

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION**

U.S. COMMODITY FUTURES TRADING COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:09-CV-1331
)	
SEAN NATHAN HEALY,)	(Judge Conner)
)	
Defendant,)	
)	
and)	
)	
SHALESE RANIA HEALY and SAND DOLLAR INVESTING PARTNERS, LLC,)	
)	
Relief Defendants.)	

**ORDER GRANTING PLAINTIFF'S *EX PARTE* EMERGENCY MOTION
FOR STATUTORY RESTRAINING ORDER, EXPEDITED DISCOVERY,
PRELIMINARY INJUNCTION,
AND OTHER EQUITABLE RELIEF**

This matter came before the Court for hearing on July 13, 2009 on plaintiff Commodity Futures Trading Commission's (CFTC) *Ex Parte* Emergency Motion for a Statutory Restraining Order, Expedited Discovery, Preliminary Injunction, and Other Equitable Relief (Motion). The Court, having considered the Motion,

the memorandum in support thereof, and all other evidence presented by plaintiff, and having heard the arguments of plaintiff's counsel, finds that:

1. This Court has jurisdiction over the parties and over the subject matter of this action pursuant to Section 6c of the Commodity Exchange Act (Act), 7 U.S.C. § 13a-1 (2006).

2. Venue lies properly within this District pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e).

3. There is good cause to believe that defendant Sean Nathan Healy (Healy or Defendant) has engaged, is engaging, and is about to engage in acts and practices constituting violations of the Act; the Act, as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act (CRA), §§ 13101-13204, 122 Stat. 1651 (effective June 18, 2008), to be codified at 7 U.S.C. §§ 1, *et seq.*; and CFTC Regulations (Regulations) and that relief defendants Shalese Healy and Sand Dollar Investing Partners, LLC (Sand Dollar) (collectively, Relief Defendants) have received, are receiving, and are about to receive funds as a result of Defendant's acts and practices that violate the Act; the Act, as amended by the CRA; and Regulations.

4. There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for customers in the form of monetary redress will occur from the sale, transfer, assignment, or other

disposition by Defendant or Relief Defendants of assets or records unless Defendant and Relief Defendants are immediately restrained and enjoined by Order of the Court.

5. Good cause exists for the freezing of assets owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendant and Relief Defendants and for entry of an order prohibiting Defendant and Relief Defendants, their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with Defendant or Relief Defendants, including any successor thereof, from destroying records and/or denying CFTC representatives (or, as set forth below, Receiver representatives) access to inspect and copy records to ensure that CFTC (and Receiver) representatives have immediate and complete access to those books and records.

6. Good cause exists for the appointment of a Receiver to take control of all assets owned, controlled, managed or held by, on behalf of, or for the benefit of Defendant (Defendant's Assets) and Relief Defendants (Relief Defendants' Assets) in order to investigate and determine investor claims and to preserve Defendant and Relief Defendants' assets pending future order of Court.

7. Weighing the equities and considering the CFTC's likelihood of success in its claims for relief, the issuance of a statutory restraining order is in the public interest.

I.

DEFINITIONS

For purposes of this Order, the following definitions apply:

8. The term “document” is synonymous in meaning and equal in scope to the usage of the term in Federal Rule of Civil Procedure (FRCP) 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.

9. “Assets” mean any legal or equitable interest in, right to, or claim to, any real or personal property, whether individually or jointly, direct or indirect control, and wherever located, including, but not limited to: chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts (including, but not limited to, bank accounts and accounts at financial institutions), credits, receivables, lines of credit, contracts including spot and futures or options contracts, insurance policies, and all cash, wherever located.

10. “Defendant” shall mean and refer to not only Healy but also to any d/b/a, successor, affiliate, subsidiary or other entity owned, controlled, managed or held by, on behalf of, or for the benefit of Healy.

