

- (2) There is good cause to believe that Defendants have engaged in, are engaging in, or are about to engage in violations of 7 U.S.C. § 6c(a) (2002) and 17 C.F.R. § 1.38(a) (2006); (b);
- (3) Absent the entry of this statutory restraining order, Defendants are likely to dissipate or transfer assets and destroy business records;
- (4) There is a good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by Defendants of assets or records unless Defendants are immediately restrained and enjoined by Order of this Court.
- (5) Good cause exists for the freezing of Defendants' 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) Good cause exists to permit discovery before the early meeting of counsel pursuant to Rule 26(d) of the Federal Rules of Civil Procedure.
- (7) Pursuant to Rule 30(a)(2) of the Federal Rules of Civil Procedure, immediate depositions are consistent with the principles of Rule 26(b)(2) of the Federal Rules of Civil Procedure.
- (8) 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.

- (9) This is a proper case for granting a statutory restraining order *ex parte* to preserve the status quo and enable the Commission to fulfill its statutory duties, therefore the Court orders as follows:

DEFINITIONS

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

1. "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, credits, receivables, contracts, insurance policies, and all cash, wherever located, whether in the United States or abroad.
2. 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 reasonable usable form. A draft or non-identical copy is a separate document within the meaning of the term.
3. "Defendants" means Supama International DMCC, Naresh Kumar Jain, Aaristo Commodities and Futures DMCC, Kanta Nath Jain, and Hainke & Anderson Trading LLC, and any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee, or attorney of Supama International DMCC, Naresh Kumar Jain, Aaristo Commodities and Futures DMCC, Kanta Nath Jain, and Hainke & Anderson Trading LLC, 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 participation with Supama International DMCC, Naresh Kumar Jain, Aaristo Commodities and Futures DMCC, Kanta Nath Jain, and Hainke & Anderson Trading LLC.

4. "Man Financial Inc" means affiliates, subsidiaries, directors, divisions, groups, offices, branches, departments, employees, consultants, agents, servant, representatives, accountants, attorneys, predecessors or successors, wherever they may be situated, and all other persons who have an interest in Man Financial Inc, its subsidiaries, affiliates, divisions, joint ventures, including, but not limited to any other legal entity in which Man Financial Inc.

RELIEF GRANTED

I. *Asset Freeze*

IT IS HEREBY ORDERED that Defendants, 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 held at Man Financial Inc, except as provided in this Order, or as otherwise ordered by the Court.

II. *Identification and Preservation of Assets*

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 titled in the name of, held for the benefit of, or otherwise under the control of Defendants, or has held, controlled, or maintained custody of any such account or asset of Defendants, shall:

- A. Prohibit Defendants and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling or

otherwise disposing of any such asset, except as directed by further order of the Court;

B. Provide counsel for the Commission, within five (5) business days of receiving a copy of this Order, a statement setting forth:

- (1) the identification number of each such account or asset titled in the name, individually or jointly, of Defendants or held on behalf of, or for the benefit of, Defendants or under the control of Defendants; and
- (2) 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, the name of the person or entity to whom such account or other asset was remitted;

C. Upon request by the Commission, 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, trading records, 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; and

D. Cooperate with all reasonable requests of the Commission relating to implementation of this Order.

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III. *Records of Accounts or Assets*
Accounting of Assets

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

- A. Provide the Commission with a full accounting of all funds, documents, and assets both within and outside the United States which are (1) titled in the name individually or jointly of Defendants; or (2) held by any person or entity, for the benefit of Defendants; or (3) under Defendants' direct or indirect control, whether jointly or singly; and
- B. Provide the Commission access to all records of accounts or assets of Defendants held by financial institutions located both within and outside the territorial United States by signing the Consent to Release of Financial Records attached to this Order.
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IV. *Maintenance of and Access to Business Records*

IT IS HEREBY ORDERED that 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 finances of Defendants.

V. *Commission's Access to and Inspection of Documents*

IT IS FURTHER ORDERED that 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, paper documents, 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. Upon request of the Commission, Defendants are ordered to deliver to the Commission documents of the Defendants, including but not limited to all books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, cancelled checks, records of wire transfers, and check registers), lists of all customers or investors, title documents, other papers, all keys, computer passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or documents of the Defendants, including but not limited to, access to the Defendants' business premises, means of communication, accounts, computer systems, or other property and information identifying the accounts, employees, properties, or other assets or obligations of the Defendants.

VI. *Service of Order*

IT IS FURTHER ORDERED that copies of this Order may be served by any means including e-mail, facsimile transmission, means described in 17 C.F.R. § 15.05, or a private express courier service, upon Defendants or other 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.

VII. *Expedited Discovery*

IT IS FURTHER ORDERED that the parties are granted leave, at any time after service of this Order, to take the depositions of and demand the production of documents from any person or entity for the purpose of discovering the nature, location, status, and extent of assets of Defendants, and the location of documents reflecting the business transactions of Defendants;

forty-eight (48) hours notice shall be deemed sufficient for any such deposition and five (5) days notice shall be deemed sufficient for the production of any such documents.

VIII. Depositions

IT IS FURTHER ORDERED that the limitations and conditions set forth in Federal Rule of Civil Procedure 30(a)(2)(B) regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this Order. No depositions taken pursuant to Paragraph VII shall count toward the ten-deposition limit set forth in Federal Rule of Civil Procedure 30(a)(2)(A).

IX. Service on the Commission

IT IS FURTHER ORDERED that Defendant shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Sheila L. Marhamati, Trial Attorney, Division of Enforcement, U.S. Commodity Futures Trading Commission, Eastern Regional Office, 140 Broadway, 19th Floor, New York, New York 10005.

X. Order to Show Cause

IT IS FURTHER ORDERED that Defendants shall appear before this Court on the 19th day of April, 2007, at 2:30 p.m., before the Honorable Richard J. Holwell, USDC at the United States Courthouse for the Southern District of New York at 500 Pearl St., New York, New York, to show cause why this Court should not enter a preliminary injunction:


- A. Enjoining Defendants from further violations of the Act and Commission Regulations;
- B. Continuing the freeze on the assets of Defendants;

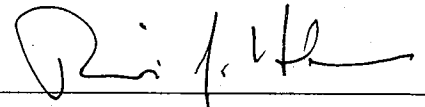
- C. Ordering Defendants, financial or brokerage institutions, business entities, and others to provide all documents specified in this Order to the Commission; and
- D. Ordering any additional relief this Court deems appropriate.

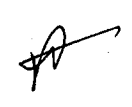
Should any party wish to file a memorandum of law or other papers concerning the issuance of a preliminary injunction against Defendants, such materials shall be filed, served and received by all parties at least two (2) days before the hearing date ordered above.

XI. Force and Effect of Order

IT IS FURTHER ORDERED that 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 New York, New York on this 5th day of April, 2007 at 


UNITED STATES DISTRICT JUDGE

→ E. Ordering defendant to provide the Commission with a full accounting of all funds, documents, and assets 

A copy of the Complaint in this action, this order, and all accompanying papers shall be served on defendants within 24 hours of issuance of this order. 