

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2009 APR -8 PM 12:40

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

Case No.

A09CA 260SS

U.S. COMMODITY FUTURES TRADING)

Plaintiff,)

v.)

STEVEN LEIGH SHAKESPEARE)

and)

GUARDIAN FUTURES, INC.)

Defendants.)

EX PARTE STATUTORY
RESTRAINING ORDER

STATUTORY RESTRAINING ORDER

This matter came before the Court on Plaintiff U.S. Commodity Futures Trading Commission's ("Commission") *Ex Parte* Motion for Statutory Restraining Order ("Order"). The Court, having considered the Commission's Complaint for Injunctive and Other Equitable Relief and for Civil Penalties under the Commodity Exchange Act, the Commission's *Ex Parte* Motion for Statutory Restraining Order, Memorandum in Support thereof, and exhibits therewith, all other evidence presented by the Commission, the record of this case, and being otherwise advised in the premises finds that:

1. This Court has jurisdiction over the Defendants Steven Leigh Shakespeare ("Shakespeare") and Guardian Futures, Inc. ("Guardian") (collectively the "Defendants") and the subject matter of this action pursuant to Section 6c of the Commodity Exchange Act ("Act"), as amended, 7 U.S.C. § 13a-1 (2006), which authorizes the Commission to seek

injunctive relief against any person whenever it shall appear that such person has engaged, is engaging or is about to engage in any act or practice constituting a violation of any provision of the Act or any rule, regulation or order thereunder.

2. Venue properly lies with this Court pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1 (2006), in that the 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 the Defendants have engaged, are engaging and/or are about to engage in acts and practices constituting violations of the Act, 7 U.S.C. §§ *et seq.* (2002).

4. There is good cause to believe the Defendants have engaged, are engaging or are about to engage in fraud in violation of Sections 4b(a)(2)(i) and (iii) of the Act, 7 U.S.C. §§ 6b(a)(2)(i) and (iii) (2006), and unauthorized trading in violation of Commission Regulation ("Regulation") 166.2, 17 C.F.R. §166.2 (2008).

5. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief and to preserve the *status quo* will take place should the Defendants destroy documents and thereby possibly decrease the likelihood of identifying victims, and determining the scope of Defendants' wrongdoing.

6. Good cause exists for entry of an order prohibiting the Defendants from destroying or altering books, records or other documents of Defendants; and/or denying officials of the Commission access to inspect and copy any such books, records and documents of Defendants.

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 "Defendant(s)" means Steven Leigh Shakespeare ("Shakespeare") and Guardian Futures, Inc. ("Guardian") and any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee, or attorney, 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 Shakespeare and/or Guardian.

IT IS HEREBY ORDERED that:

9. The Defendants, their agents, attorneys, partners, servants, representatives, employees, attorneys, and any person(s) acting or purporting to act for or on their behalf are prohibited and enjoined from: (1) destroying or altering books, records or other documents of Defendants; and (2) denying officials of the Commission immediate access to inspect and copy any such books, records and documents of Defendants either on or off the premises of the Defendants, wherever any documents may be situated.

IT IS FURTHER ORDERED that:

10. Copies of this Order may be served by any means, including facsimile transmission, upon any entity or person that may have possession, custody, or control of any documents of the Defendants or that may be subject to any provision of this Order, and additionally, that representatives of the Commission or their agents are authorized by the Court to effect service. The Defendants shall file with the Court, within three days after receipt of this Order, an affidavit acknowledging receipt of this Order.


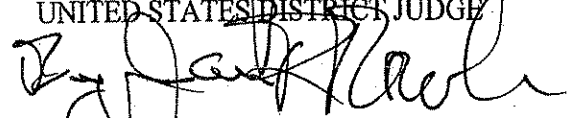
IT IS FURTHER ORDERED that:

11. This Order shall remain in full force and effect until further order of this Court, and this Court retains jurisdiction of this matter for all purposes related to this action.

IT IS FURTHER ORDERED that;

12. Copies of this Order may be served by any means, including facsimile transmission, 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 representatives of the Commission are specially appointed by the Court to effect service. Service of the summons, Complaint or other process may be effected by U.S. Marshal or deputy U.S. Marshal, any local law enforcement officer, or in accordance with Fed. R. Civ. P. 4.

SO ORDERED, at Austin, Texas on this 8th day of April 2009.


~~UNITED STATES DISTRICT JUDGE~~

U.S. DIST. JUDGE