11. “Relief Defendants” shall mean and refer to not only Shalese Rania Healy (Shalese Healy) and Sand Dollar but also to any d/b/a, successor, affiliate, subsidiary or other entity owned, controlled, managed or held by, on behalf of, or for the benefit of Shalese Healy or Sand Dollar.

II.

ORDER APPOINTING RECEIVER

IT IS HEREBY ORDERED that:

12. **Melanie E. Damian** of Damian & Valori, LLP, located in Miami, Florida is appointed as Receiver,¹ with the full powers of an equity receiver, including, but not limited to, full power over all funds, assets, collateral, premises (whether owned, leased, occupied, or otherwise controlled), choses in action, books, records, papers, and other property belonging to, being managed by, or in the possession of or control of Defendants or any of their subsidiaries and affiliates. The Court makes this appointment of a Receiver after having duly considered the qualifications and experience of said Receiver and determining said

¹ The Receiver is appointed not only in this action, but also in the action filed simultaneously by the Securities and Exchange Commission (SEC) in this Court against the same Defendant and same Relief Defendants.

Receiver qualified. The Receiver shall be the agent of this Court in acting as Receiver under this Order. The Receiver is immediately authorized, empowered, and directed:

- A. to have access to and, in the Receiver's discretion, to collect and take custody, control, possession, and charge of all funds, assets, collateral, premises (whether owned, leased, occupied or otherwise controlled), choses in action, books, records, papers, and other real or personal property, wherever located, of or managed by Defendant or Relief Defendants, and their subsidiaries and affiliates for the purpose of preserving said assets pending future order of Court.
- B. to have control of, and to be added as the sole authorized signatory for, all accounts of the entities in receivership, including all accounts at any bank, title company, escrow agent, financial institution or brokerage firm (including any futures commission merchant) which has possession, custody or control of any assets or funds of Defendant or Relief Defendants, and their subsidiaries and affiliates, or which maintains accounts over which Defendant or Relief Defendants, and their subsidiaries and affiliates, and/or any of their employees or agents have signatory authority;

- C. to conduct such investigation and discovery as may be necessary to locate and account for all of the assets of or managed by Defendant or Relief Defendants, and their subsidiaries and affiliates, and to engage and employ attorneys, accountants, and other persons to assist in such investigation and discovery;
- D. to take such action as is necessary and appropriate to preserve and take control of and to prevent the dissipation, concealment, or disposition of any assets of or managed by Defendant or Relief Defendants, and their subsidiaries and affiliates;
- E. to make, as soon as practicable, to this Court, the CFTC, and the SEC an accounting of the assets and financial condition of Defendant and Relief Defendants and to file the accounting with the Court and deliver copies thereof to all parties;
- F. to make such payments and disbursements from the funds and assets taken into custody, control, and possession or thereafter received by the Receiver and to incur, or authorize the making of, such agreements as may be necessary and advisable to preserve the assets of Defendant and Relief Defendants and to discharge all duties created hereunder;

- G. to initiate, defend, compromise, adjust, intervene in, dispose of, or become a party to any actions or proceedings in state, federal,² or foreign court necessary to preserve or increase the assets of the Defendants or Relief Defendants or to carry out the Receiver's duties pursuant to the Court's Order;
- H. to employ attorneys, accountants, and others to investigate and, where appropriate, to institute, pursue, and prosecute all claims and causes of action of whatever kind and nature which may now or hereafter exist as a result of the activities of present or past employees or agents of Defendant or Relief Defendants, and their subsidiaries and affiliates; and
- I. to have access to and monitor all mail, electronic mail, and videophone of the entities in receivership in order to review such mail and electronic mail which the Receiver deems relates to their business and the discharging of the Receiver's duties;

² This provision includes, but is not limited to, the Receiver's ability to intercede, at the Receiver's discretion, in *Madeira v. Healy*, Case No. 09-60403-CIV-Martinez/Brown (S.D. Fla.), complaint filed on March 16, 2009; *In re Madeira*, Case No. 1:09-bk-02819-MDF (Bankr. M.D. Penn.), Chapter 11 petition filed on April 14, 2009; and *In re Ahrens*, Case No. 09-1:09-bk-02935-MDF (Bankr. M.D. Penn.), Chapter 7 petition filed on April 20, 2009.

