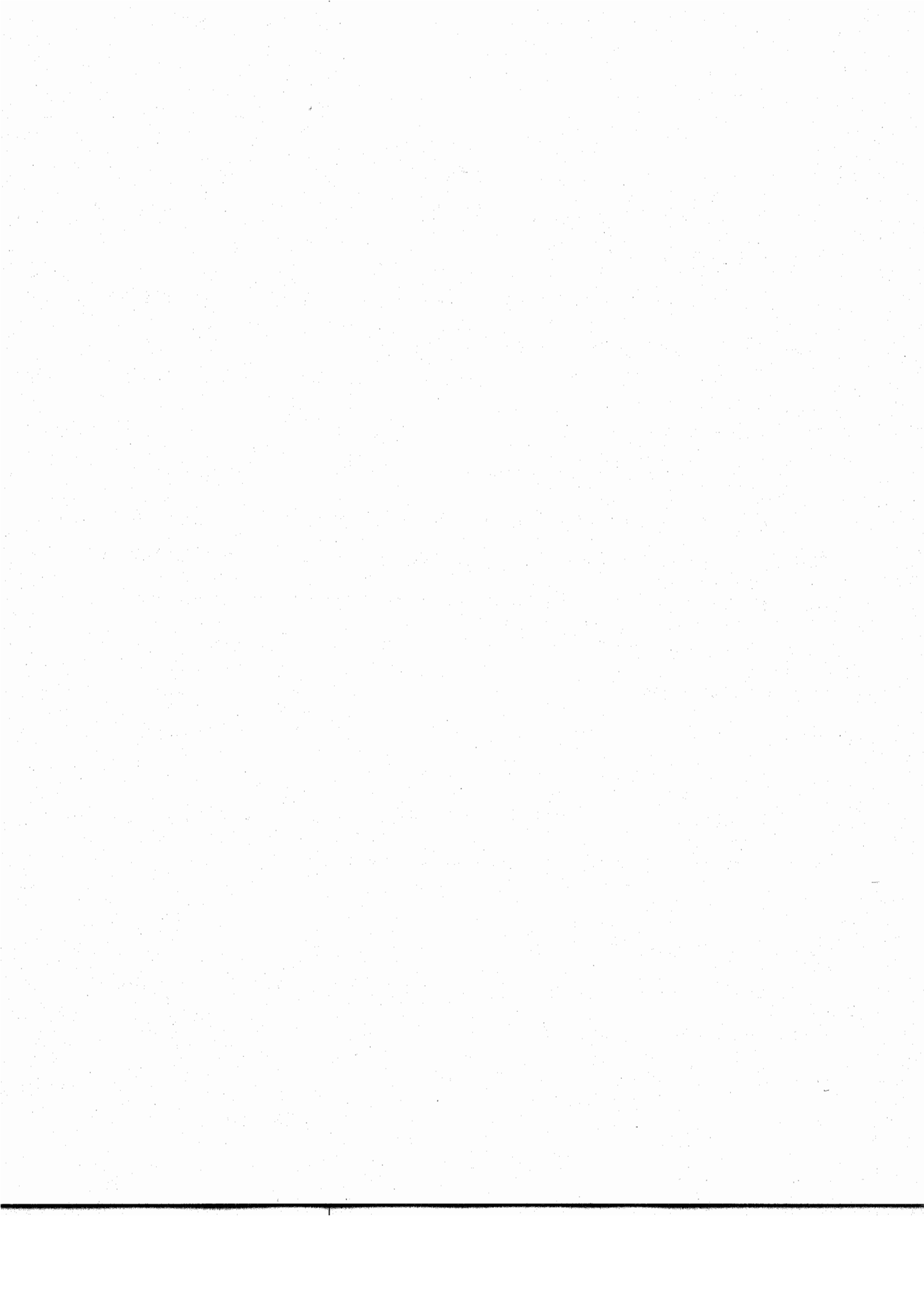
The failure of any party to this Judgment or of any investor at any time to require performance of any provision of this Judgment shall in no manner affect the right of the party or investor to enforce the same or any other provision of this Judgment at a later time. No waiver in one or more instances of the breach of any provision contained in this Judgment shall be deemed or construed as a further or continuing waiver of such breach or waiver of the breach of any other provision of this Judgment.

C. Successors and Assigns

This Judgment shall inure to the benefit of and be binding upon the successors, assigns, heirs, beneficiaries, and administrators of all parties to this Judgment.

D. Acknowledgments

Upon being served with a copy of this Judgment after entry by this Court, the Defendants shall sign acknowledgments of service and serve the acknowledgments upon this Court and the Commission within seven (7) calendar days.

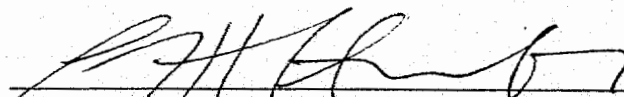


Upon being served with a copy of this Judgment after entry by this Court, the Commission shall serve a copy of the Judgment upon the Monitor within seven (7) calendar days.

E. Invalidation

If any provision, or the application of any provision of this Judgment is held invalid, the remainder of this Judgment and the application of the provision to any other person or circumstance shall not be affected by the holding.

THIS the 16th day of November, 2004.



LACY H. THORNBURG
UNITED STATES DISTRICT COURT JUDGE

