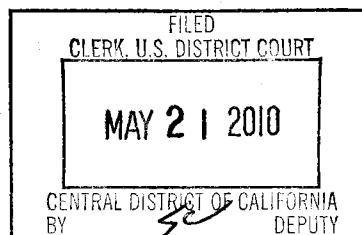


1 Camille M. Arnold, NY Bar No. 2505907
 (carnold@cftc.gov)
 2 Brigitte C. Weyls, IL ARDC No. 6278696
 3 (bweyls@cftc.gov)
 4 Susan J. Gradman, IL ARDC No. 6225060
 (sgradman@cftc.gov)
 5 Rosemary Hollinger, IL ARDC No. 03123647
 (rhollinger@cftc.gov)
 6 Scott R. Williamson, IL ARDC No. 06191293
 (swilliamson@cftc.gov)
 7 United States Commodity Futures Trading Commission
 8 525 West Monroe Street, Suite 1100
 9 Chicago, Illinois 60661
 Telephone: (312) 596-0524 (Arnold)
 10 Telephone: (312) 596-0547 (Weyls)
 Telephone: (312) 596-0523 (Gradman)
 11 Telephone: (312) 596-0520 (Hollinger)
 12 Telephone: (312) 596-0560 (Williamson)
 Facsimile: (312) 596-0714



14 Kent Kawakami, CA Bar No. 149803
 (kent.kawakami@usdoj.gov)
 15 Assistant United States Attorney
 16 United States Attorney's Office
 Central District of California - Civil Division
 17 300 North Los Angeles Street Room 7516
 Los Angeles, CA 90012
 18 Telephone: (213) 894-4858
 19 Facsimile: (213) 894-2380
 20 Local Counsel

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 CLERK U.S. DISTRICT COURT
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 LOS ANGELES
 BY [signature]

LODGED

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT CALIFORNIA
 WESTERN DIVISION**

23 **United States Commodity**)
 24 **Futures Trading Commission,**)
 25 **Plaintiff,**)

Case No:

ODW FMOx

CV10 3834

1 vs.)

2 New Golden Investment Group,)
3 LLC a.k.a, NGI Group, LLC, a.k.a.,)
4 New Golden Management, a.k.a.,)
5 New Golden Entertainment, LLC,)
6 a.k.a. Grupo NGI International,)
7 Inc., a.k.a., NGI Group)
8 International, Inc., Ruben)
9 Gonzalez and Jose C. Naranjo,)
10 Defendants.)

PLAINTIFF'S [~~PROPOSED~~]
STATUTORY RESTRAINING
ORDER

9 The Court having read the Complaint for Injunctive and Other Equitable
10 Relief, the Plaintiff's Motion for a Statutory Restraining Order, the Brief in
11 Support of Plaintiff's Motion for a Statutory Restraining Order, the Declarations of
12 Judith McCorkle, Michael Scott, Christian Martin, including the exhibits and
13 attachments thereto, the testimony of Johanna Sicat, and all other papers filed
14 herein by the Plaintiff, Commodity Futures Trading Commission ("CFTC" or
15 "Commission"),
16
17

18 **THE COURT FINDS:**

- 19
20 1. This Court has jurisdiction over the subject matter.
21
22 2. Section 6c(a) of the Commodity Exchange Act ("Act"), 7 U.S.C. §
23 13a-1 (2006), permits this Court to enter a Statutory Restraining Order ("SRO" or
24 "Order").

1 3. It appears to the satisfaction of the Court that there is good cause to
2 believe that New Golden Investment Group, LLC, a.k.a, NGI Group, LLC, a.k.a,
3 New Golden Management, a.k.a., New Golden Entertainment, LLC, a.k.a, Grupo
4 NGI International, Inc., a.k.a., NGI Group International, Inc. (collectively, “NGI”),
5 and its principals, Ruben Gonzalez (“Gonzalez”) and Jose C. Naranjo (“Naranjo”)
6 (collectively, “Defendants”), have engaged, are engaging in, and are about to
7 engage in violations of §§ 4(b)(a)(1)(A) and (C) of the Act, as amended by the
8 Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the
9 CFTC Reauthorization Act (“CRA”), §§ 13101-13204, 122 Stat. 1651 (enacted
10 June 18, 2008), to be codified at 7 U.S.C. §§ 6b(a)(1)(A) and (C). There is good
11 cause to believe further that customers may be cheated and defrauded and that
12 immediate and irreparable damage to the Court’s ability to grant effective final
13 relief for customers in the form of monetary redress will occur from the destruction
14 of records unless the Defendants are immediately restrained and enjoined by Order
15 of this Court and, accordingly, there is good cause to issue this Order.

