

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

U.S. Commodity Futures Trading Commission, Plaintiff,)	Civil Case No. 1:10-cv-3619
v.)	Judge: Elaine E. Bucklo
Marat Yunusov, a/k/a Ayrat Yunusov Defendant.)	Magistrate Judge: Sheila M. Finnegan


**[PROPOSED] EX PARTE STATUTORY RESTRAINING ORDER FREEZING
DEFENDANT'S ASSETS AND PROHIBITING DEFENDANT FROM DESTROYING OR
ALTERING ANY BOOKS, RECORDS, OR OTHER DOCUMENTS**

On June 11, 2010, Plaintiff, U.S. Commodity Futures Trading Commission (the "Commission" or "CFTC"), filed a complaint for a injunctive and other relief, and on June 14, 2009, moved *ex parte*, pursuant to Section 6c(a) of the Commodity Exchange Act, as amended ("Act"), 7 U.S.C. § 13a-1(a) (2006), for a statutory restraining order ("SRO") freezing assets and prohibiting the destruction of books, records, or other documents.

THE COURT FINDS:

1. This Court has jurisdiction over this action pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, 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) (2006), in that Defendant transacts business in this District, and the acts and practices

in violation of the Act have occurred, are occurring, or are about to occur within this district, among other places.

3. Section 6c(a) of the Act, 7 U.S.C. § 13a-1, permits this Court to enter a SRO.

4. It appears that there is good cause to believe that Defendant Marat Yunusov, also known as Ayrat Yunusov, has engaged, is engaging in and is about to engage in violations of Sections 4c(a) of the Act, 7 U.S.C. § 6c(a), and Commission Regulation 1.38(a), 17 C.F.R. § 1.38(a) (2010). There is good cause to believe that immediate and irreparable damage to the Court's ability to grant effective final relief for Commission registrants in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by the Defendant of his assets or destruction of records unless the Defendant is immediately restrained and enjoined by Order of this Court and, accordingly, there is good cause to issue this order.

5. It further appears to the satisfaction of the Court that this is a proper case for granting a SRO to preserve the status quo and to protect Commission registrants from further loss and damage.

ORDER

I. DEFINITIONS

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

a. "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, including, but not limited to, the commodity futures account carried in the name of Aryat Yunusov at Velocity Futures LLC and the commodity futures account carried in the name of Marat Yunusov at Open E Cry, LLC.

- b. 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.

II. RELIEF GRANTED

The Court has considered the pleadings, declarations, exhibits, and memorandum filed in support of the Commission’s Motion.

IT IS HEREBY ORDERED that Marat Yunusov, a/k/a Ayrat Yunusov, and all persons insofar as they are acting in the capacity of agents, servants, employees, successors, assigns or attorneys of the Defendant and all persons insofar as they are acting in active concert or participation with them, who receive actual notice of this Order by personal service or otherwise, shall be prohibited from directly or indirectly:

- A. Dissipating, withdrawing, transferring, removing, concealing or disposing of cash, cashier’s checks, funds, assets or other property of, or within the custody, control or possession of the Defendant wherever located, whether held in the name of the Defendant or otherwise, including all purported profits generated by Defendant’s commodity futures trading on the Chicago Mercantile Exchange Globex trading platform on June 3 and 4, 2010; and
- B. Destroying, mutilating, concealing, altering or disposing of, in any manner, any of the books and records, documents, correspondence, brochures, manuals, electronically stored data, tape records or other property of the Defendant, wherever located, including all such records concerning the Defendant’s trading, until further order of the Court.

III. 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, controls, or maintains custody of any account or asset owned, controlled, managed, or held by, on behalf of, or for the benefit of the Defendant, or has held, controlled, or maintained custody of any account or asset owned, controlled, managed, or held by, on behalf of, or for the benefit of the Defendant at any time since January 1, 2009, shall:

- A. 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 Defendant, or owned, controlled, managed, or held by, on behalf of, or for the benefit of the 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 Defendant or is otherwise subject to access by the Defendant; and
- B. 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.

IV. SERVICE OF ORDER

IT IS FURTHER ORDERED that copies of this Order may be served by any means, including e-mail, facsimile transmission and private courier services, upon Defendant, through his designated agents as provided by Commission Regulation 15.05, 17 C.F.R. § 15.05 (2010), and any financial institution or other entity or person that may have possession, custody, or control of

any documents or assets of the Defendant, or that may be subject to any provision of this Order William Janulis, Mary Kaminski, and M. Kenneth Hampton, all employees of the CFTC, are hereby specially appointed to serve this Order.

V. Bond Not Required of Plaintiff

IT IS FURTHER ORDERED that as provided in Section 6c(b) of the Act, 7 U.S.C. §13a-1(b)(2006), no bond need be posted by the Commission.

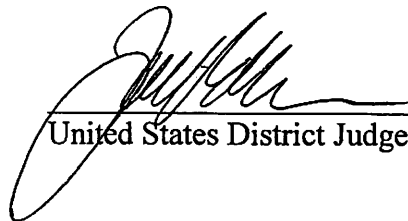
VI. Other Provisions

IT IS FURTHER ORDERED that this *Ex Parte* Restraining Order shall remain in full force and effect until June 28, 2010.

IT IS FURTHER ORDERED that this matter is set for a status hearing on June 16, 2010, at 9:30 a.m., by [appearance of parties] [telephone conference call to chambers].

IT IS FURTHER ORDERED that plaintiff's Motion for a Preliminary Injunction is set for hearing on TBD, 2010, at _____ .m. in courtroom _____ at the U.S. Courthouse at 219 S. Dearborn St., Chicago. *by Judge Buckle*

Date: June 14, 2010
Time: 2:40 p.m.


United States District Judge