

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. _____ -Civ.- _____

U.S. COMMODITY FUTURES TRADING
COMMISSION,

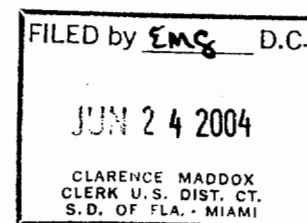
Plaintiff,

v.

GLOBAL ATLANTIC MANAGEMENT, INC.,
dba WORLDWIDE FOREX, INC. and WORLDWIDE
COMMODITY CORP., WORLDWIDE FOREX, INC.,
and STEVEN LABELL,

Defendants.

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04-60797
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CIV-JORDAN
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Jed ~~(XXXXXX)~~ **Statutory Restraining Order and Order
To Show Cause Re: Preliminary Injunction**

This matter came on for hearing on June 24, 2004 on the Motion of Plaintiff Commodity Futures Trading Commission (the "Commission" or "Plaintiff") for an (1) *Ex parte* Statutory Restraining Order and (2) an order to Show Cause Re: Preliminary injunction ("Motion"). The Court, having considered the Commission's Complaint, Motion, Memorandum of Points and Authorities, Exhibits, other materials, all other evidence presented and filed herein, and having heard the arguments, finds that:

1. This Court has jurisdiction over the parties and the subject matter of this action pursuant to Section 6c of the Commodity Exchange Act, as amended, (the "Act"), 7 U.S.C. §13a-1(2002);
2. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. §13a-1(e), in that Global Atlantic Management ("GAM"), Worldwide Forex, Inc. ("WWF"), and

Steven Labell (“Labell”) (collectively “defendants”) are found, inhabit or transact business in this district, and the acts and practices in violation of the Act have occurred, are occurring or are about to occur within this district;

3. There is good cause to believe that defendants have engaged, are engaging or are about to engage in acts and practices constituting violations of the Act, 7 U.S.C. §§ 1, *et seq.* (2002);

4. There is good cause to believe that immediate and irreparable damage to the Court’s ability to grant effective final relief for investors in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by defendants GAM and WWF of assets or records unless defendant GAM and WWF are immediately restrained and enjoined by Order of his Court.

5. Good cause exists for the freezing of defendants GAM and WWF’s assets and for entry of an order prohibiting defendants from destroying records and denying agents of the Commission access to inspect and copy records.

6. Weighing the equities and considering the Commission’s likelihood of success in its claims for relief, the issuance of a Statutory Restraining Order is in the public interest. Therefore, the Court orders as follows:

DEFINITIONS

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

7. 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, 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;

8. The term "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.

RELIEF GRANTED

I.

ORDER AGAINST TRANSFER, DISSIPATION, AND DISPOSAL OF ASSETS

IT IS HEREBY ORDERED that:

9. Defendants GAM and WWF are 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, except as provided in Paragraph IV of this Order, or as otherwise 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.

10. Defendants GAM and WWF, and their agents, servants, employees, attorneys, and persons in active concert or participation with him who receive actual notice of this Order by personal service except as otherwise ordered by this Court, are 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, except as provided in Paragraph IV of this Order, or as otherwise 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;

11. Defendants GAM and WWF are restrained and enjoined from directly or indirectly opening or causing to be opened any safe deposit boxes titled in the name or subject to access by defendants GAM and WWF.

II.

DIRECTIVES TO FINANCIAL INSTITUTIONS AND OTHERS

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 account or asset, or at any time since January 1, 2001, has held, controlled, or maintained custody of any account or asset of the defendants GAM and WWF:

12. Prohibit defendants GAM and WWF and all other persons from withdrawing, removing, signing, transferring, pledging, encumbering, disbursing, dissipating, converting, selling or otherwise disposing of any such account or asset except as directed by further order of the Court;

13. Deny defendants GAM and WWF and all other persons access to any safe deposit box that is (a) titled in the name of defendants GAM and WWF either individually or jointly; or (b) otherwise subject to access by defendants GAM and WWF;