IT IS FURTHER ORDERED that:

13. Defendant and Relief Defendants, including any subsidiaries and affiliates, and their officers, agents, servants, employees, and attorneys, shall, within 24 hours of the service of the Court's order, caused to be prepared and delivered to the Receiver, a detailed and complete schedule of all passwords and identification (ID) numbers for all websites, electronic mail accounts, videophone accounts, and all accounts at any bank, financial institution, or brokerage firm (including any introducing broker or futures commission merchant) operated by or to which Defendant or Relief Defendants have access;

IT IS FURTHER ORDERED that:

14. Defendant and Relief Defendants, including any subsidiaries and affiliates, and their officers, agents, servants, employees, and attorneys, shall, within 24 hours of the service of this Order, caused to be prepared and delivered to the Receiver, a detailed and complete schedule of all desktop computers, laptop computers, and/or personal digital assistants (PDA) owned and/or used by them and state whether such device is/was used by them in connection with their business, futures and/or options trading, or other investments. The schedules required by this section shall include at a minimum the make, model, and description of each computer and/or PDA, along with its location, the name of the person primarily assigned to use computer and/or PDA, and all passwords

necessary to access and use the software contained on the computer and/or PDA. The Receiver shall be authorized to make an electronic, digital, or hard copy of all of the data contained on the computer(s) and/or PDA(s).

IT IS FURTHER ORDERED that:

15. Defendant and Relief Defendants, including any subsidiaries and affiliates, and their officers, agents, servants, employees, and attorneys, and any other persons who are in custody, possession, or control of any assets, funds, collateral, books, records, papers, or other property of or managed by any entities in receivership, shall forthwith give access and control of such property to the Receiver and cooperate with and assist the Receiver and shall take no action, directly or indirectly, to hinder, obstruct, or otherwise interfere with the Receiver or the Receiver's attorneys, accountants, employees, or agents, having access or gaining control of such property, or in the conduct of the Receiver's duties or to interfere in any manner, directly or indirectly, with the custody, possession, management, or control by the Receiver of the assets, funds, collateral, books, records, premises, and choses in action described above.

IT IS FURTHER ORDERED that:

16. No officer, agent, servant, employee, or attorney of Defendant or Relief Defendants may take any action or purport to take any action, in the name of

or on behalf of Sand Dollar, without the written consent of the Receiver or order of this Court;

IT IS FURTHER ORDERED that:

17. Defendant and Relief Defendants, and their subsidiaries and affiliates, shall pay the costs, fees, and expenses of the Receiver incurred in connection with the performance of the Receiver's duties described in the order, including the costs and expenses of those persons who may be engaged or employed by the Receiver to assist the Receiver in carrying out the Receiver's duties and obligations. All applications for costs, fees, and expenses for services rendered in connection with the receivership, other than routine and necessary business expenses in conducting the receivership, such as salaries, rent, and any and all other reasonable operating expenses, shall be made by application setting forth in reasonable detail the nature of the services and shall be heard by the Court;

IT IS FURTHER ORDERED that:

18. No bond shall be required in connection with the appointment of the Receiver. Except for an act of gross negligence, the Receiver shall not be liable for any loss or damage incurred by any of Defendant, Relief Defendants, their officers, agents, servants, employees, and attorneys or any other person, by reason of any act performed or omitted to be performed by the Receiver in connection with the discharge of the Receiver's duties and responsibilities;

IT IS FURTHER ORDERED that:

19. Representatives of the CFTC, the Receiver, and the SEC are authorized to have continuing access to inspect or copy any or all of the corporate books and records and other documents of Defendant and Relief Defendants, including any subsidiaries and affiliates, and their officers, agents, servants, employees, and attorneys, and continuing access to inspect their assets, funds, premises, collateral, books, records, or other property, wherever located;

