

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

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U.S. COMMODITY FUTURES TRADING COMMISSION,)	
)	
Plaintiff,)	CASE NO. <u>2:10cv2893-RMG</u>
)	
v.)	
)	
RONALD E. SATTERFIELD; GRAHAM STREET FOREX GROUP, LLC; SHORE-2-SUMMIT FINANCIAL, LLC; and NICHOLAS BOS, individually and d/b/a Boss Financial Services,)	Filed Under Seal
)	
Defendants; and)	
)	
PATRICIA L. BOS,)	
)	
Relief Defendant.)	
)	

**STATUTORY RESTRAINING ORDER TO PRESERVE BOOKS AND RECORDS
AND ORDER TO SHOW CAUSE WHY THIS COURT SHOULD NOT ENTER A
PRELIMINARY INJUNCTION AGAINST THE DEFENDANTS**

Plaintiff, the Commodity Futures Trading Commission (“the Commission”), has filed a complaint for permanent injunction and other relief and has moved *ex parte*, pursuant to Section 6c of the Commodity Exchange Act (the “Act”), 7 U.S.C. § 13a-1 (2002), for a Statutory Restraining Order (“SRO”) prohibiting the Defendants, Graham Street Forex Group, LLC, Shore-2-Summit Financial, LLC, Ronald E. Satterfield, and Nicholas Bos individually and d/b/a Boss Financial (“Bos”) (collectively, “Defendants”), from destroying, altering or disposing of, or refusing to permit authorized representatives of the Commission to inspect and copy, when and as requested, any books, records, electronically stored data, including computers and computer data, or other documents wherever they may be.

As it appears that the Court has jurisdiction over the subject matter of this case, that venue properly lies with this Court, that Section 6c of the Act, 7 U.S.C. § 13a-1 (2008), authorizes *ex parte* relief, that there is good cause to believe that the Defendants have engaged in, are engaging in or are about to engage in violations of the Act, and 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, the Court orders as follows:

DEFINITIONS

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

1. 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.
2. “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.
3. “Defendants” means Graham Street Forex Group, LLC (“Graham Street”), Shore-2-Summit Financial, LLC (“Shore-2-Summit”), Ronald E. Satterfield (“Satterfield”) and

Nicholas Bos individually and d/b/a Boss Financial (“Bos”), and any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee, or attorney of Graham Street, Shore-2-Summit, Satterfield or Bos, 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 Graham Street, Shore-2-Summit, Satterfield or Bos. “Relief Defendant” means Patricia L. Bos.

RELIEF GRANTED

IT IS HEREBY ORDERED that:

I.

TRANSFER, DISSIPATION, AND DISPOSAL OF ASSETS

4. Defendants and Relief Defendant 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, including those held in the name of Defendants and/or Relief Defendant, wherever located, including assets held outside the United States, except as provided in Part III of this Order, or as otherwise ordered by the Court. The assets affected by this paragraph shall include both existing assets and assets acquired after the effective date of this Order.

5. Defendants, Relief Defendant and their agents, servants, employees, attorneys, and persons in active concert or participation with Defendants or Relief Defendant who receive actual notice of this Order by personal service 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 of Defendants’ and/or Relief Defendant’s assets, wherever located, including assets held outside the United States, except as provided in Part III

of this Order, or as otherwise ordered by the Court. The assets affected by this paragraph shall include both existing assets and assets acquired after the effective date of this Order.

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

II.

DIRECTIVES TO FINANCIAL INSTITUTIONS AND OTHERS

7. Pending further Order of this Court, any financial or brokerage institution, business entity, or person that holds, controls, or maintains custody of any Defendants' asset or account, or account established by Defendants on behalf of any other entity or person, including a commodity pool, or Relief Defendant's accounts or assets, or has held, controlled, or maintained custody of any account or asset of the Defendants or Relief Defendant at any time since March 1, 2006, shall:

a. Prohibit Defendants and Relief Defendant 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. Deny Defendants and Relief Defendant and all other persons access to any safe deposit box that is: (a) titled in the name of the Defendants or Relief Defendant either individually or jointly; or (b) otherwise subject to access by the Defendants or Relief Defendant;

c. Provide counsel for the Commission, within five (5) business days of receiving a copy of this Order, a statement setting forth: (a) the identification number of each and every such account or asset titled in the name, individually or jointly, of the Defendants and/or

Relief Defendant, or held on behalf of, or for the benefit, of the Defendants and/or Relief Defendant: (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 either titled in the name, individually or jointly, of the Defendants and/or Relief Defendant or is otherwise subject to access by the Defendants and/or Relief Defendant; and

d. 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, 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.

