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UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY GEPOTY

UNITED STATES COMMODITY FUTURES TRADING COMMISSION, Civil Action No. A09-CA-497SS Plaintiff, STRONGBOW INVESTMENTS GP, LLC, ..., CONSENT ORDER OF a Delaware limited liability company; and DISMISSAL OF RELIEF PATRICK JOSEPH DAILEY, an **DEFENDANTS WITH PREJUDICE** individual, Defendants, DAILEY FAMILY LIMITED PARTNERSHIP, a California limited partnership, and SUZI DAILEY, a/k/a SUZIE DAILEY and SUZY DAILEY, Relief Defendants.

Having considered the Stipulation to Dismiss Relief Defendants with Prejudice, entered into by plaintiff, United States Commodity Futures Trading Commission ("Commission"), and Relief Defendants Dailey Family Limited Partnership ("DFLP") and Suzi Dailey (collectively "Relief Defendants") in the above-captioned proceeding, the Court hereby finds that:

1. On June 30, 2009, the Commission filed an injunctive action against Strongbow Investments GP, LLC and Patrick Dailey (collectively "Defendants") and Relief Defendants. Subsequently, the Court issued an *ex parte* Statutory Restraining Order freezing Defendants' and Relief Defendants' assets and, on August 3, 2009, the Court issued a Consent Order of Preliminary Injunction and Other Equitable Relief.

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The Commission, Defendants and Relief Defendants have determined to settle 2. this matter, the terms of which are set forth in the Consent Order of Permanent Injunction and Equitable Relief Against Defendants, which is being entered contemporaneously with this order.

- The Commission agrees not to seek further monetary relief against Relief 3. Defendants since any relief sought from the Relief Defendants will be satisfied pursuant to payments received from Defendants in connection with the Consent Order of Permanent Injunction Against Defendants.
- Relief Defendants agree to waive any claims that Relief Defendants may have 4. against the Commission under the Equal Access to Justice Act ("EAJA"), 5 U.S.C. § 504 (2006) and 28 U.S.C. § 2412 (2006), and/or Part 148 of the Regulations, 17 C.F.R. § 148.1, et seq., relating to or arising from, this action and any right under EAJA to seek costs, fees and other expenses relating to, or arising from, this action. Relief Defendants also agree to waive any claims that Relief Defendants may have against the Commission under the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), Pub. L. No. 104-121, §§ 221-223, 110 Stat. 862-63 (1996), as amended by Pub. L. No. 110-28, 121 Stat. 112 (2007), relating to, or arising from, this action. Relief Defendants also agree to waive any and all rights of appeal in this action.

Accordingly, it is hereby ORDERED that:

- 1. The Statutory Restraining Order and Consent Order of Preliminary Injunction are vacated.
- 2. Relief Defendants have waived any claims or rights that they may have had against the Commission under the EAJA relating to or arising from this action, and any right under EAJA to seek costs, fees and other expenses relating to, or arising from, this action. Relief

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Defendants also agree to waive any claims that Relief Defendants may have against the Commission under SBREFA, relating to, or arising from, this action. Relief Defendants have also waived any and all rights of appeal in this action.

3. As this matter has been resolved by the parties, Relief Defendants are hereby dismissed with prejudice, with each party to bear their own fees and costs.

ORDERED AND ADJUDGED.

DONE AND ORDERED at Austin, Texas, this 8 day of Allente, 2010.

HÖNORABLE SAMSPARKS United States District Judge

Date:

CONSENTED AND APPROVED BY:

Patrick J. Dailey, Trustee

Dailey Family Limited Partnership

Dancy Fairniy Dinited 1 dealersing

Suzi Dailey

Brian E. Spears

Cheryl Johnson

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