IT IS FURTHER ORDERED that:

20. Absent express permission and leave by this Court, during the pendency of this receivership, all clients, investors, trust beneficiaries, note holders, creditors, claimants, lessors, and all other persons or entities seeking relief of any kind from Defendant's Assets and Relief Defendants' Assets (other than the present actions by the CFTC and the SEC), in law or in equity, and all persons acting on behalf of any such investor, trust beneficiary, note holder, creditor, claimant, lessor, consultant group, or other person, including sheriffs, marshals, and all officers and deputies, and their respective attorneys, servants, agents and employees, are, until further order of this Court, are restrained and enjoined from doing anything, directly or indirectly, to interfere with the Receiver's performance of the Receiver's duties and the administration of Defendant's Assets and Relief Defendants' Assets. Accordingly, all such persons would be enjoined from

engaging in any self-help, including set-offs, and from filing or prosecuting any actions or proceedings which involve the Receiver or which affect Defendant's Assets or Relief Defendant's Assets, specifically including any proceeding initiated pursuant to the United States Bankruptcy Code, except with prior permission of this Court, and that any such actions that are so authorized shall be filed in this Court. The provisions of this paragraph, however, shall apply prospectively only; thus, they do not apply to restrain or enjoin ongoing legal actions, including, but not limited to, *Madeira v. Healy*, Case No. 09-60403-CIV-Martinez/Brown (S.D. Fla.), complaint filed on March 16, 2009; *In re Madeira*, Case No. 1:09-bk-02819-MDF (Bankr. M.D. Penn.), Chapter 11 petition filed on April 14, 2009; and *In re Ahrens*, Case No. 09-1:09-bk-02935-MDF (Bankr. M.D. Penn.), Chapter 7 petition filed on April 20, 2009. Nevertheless, consistent with this Order, the Receiver may intercede in these or other legal actions as the Receiver believes is necessary and appropriate.

IT IS FURTHER ORDERED that:

21. Service of the statutory restraining order shall be made by any means, including facsimile and electronic mail transmission, upon any entity or person that may have possession, custody, or control of any documents or assets of Defendant or Relief Defendants, or that may be subject to any provision of the statutory restraining order; and

IT IS FURTHER ORDERED that:

22. Service of the Summons, Complaint, or other process may be effected by any CFTC representative, any SEC representative, the Receiver or any of the Receiver's representatives, any U.S. Marshal or deputy U.S. Marshal, or in accordance with Fed. R. Civ. P. 4.

III.

ORDER AGAINST TRANSFER, DISSIPATION, AND DISPOSAL OF ASSETS

IT IS HEREBY ORDERED that:

23. Defendant, Relief Defendants, and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successor thereof, who receive actual notice of this Order by personal service or otherwise, are immediately 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 of Defendant's Assets or Relief Defendants' Assets, wherever located, including Defendant's Assets and Relief Defendants' Assets held outside the United States, except as provided in Section V of this Order, or as otherwise ordered by the Court. Defendant's Assets affected by this paragraph shall include both existing Defendant's Assets and Defendant's Assets acquired after the effective date of this Order. Relief Defendants' Assets

affected by this paragraph shall include only Relief Defendants' Assets existing as of the effective date of this Order.

24. Defendant, Relief Defendants and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successor thereof, who receive actual notice of this Order by personal service or otherwise, shall not access any safe deposit box that is:

(a) owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendants or Relief Defendants, either individually or jointly; or (b) otherwise subject to access by Defendant or Relief Defendants.

25. Defendant and Relief Defendants are restrained and enjoined from directly or indirectly opening or causing to be opened any safe deposit boxes titled in the name of, or subject to, access by Defendant or Relief Defendants.

IV.