III.

ACCOUNTING AND TRANSFER OF FUNDS AND DOCUMENTS

8. Within five (5) business days following the service of this Order, Defendants and Relief Defendant shall:

a. Provide the Commission with a full accounting of all Defendants' and Relief Defendant's funds, documents, and assets, including those outside of the United States, from March 1, 2006, to the date of this Order;

b. Transfer to the territory of the United States all Defendants' and Relief Defendant's assets and documents located outside of the United States; and

c. Provide the Commission access to all records of the Defendants and/or Relief Defendant held by financial institutions located outside the territorial United States by signing the Consent to Release of Financial Records attached to this Order.

IV.

MAINTENANCE OF AND ACCESS TO BUSINESS RECORDS

9. The Defendants, Relief Defendant 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 any Defendant.

V.

INSPECTION AND COPYING OF BOOKS AND RECORDS

10. Representatives of the Commission shall be immediately allowed to inspect the books, records, and other documents of the 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 the Defendants, Relief Defendant, or others, and to immediately copy said documents, data and records, either on or off the premises where they may be situated.

VI.

ORDER PERMITTING EXPEDITED DISCOVERY

11. The prohibition upon discovery before the early meeting of counsel is removed pursuant to Rule 26(d) of the Federal Rules of Civil Procedure.

12. The prohibition upon the immediate commencement of depositions is removed pursuant to Rule 30(a)(2)(C) of the Federal Rules of Civil Procedure.

13. The parties may proceed to take the oral deposition of any person upon three calendar days actual notice if the notice is served upon the parties personally or by facsimile to the party's last known business facsimile number.

14. The parties may take the deposition of any person for the purpose of discovering the nature, location, status and extent of assets of the Defendants or Relief Defendant and the location of any documents reflecting those assets.

VII.

BOND NOT REQUIRED OF PLAINTIFF

15. Plaintiff Commodity Futures Trading Commission is an agency of the United States of America and, accordingly, no bond need be posted by the Commission.

VIII.

SERVICE OF ORDER

16. Copies of this Order may be served by any means, including facsimile and e-mail 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 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, or in accordance with Fed. R. Civ. P. 4. All subsequent

pleadings, correspondence, notices required by this Order, and other materials shall be served consistent with Federal Rule of Civil Procedure Rule 4.

IX.

SERVICE ON THE COMMISSION

17. The Defendants and Relief Defendant shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Jennifer A. Diamantis, Division of Enforcement, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington, D.C. 20581 and to John Douglas, Office of the U. S. Attorney, District of South Carolina, 151 Meeting Street, 2d Floor, Charleston, SC 29401.

X.

ASSISTANCE OF UNITED STATES MARSHAL SERVICE

18. The United States Marshals Service is directed to assist the Commission in the service of the summons, complaint, and this statutory restraining order on the Defendants.

XI.

ORDER TO SHOW CAUSE

19. The Defendants shall appear before this Court on the 17th day of November 2010, at 9:30 a.m., before the Honorable David J. Norton at the United States Courthouse for the District of South Carolina at the Charleston Federal Courthouse, 85 Broad Street, Charleston, South Carolina 29401, to show cause why this Court should not enter a preliminary injunction enjoining the Defendants from further violations of the Act and the Commission's Regulations, and 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

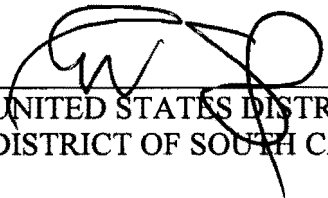
preliminary injunction against the Defendants, such materials shall be filed, served and received by all parties at least two (2) days before the hearing ordered above.

XII.

FORCE AND EFFECT

20. 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, this 9th day of November, 2010.


UNITED STATES DISTRICT JUDGE
DISTRICT OF SOUTH CAROLINA