16 4. It further appears to the satisfaction of the Court that this is a proper
17 case for granting a SRO to preserve the status quo, protect public customers from
18 loss and damage, and enable the Commission to fulfill its statutory duties.
19

I. ORDER

Definitions

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

5. “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, brokerage firms or futures commissions merchants, credits, receivables, lines of credit, contracts including spot and futures contracts, insurance policies, and all cash, wherever located.

6. 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.

7. “Defendants” means NGI and its principals, Gonzalez and Naranjo, and any person insofar as he or she is acting in the capacity as an officer, agent,

1 servant, employee or attorney of any of the Defendants, individually or jointly, and
2 any person who receives actual notice of this Order by personal service or
3 otherwise, including e-mail, facsimile and Federal Express, or other commercial
4 overnight service in so far as he or she is acting in concert or participation with
5 Defendants.
6

7
8 **II. RELIEF GRANTED**

9 **STATUTORY RESTRAINING ORDER**

10 **1. Asset Freeze**

11 **IT IS ORDERED** that Defendants, and their agents, servants, employees,
12 successors, assigns, attorneys and all persons insofar as they are acting in active
13 concert or participation with them who receive actual notice of this Order by
14 personal service or otherwise, including ~~e-mail, facsimile~~ and Federal Express or
15 other commercial overnight service, from directly or indirectly withdrawing,
16 transferring, removing, dissipating, selling, alienating, liquidating, encumbering,
17 pledging, leasing, loaning, assigning, concealing, converting, or otherwise
18 disposing of any cash, cashier's checks, funds, assets or other property of, or
19 within the custody, control, or actual or constructive possession of Defendants
20 including, but not limited to, all funds, personal property, money or securities held
21 in Defendants' name, all funds on deposit in any safety deposit box, financial
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1 institution, futures commission merchant, insurance agency, pension plan benefits
2 provider, custodian, brokerage firm, bank or savings and loan account held by,
3 under the actual or constructive control, or in the name of Defendants, all funds or
4 property of Defendants' customers, wherever located, including funds, property or
5 assets held outside the United States, except as ordered by the Court, whether held
6 in the name of the Defendants, individually or jointly, or any other entity owned or
7 controlled by Defendants, or held on behalf of the Defendants, at any time since
8 August 1, 2008. The assets affected by this Paragraph shall include both existing
9 assets and assets acquired after the effective date of this Order.
10
11

12 **IT IS FURTHER ORDERED** that pending further order of this Court, each
13 bank, financial or brokerage firm, futures commission merchant, or business entity,
14 or person that holds, controls, or maintains custody of any funds, assets or other
15 property of Defendants, or has held, controlled, or maintained custody of any
16 funds, assets or other property of Defendants, individually or jointly, and who
17 receives notice of this Order by any means, including facsimile, e-mail and Federal
18 Express or other commercial overnight service, shall:
19
20

21 A. Prohibit Defendants and any other person from withdrawing,
22 removing, assigning, transferring, pledging, encumbering, disbursing, dissipating,
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1 converting, selling or otherwise disposing of any such asset except as directed by
2 further order of the Court;

3
4 B. Deny Defendants and all other person(s) access to any safe deposit
5 box that is:

- 6 1. titled in the name of Defendants, either individually or
7 jointly; or
8
9 2. otherwise subject to access by the Defendants;

10 ~~C. Provide counsel for the Commission within five (5) business days of~~
11 ~~receiving a copy of this Order, a statement setting forth:~~

- 12 1. the identification number of each such account or asset
13 titled in the name of Defendants, individually or jointly, or held
14 on behalf of, or for the benefit, of the Defendants;
15
16 2. the balance of each such account, or a description of the
17 nature and value of such asset as of the close of business on the
18 day on which this Order is served, and, if the account or other
19 asset has been closed or removed, the date closed or removed,
20 the total funds removed in order to close the account, and the
21 name of the person or entity to whom such account or other
22 asset was remitted; and
23
24

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

4
5 ~~D. Upon the request by the Commission, promptly provide the~~
6 ~~Commission with copies of all records or other documentation pertaining to such~~
7 ~~account or asset, including, but not limited to, originals or copies of account~~
8 ~~applications, account statements, signature cards, checks, drafts, deposit tickets,~~
9 ~~wire transfers to and from the accounts, transfers to and from the accounts, all~~
10 ~~other debit and credit instruments or slips, currency transaction reports, 1099~~
11 ~~forms, and safe deposit box logs; and~~