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 or has held, controls or has controlled, or maintains or has maintained custody of any of Defendant's or Relief Defendants' Assets at any time since January 1, 2008, shall:

26. Prohibit Defendant, Relief Defendants, and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering,

disbursing, dissipating, converting, selling, or otherwise disposing of Defendant's or Relief Defendants' Assets, except as directed by further Order of the Court;

27. Deny Defendant, Relief Defendants, and all other persons access to any safe deposit box that is: (a) owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendants, either individually or jointly; or (b) otherwise subject to access by Defendant or Relief Defendants;

28. Provide counsel for the CFTC and the Receiver, 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 other asset owned, controlled, managed, or held by, on behalf of, or for the benefit of Defendant or Relief Defendants, either individually or jointly; (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 owned controlled, managed, or held by, on behalf of, or for the benefit of Defendant or Relief Defendants, either individually or jointly, or is otherwise subject to access by Defendant or Relief Defendants; and

29. Upon request by the CFTC or the Receiver, promptly provide the CFTC and the Receiver 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, Internal Revenue Service Form 1099s, and safe deposit box logs.

V.

ACCOUNTING AND TRANSFER OF FUNDS AND DOCUMENTS

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

30. Provide the CFTC and Receiver with a full accounting of all Defendant's Assets and Relief Defendants' Assets, inside and outside of the United States, from January 1, 2008 to the date of this Order;

31. Transfer to a financial institution in the territory of the United States all of Defendant's Assets and Relief Defendants' Assets (other than real property) located outside the United States and provide notice to the CFTC of such transfer; and

32. Provide the CFTC and Receiver access to all records of Defendant and Relief Defendants held by financial institutions located within or outside the

territorial United States by signing a Consent to Release of Financial Records provided by the CFTC.

VI.

MAINTENANCE OF BUSINESS RECORDS

IT IS FURTHER ORDERED that:

33. Defendant, Relief Defendants, and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with Defendant or Relief Defendants, including any successor thereof, and all other persons or entities who receive notice of this Order by personal service or otherwise, are immediately 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 personal finances of Defendant or Relief Defendants and their subsidiaries or affiliates.

VII.

INSPECTION AND COPYING OF BOOKS AND RECORDS

IT IS FURTHER ORDERED that:

34. Representatives of the CFTC and the Receiver shall immediately be allowed to inspect the books, records, and other documents of Defendant, Relief Defendants, and their agents, including, but not limited to, electronically stored information, tape recordings, and computer discs, wherever they may be situated

and whether they are in the person of Defendant, Relief Defendants, or others, and to copy said documents, information and records, either on or off Defendant's or Relief Defendants' premises;

35. Defendant, Relief Defendants, their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with Defendant or Relief Defendants, including any successor thereof, who receive actual notice of this Order by personal service or otherwise, including facsimile or other electronic transmission, shall cooperate fully with the CFTC and Receiver to locate and provide to representatives of the CFTC and Receiver all books and records of Defendant and Relief Defendants, wherever such books and records may be situated.

VIII.

ORDER GRANTING EXPEDITED DISCOVERY

IT IS HEREBY ORDERED that:

36. The CFTC and the Receiver may conduct expedited discovery, removing the prohibition upon discovery before the early meeting of counsel pursuant to Fed. R. Civ. P. 26(f), in accordance with Fed. R. Civ. P. 26(d), and that the CFTC and Receiver may take depositions of Defendant, Relief Defendants, and non-parties subject to three calendar days notice pursuant to Fed. R. Civ. P. 30(a) and 45—that notice may be given personally, by facsimile, or by electronic mail.

Further, more than ten depositions may be taken and, if necessary, any deposition may last more than seven hours.

37. The CFTC and the Receiver may conduct expedited discovery to enable the CFTC to fulfill its statutory duties and protect customers from further loss or damage. This expedited discovery will allow the CFTC and the Receiver to determine the full extent of Defendant's alleged wrongdoing (including, but not limited to, the possible involvement of others), locate Defendant's other customers, identify customers' funds, and other of Defendant's Assets and Relief Defendants' Assets, and clarify the sources of various funds.