14. Provide counsel for the Commission, within five (5) business days of receiving a copy of this Order, a statement setting forth (a) the identification number of each and every account or asset titled in the name, individually or jointly, of, or held on behalf of, or for the benefit of, defendants GAM and WWF; (b) the balance of each such account, or a description of the nature and value of such asset as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to

whom such account or other asset was remitted; and (c) the identification of any safe deposit box that is either titled in the name, individually or jointly, of defendants GAM, and WWF or is otherwise subject to access by defendants GAM and WWF; and

15. Upon request by the Commission, ^{within 14 days} promptly provide the Commission with copies of all records or other documentation pertaining to such account or asset, including, but not limited to, originals or copies of account applications, account statements, signature cards, checks, drafts, deposit tickets, transfers to and from the accounts, all other debit and credit instruments or slips, currency transaction reports, 1099 forms, and safe deposit box logs. *efie*

III.

ACCOUNTING AND TRANSFER OF FUNDS AND DOCUMENTS

IT IS FURTHER ORDERED that within five (5) business days following the service of this Order, defendants GAM and WWF shall:

16. Provide the Commission with a full accounting of all funds and assets both within and outside of the United States which are held by defendants GAM and WWF, on their behalf, or under their direct or indirect control, whether jointly or singly, or in which they have an interest;

17. Transfer to the territory of the United States all funds, documents, and assets located in foreign countries which are held by defendants GAM and WWF, for their benefit, or under their direct or indirect control, whether jointly or singly; ^{and upon order of the court.}

18. Provide the Commission access to all records of defendants GAM and WWF held by financial institutions located both within and outside the territorial United States by signing a Consent to Release of Financial Records.

IV.

MAINTENANCE OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that:

19. 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 documents that relate to the business practices or business or finances of defendants.

V.

INSPECTION AND COPYING OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that:

20. Representatives of the Commission be immediately allowed to inspect the books, records, and other documents of defendants and their 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 defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated. The Commission's representatives may remove books, records and other documents and shall have 72 hours to copy and return the books, documents and records to defendants, by mail or other form of delivery; and

21. Defendants and their agents, servants, employees, attorneys, and persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including facsimile transmission, shall cooperate fully with the Commission to locate and provide to representatives of the Commission all books and records of defendants, wherever such books and records may be situated.

VI.

BOND NOT REQUIRED OF PLAINTIFF

IT IS FURTHER ORDERED that:

22. Plaintiff Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

VII.

ORDER TO SHOW CAUSE

IT IS FURTHER ORDERED that:

23. Defendants shall appear before this Court on the 2nd day of July, 2004, at 10:00 (a.m)/p.m., before the Honorable Adalberto Jordan at the United States Courthouse for the Southern District of Florida at 301 Park Miami Avenue, 8th Floor, Miami, Florida 33128 to show cause, if there be any, why an Order of Preliminary Injunction should not be granted to prohibit further violations of the Act and why the other relief requested should not be granted pending trial on the merits of this action;

24. Should any party wish to file a memorandum of law or other papers in opposition to Plaintiff's Motion for a Preliminary Injunction, all papers shall be filed on or before June 30, 2004 and served no later than 5:00 p.m., by facsimile or ^{cfuse} hand-delivery.

VIII.

SERVICE OR ORDER

IT IS FURTHER ORDERED that

25. Copies of this Order may be served by any means, including facsimile transmission and electronic mail, upon any entity or person that may have possession, custody, or control of any documents or assets of defendants or that may be subject to any provision of this Order, and, additionally, that Frank Rangoussis, Jan Folena, Lacy Dingman and Jed

Silversmith are specially appointed by the Court to effect service. Service of the summons, Complaint or other process may be effected by these named individuals or any other investigator for the Commission, any U.S. Marshal or deputy U.S. Marshal, or in accordance with Federal Rule of Civil Procedure 4.

IX.

FULL FORCE AND EFFECT

IT IS FURTHER ORDERED that

26. This Order shall remain in full force and effect until further order of this Court, and that this Court retains jurisdiction of this matter for all purposes.

SO ORDERED, at Miami, Florida on this 24th day of June, 2004 at
12:02 a.m./p.m.

Adalberto J. ...
UNITED STATES DISTRICT JUDGE