12
13
14 ~~E. Cooperate with all reasonable requests of the Commission relating to~~
15 ~~implementation of this Order, including producing records related to Defendants'~~
16 ~~accounts and Defendants' businesses.~~

17
18 **2. Prohibition of Destruction of Books and Records**

19 **IT IS FURTHER ORDERED** that Defendants and their agents, servants,
20 employees, successors, assigns, attorneys and all persons insofar as they are acting
21 in active concert or participation with them who receive actual notice of this Order
22 by personal service or otherwise, including ~~facsimile, e-mail~~ and Federal Express
23 or other commercial overnight service, are restrained and enjoined from directly or
24

1 indirectly destroying, mutilating, concealing, altering or disposing of, in any
2 manner, any of the books and records, documents, correspondence, brochures,
3 manuals, electronically stored data, tape records or other property of Defendants
4 wherever located, including all such records concerning the Defendants' business
5 operations;
6

7 **3. Access to and Inspection of Books and Records**

8 ~~IT IS FURTHER ORDERED~~ that Defendants must permit representatives
9 of the Plaintiff Commission to immediately inspect the books, records and other
10 electronically stored data, tape recordings, and other documents of the Defendants
11 and their agents, including all such records of Defendants' business operations,
12 wherever they are situated and whether they are in the possession of the
13 Defendants or others and to copy said documents, data, and records either on or off
14 the premises where they may be situated and whether they are in the possession of
15 the Defendants or others, and to copy said documents, data and records, either on
16 or off the premises where they may be situated;
17
18
19

20 ~~IT IS FURTHER ORDERED~~ that Defendants and their agents, servants,
21 employees, successors, assigns, attorneys and all persons insofar as they are acting
22 in active concert or participation with them who receive actual notice of this Order
23 by personal service or otherwise, including e-mail, facsimile and Federal Express
24
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26

1 or other ~~commercial overnight service, from directly or indirectly refusing to make~~
2 available for inspection by the Commission, when as requested, any books,
3 records, documents correspondence, brochures, manual, electronically stored data,
4 tape records or other property of Defendants wherever located, including, but not
5 limited to, all such records of Defendants' business operations.

7 **III. SERVICE OF ORDER AND ASSISTANCE OF U.S. MARSHALL'S**
8 **SERVICE**

9 **IT IS FURTHER ORDERED** that copies of this Order may be served by
10 any means, including ~~e-mail~~, facsimile transmission and Federal Express or other
11 commercial overnight service, upon any financial institution, FCM, bank,
12 brokerage firm or other entity or person that may have possession, custody, or
13 control of any documents or assets of the Defendants, or that may be subject to any
14 provision of this Order. Judith McCorkle and Eleanor Oh, employees of the
15 Commission, are hereby specially appointed to serve process, including this Order
16 and all other papers in this cause. Additionally, Judith McCorkle and Eleanor Oh,
17 employees of the Commission, are hereby granted leave, *instanter*, to effectuate
18 service of process, including this Order and all other papers in this cause.

19 **IT IS FURTHER ORDERED** that the United States Marshals Service is
20 directed to assist the Commission with service of process, including the summons
21 and complaint, and all other papers in this case as well as assist the Commission

1 with taking control and custody of the assets, records and business premises of the
2 Defendants.

3
4 **IV. SERVICE ON THE COMMISSION**

5 **IT IS FURTHER ORDERED** that the Defendants shall serve all pleadings,
6 correspondence or notices required by this Order, and other materials on the
7 Commission by delivering a copy to, Camille Arnold, Senior Trial Attorney,
8 Division of Enforcement, Commodity Futures Trading Commission, 525 W.
9 Monroe, Suite 1100, Chicago, Illinois 60661.
10

11 **V. COURT MAINTAINS JURISDICTION**

12 **IT IS FURTHER ORDERED** that this SRO shall remain in full force and
13 effect until further Order of this Court, upon application, notice and an opportunity
14 to be heard, and that this Court retains jurisdiction of this matter for all purposes.
15

16 **VI. FURTHER COURT HEARINGS**

17 A. **IT IS FURTHER ORDERED** that this matter is set for a status hearing
18 on _____.
19

1 B. IT IS FURTHER ORDERED that Plaintiff's Motion for a Preliminary
2 Injunction is set for hearing on June 3, 2010, at 1:30 p.m.
3
4

5 **IT IS SO ORDERED.**
6

7 Signed at _____ o'clock am/pm on the 20th day of May, 2010
8

9 
10

11 UNITED STATES DISTRICT JUDGE
12 Central District of California
13 Western Division
14 Percy Anderson
15 United States District Judge
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