38. The following additional provisions³ shall apply to discovery taken in the above-captioned matter:

A. Pursuant to Rule 33 of the Federal Rules of Civil Procedure, the Defendant and Relief Defendants shall answer all of the CFTC's or the Receiver's interrogatories in writing under oath within two calendar days of e-mailed, telecopied or overnight mail service of such interrogatories, or receipt of the interrogatories by other service.

³ These additional provisions substantially reflect those contained in Section XI of the proposed order of the Securities and Exchange Commission in the case docketed at Civil Action No. 1:09-CV-1330. The court has included them herein so that the Receiver may perform discovery in both matters concurrently using a single set of guidelines.

B. A request for documents and tangible things pursuant to Rule 34 of the Federal Rules of Civil Procedure will be answerable, and production made, within two calendar days of e-mailed, telecopied or overnight mail service of such request, or receipt of the request by other service.

C. Pursuant to Rule 36 of the Federal Rules of Civil Procedure, the Defendant and Relief Defendants shall answer all of the CFTC's or the Receiver's requests for admissions within two days of telecopied or overnight mail service of such requests, or receipt of the requests by other service.

D. The CFTC and the Receiver may serve subpoenas on any and all third parties by e-mail, telecopy or overnight mail to an authorized representative and require responses to such subpoenas within five calendar days.

E. All written responses to the CFTC's requests for discovery under the Federal Rules of Civil Procedure shall be delivered by the most expeditious means possible, whether by hand delivery, facsimile transmission, or overnight courier, or email, to the care of any recipient specified by the CFTC.

IX.

BOND NOT REQUIRED OF PLAINTIFF

IT IS FURTHER ORDERED that:

39. The CFTC is an agency of the United States of America and, accordingly, need not post a bond.

X.

ORDER TO SHOW CAUSE

IT IS FURTHER ORDERED that:

40. A preliminary injunction hearing is scheduled to commence at **11:00 a.m. on Thursday, July 23, 2009** in Courtroom No. 2, Ninth Floor, Federal Building, 228 Walnut Street, Harrisburg Pennsylvania. This hearing shall be consolidated with the preliminary injunction hearing to be held in the case docketed at Civil Action No. 1:09-CV-1330. At the hearing, Defendant shall show cause, if there be any, why an Order for Preliminary Injunction should not be granted to prohibit further violations of the Act; the Act, as amended by the CRA; and the Regulations and why the other relief requested should not be granted pending trial on the merits of this action.

41. Should any party wish to file a memorandum of law or other papers in opposition to Plaintiff's *Ex Parte* Motion for a Statutory Restraining Order, Expedited Discovery, Preliminary Injunction, and Other Equitable Relief, all

papers shall be filed on or before noon on July 20, 2009. Any reply papers shall be filed with the Court and delivered to opposing counsel no later than noon on July 22, 2009. Service of all papers referenced in this paragraph shall be by electronic mail, overnight mail, facsimile, or personal service.

XI.

SERVICE

IT IS FURTHER ORDERED that:

42. Copies of this Order may be served by any means, including electronic mail or facsimile transmission, upon any entity or person that may have possession, custody, or control of any documents or Defendant's Assets or Relief Defendants' Assets that may be subject to any provision of this Order, and, additionally, that Charles Marvine, Braden Perry, Michael Loconte, Jill Warren, and Rick Glaser (among other representatives of the CFTC), as well as representatives of the Receiver and the SEC, are specially appointed by the Court to effect service. Further, service of the Summons, Complaint, or other process may be effected by any CFTC representative, the Receiver or any of the Receiver's representatives, any SEC representative, any U.S. Marshal or deputy U.S. Marshal, or in accordance with Fed. R. Civ. P. 4.

XII.

FORCE AND EFFECT

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.

CHRISTOPHER C. CONNER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF PENNSYLVANIA

Dated: July 13, 2009 at 4:00 P.M.