

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

COMMODITY FUTURES TRADING COMMISSION,	:	CIVIL ACTION NO.: 2:07-1044 DCN
	:	
Plaintiff,	:	CONSENT ORDER OF
	:	PRELIMINARY INJUNCTION
v.	:	
	:	
ALBERT E. PARISH, JR AND PARISH ECONOMICS, LLC,	:	
	:	
Defendants.	:	

Plaintiff Commodity Futures Trading Commission (Commission) has filed a Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief and moved for a preliminary injunction. The Court has considered the pleadings, exhibits, and memorandum filed in support of the Commission's motion for preliminary injunction, and any opposition papers filed thereto. Defendants Albert Parish, Jr. (Parish) and Parish Economics, LLC (Parish Economics) (collectively, Defendants), without admitting or denying the allegations of the Complaint, have consented to the entry of this preliminary injunction. As it appears to the Court that there is good cause to believe that Defendants have engaged, are engaging in, or are about to engage in violations of the Commodity Exchange Act, as amended (Act), 7 U.S.C. §§ 1 *et seq.* (2002), and the Commission Regulations promulgated thereunder (Regulations), 17 C.F.R. § 1.1 *et seq.* (2006), and that this is a proper case for granting a preliminary injunction to preserve the status quo, protect public customers from further loss and damage, and enable the Commission to fulfill its statutory duties, the Court enters this Order as follows:

I.***Jurisdiction and Venue***

1. The Court has jurisdiction over Parish and Parish Economics and the subject matter of this case pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(a), 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(e) of the Act, 7 U.S.C. § 13a-1(e), in that Defendants are found, inhabit, or transact business in this district, and the conduct that allegedly violated the Act has occurred, is occurring, or is about to occur within this district.

II.***Prohibition From Violations of the Act***

3. Parish and Parish Economics, all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns, or attorneys of Parish and Parish Economics, and all persons insofar as they are acting in active concert or participation with Parish and Parish Economics who receive actual notice of this Order by personal service or otherwise, shall be prohibited and restrained from directly or indirectly violating Sections 4b(a)(2)(i)-(iii) of the Act, 7 U.S.C. §§ 6b(a)(2)(i)-(iii) by:

A. in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, made, or to be made, for or on behalf of any other persons, where such contract for future delivery was or could be used for (A) hedging any transaction in interstate commerce in such

commodity or the products or byproducts thereof, or (B) determining the price basis of any transaction in interstate commerce in such commodity, or (C) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof

- (i) cheating or defrauding or attempting to cheat or defraud others;
- (ii) willfully making or causing to be made to such other person any false report or statement thereof; or
- (iii) willfully deceiving or attempting to deceive other persons by any means whatsoever in regard to any such order or contract or the disposition or execution of any such order or contract, or in regard to any act of agency performed with respect to such order or contract for such persons in;

B. violating Section 4o(1) of the Act, 7 U.S.C. § 6o(1) by making use of the mails or any means or instrumentality of interstate commerce to employ a device, scheme, or artifice to defraud commodity pool participants or prospective pool participants, or engaging in transactions, practices or courses of business which operate as a fraud or deceit upon pool participants or prospective pool participants, in;

C. violating Regulation 4.41(a), 17 C.F.R. § 4.41(a) by advertising in a manner that employs a device, scheme, or artifice to defraud commodity pool participants or prospective pool participants, or engaging in transactions, practices or courses of business which operate as a fraud or deceit upon pool participants or prospective pool participants;

D. violating Section 4m(1) of the Act, 7 U.S.C. § 6m(1) by making use of the mails or any means or instrumentality of interstate commerce in connection with a business as a commodity pool operator, unless first registered with the Commission;

E. violating Section 4k(2) of the Act, 7 U.S.C. § 6k(2) by associating with a commodity pool operator as a partner, officer, employee, consultant, or agent, or any person occupying a similar status or performing similar functions, in any capacity that involves (1) the solicitation of funds, securities, or property for participation in a commodity pool or (2) the supervision of any person or persons so engaged, unless such person is registered with the Commission as an associated person of such commodity pool operator, or permitting such a person to become or remain associated with the commodity pool operator in any such capacity;

F. violating Regulation 4.20(a) and (b), 17 C.F.R. § 4.20(a) and (b) by operating a commodity pool that is not also a cognizable legal entity separate from the pool operator and receiving funds, securities, or other property from commodity pool participants not in the name of the commodity pool;

G. violating Regulation 4.21, 17 C.F.R. § 4.21 by operating a commodity pool without delivering proper pool disclosure documents to pool participants, and receiving funds from pool participants without receiving from pool participants acknowledgement that they received the required pool disclosure document.

H. engaging, directly or indirectly, in any activity related to trading in any commodity, as that term is defined in Section 1a(4) of the Act, 7 U.S.C. § 1a(4) (commodity interest), including but not limited to, the following:

- i. trading on or subject to the rules of any registered entity, as that term is defined in Section 1a(29) of the Act, 7 U.S.C. § 1a(29);
- ii. engaging in, controlling or directing the trading for any commodity interest account for or on behalf of any other person or entity, whether by power of attorney or otherwise;
- iii. soliciting or accepting any funds from any person in connection with the purchase or sale of any commodity interest;
- iv. entering into any commodity interest transactions for his own personal account, for any account in which he has a direct or indirect interest and/or having any commodity interests traded on his behalf; and
- v. engaging in any business activities related to commodity interest trading.

III.

Inspection and Copying of Books and Records

4. Representatives of the Commission shall be allowed to inspect the books, records, and other documents of Defendants and their agents, including, but not limited to all documents, electronically stored data, tape recordings, and computer files, wherever they may be situated and whether they are in the person of Defendants or others including, but not limited to the possession of S Gregory Hays or his agents, servants, employees, successors, assigns, or attorneys; and to copy said documents, data and records, either on or off the premises where they may be situated;

5. Defendants and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with the Defendants 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, records and other documents of Defendants wherever such books and records may be situated.

IV.

Full Force and Effect

6. 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 Charleston, South Carolina on this 10th day of April 2007.



DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

ALBERT E. PARISH JR. AND

PARISH ECONOMICS LLC

BY: s/Joseph S. Mendelsohn Dated: _____

Joseph S. Mendelsohn
Conservator for Albert E. Parish Jr.

S. GREGORY HAYS
COURT APPOINTED RECEIVER FOR
ALBERT E. PARISH JR. AND PARISH
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BY: s/David Popowski Dated: _____

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