

**In The United States District Court  
For The Northern District Of Illinois  
Eastern Division**

**Commodity Futures Trading  
Commission,**

Plaintiff,

v.

**One World Capital Group, LLC  
and John Edward Walsh,**

Defendants.

07CV 7002  
JUDGE LEFKOW  
MAGISTRATE JUDGE KEYS

~~PROPOSED~~ **EX PARTE STATUTORY RESTRAINING ORDER**

The Court having read the Complaint for Injunctive and Other Equitable Relief, the Plaintiff's Motion for an *Ex Parte* Statutory Restraining Order ("SRO"), the Brief in Support of Plaintiff's Motion for a SRO, the Declarations of Joy McCormack, Sharon Pendleton, and Frank Zimmerle, and the exhibits and attachments thereto, and all other papers filed herein by the Plaintiff, Commodity Futures Trading Commission ("Commission"),

**THE COURT FINDS:**

1. The Court has jurisdiction over the subject matter.
2. Section 6c of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 13a-1 (2002), permits this Court to enter an *Ex Parte* statutory restraining order ("SRO").
3. It appears to the satisfaction of the Court that there is good cause to believe that the Defendants, have engaged, are engaging in and are about to engage in violations of Sections 4f(a) and (b) of the Act, 7 U.S.C. §§ 6f(a)& (b) (2002), and Commission Regulations ("Regulations") 1.17(a)(4), and 1.18, 17 C.F.R. §§ 1.17(a)(4), and 1.18 (2007).
4. It further appears to the satisfaction of the Court 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

## **ORDER**

### **DEFINITIONS**

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

6. "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.

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, 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. "Defendants" mean John "Jack" Edward Walsh ("Walsh") and One World Capital Group, LLC, ("One World") and any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee or attorney of Walsh or One World, and any person who receives actual notice of this Order by personal service or otherwise, including Federal Express and facsimile, insofar as he or she is acting in concert or participation with Walsh and One World.

### **RELIEF GRANTED**

#### **STATUTORY RESTRAINING ORDER**

##### **I. ASSET FREEZE**

**IT IS ORDERED** that One World, Walsh and their agents, servants, employees, successors, assigns, attorneys and all persons insofar as they are acting in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, from directly or indirectly dissipating, withdrawing, transferring, removing, concealing or disposing of any cash, cashier's checks, funds, assets or other property of, or within the custody, control or actual or constructive possession of One World, including, but not limited to, all funds, personal property, money or securities held in One World's name, safety deposit boxes,

all funds on deposit in any financial institution, bank or savings and loan account held by, under the actual or constructive control, or in the name of One World, funds or property of One World investors, wherever located, whether held in the name of the One World, Walsh or any other entity owned or controlled by One World or Walsh.

**IT IS FURTHER ORDERED** that, pending further Order of this Court, any financial or brokerage institution, business entity, or person that holds, controls, or maintains custody of any funds, assets or other property of One World, or has held, controlled, or maintained custody of any funds, assets or other property of One World, and who receives notice of this order by any means, including facsimile and Federal Express, shall:

A. Prohibit Defendants and any other person 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. Deny Defendants, and all other persons access to any safe deposit box that is:

1. titled in the name of One World, either individually or jointly; or
2. otherwise subject to access by the Defendants;

C. Provide counsel for the CFTC 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 One World, or held on behalf of, or for the benefit, of the One World;

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, and the name of the person or entity to whom such account or other asset was remitted; and

3. the identification of any safe deposit box that is either titled in the name, individually or jointly, of One World, or is otherwise subject to access by the Defendants;

D. Upon the request by the CFTC, promptly provide the CFTC 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; and

E. Cooperate with all reasonable requests of the CFTC relating to implementation of this Order, including producing records related to Defendants' accounts and Defendants' businesses.

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

**IT IS FURTHER ORDERED** that One World, Walsh and their agents, servants, employees, successors, assigns, attorneys and all persons insofar as they are acting in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including facsimile and Federal Express, are restrained and enjoined from directly or indirectly Destroying, mutilating, concealing, altering or disposing of, in any manner, any of the books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of One World wherever located, including all such records concerning the Defendants' business operations;

## **III. ACCESS TO AND INSPECTION OF BOOKS AND RECORDS**

**IT IS FURTHER ORDERED** that One World and Walsh must permit representatives of the plaintiff Commission to immediately inspect the books, records and other electronically stored data, tape recordings, and other documents of the Defendants and their agents, including all such records of Defendants' business operations, wherever they are situated and whether they are in the possession of the Defendants or others and to copy said documents, data, and records either on or off the premises where they may be situated and whether they are in the possession of the Defendants or 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 One World, Walsh and their agents, servants, employees, successors, assigns, attorneys and all persons insofar as they are acting in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, from directly or indirectly refusing to make available for inspection by the Commission, when as requested, any books, records, documents correspondence, brochures,

manual, electronically stored data, tape records or other property of One World wherever located, including, but not limited to, all such records of One World's business operations.

**IV. CEASE BUSINESS**

**IT IS FURTHER ORDERED** that One World, Walsh and their agents, servants, employees, successors, assigns, attorneys and all persons insofar as they are acting in active concert or participation with them who receive actual notice of this Order by personal service or otherwise close all open customer positions, cease accepting customer orders, and close all proprietary accounts held by One World with any other foreign currency transaction entity or FCM.

**IV. SERVICE OF ORDER**

**IT IS FURTHER ORDERED** that copies of this Order may be served by any means, including facsimile transmission and Federal Express, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of the Defendant, or that may be subject to any provision of this Order. Joy McCormack, Cynthia Cannon, and Venice Bickham, all employees of the CFTC, are hereby specially appointed to serve process, including this Order and all other papers in this cause.

**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 Jennifer S. Diamond, Trial Attorney or Elizabeth M. Streit, Trial Team Leader, Division of Enforcement, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, Illinois 60661.

**V. COURT MAINTAINS JURISDICTION**

**IT IS FURTHER ORDERED** that this Statutory Restraining 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.


**VI. FURTHER COURT HEARINGS**

A. IT IS FURTHER ORDERED that this matter is set for a status hearing on \_\_\_\_\_  
\_\_\_\_\_.

B. IT IS FURTHER ORDERED that plaintiff's Motion for a Preliminary Injunction  
is set for hearing on December 18, 2007 at 2:00pm.

**IT IS SO ORDERED.**

Signed at 2:30 o'clock am/pm on the 13<sup>th</sup> day of December, 2007

  
UNITED STATES DISTRICT JUDGE