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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

U.S. COMMODITY FUTURES )  
TRADING COMMISSION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DIMITRY VISHNEVETSKY, )  
INDIVIDUALLY and )  
d/b/a HODGES TRADING LLC, HODGES )  
COURT TRADING )  
and )  
OXFORD CAPITAL, LLC, )  
 )  
Defendants. )

Civil No. \_\_\_\_\_

**PROPOSED EX PARTE STATUTORY RESTRAINING ORDER  
AND ASSET FREEZE**

This Court having read the Complaint for Injunctive and Other Equitable Relief, the Motion for Entry of an *Ex Parte* Statutory Restraining Order, the memorandum of law in support thereof, the Declarations of several pool participants, and CFTC Investigator Heather Johnson ("Johnson"), as well as the exhibits, and all other papers filed herein by the Plaintiff, Commodity Futures Trading Commission ("Commission" or "CFTC"),

**THE COURT FINDS:**

1. This Court has jurisdiction over the subject matter. Section 6c of the Commodity Exchange Act ("Act"), 7 U.S.C. § 13a-1, as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act of 2008 ("CRA")), §§ 13101-13204, 122 Stat. 1651 (enacted June 18, 2008), and the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 ("Dodd-Frank Act"), Pub. L. No. 111-203, Title

VII (the Wall Street Transparency and Accountability Act of 2010), §§ 701-774 (enacted July 21, 2010), to be codified at 7 U.S.C. §§ 1 *et seq.*, authorizes this Court to enter a statutory restraining order against Dimitry Vishnevetsky (“Vishnevetsky”), individually and d/b/a Hodges Trading LLC (“Hodges”) and Hodges Court Trading (“Hodges Court”), and Oxford Capital, LLC (“OCL”) (collectively “Defendants”).

2. Venue properly lies with this Court pursuant to Section 6c(e) of the Act, 7 U.S.C. § 13a-1(e).

3. It appears that there is good cause to believe that Defendants have engaged, are engaging in and are about to engage in violations of Sections 4b(a)(2)(i)-(iii), 7 U.S.C. §§ 6b(a)(2)(i)-(iii) (2006), with respect to acts occurring before June 18, 2008, and Sections 4b(a)(1)(A)-(C) as amended by the CRA and Dodd-Frank, 7 U.S.C. §§ 6b(a)(1)(A)-(C), with respect to acts occurring on or after June 18, 2008, and Section 4o(1) of the Act, 7 U.S.C. § 6o(1) (2006).

4. It further appears that there is good cause to believe that immediate and irreparable damage to the Court’s ability to grant effective final relief for pool participants and customers in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by the Defendants of their assets or destruction of records unless the Defendants are immediately restrained and enjoined by Order of this Court and, accordingly, there is good cause to issue this order.

**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, 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" mean Vishnevetsky, individually and d/b/a as Hodges and Hodges Court, OCL, and any person insofar as he or she is acting in the capacity of an officer, agent, servant, employee or attorney of Defendants, and any person who receives actual notice of this Order by personal service or otherwise, including Federal Express and facsimile, insofar as he or she is acting in concert or participation with Defendants.

**RELIEF GRANTED**

**STATUTORY RESTRAINING ORDER**

**I. ASSET FREEZE**

**IT IS ORDERED** that Defendants are restrained and enjoined from directly or indirectly withdrawing, transferring, removing, dissipating, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, converting, or otherwise disposing of any

funds, assets or other property, wherever located, including funds, property or assets held outside the United States, except as 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, as well as accounts not specifically identified below.

**IT IS FURTHER ORDERED** that, pending further Order of this Court, any financial or brokerage institution, business entity, or person that holds, controls, or maintains custody of any funds, assets or other property of the Defendants, or has held, controlled, or maintained custody of any funds, assets or other property of the Defendants, and who receives notice of this order by any means, including facsimile, electronic mail, and Federal Express, shall:

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

B. Deny Defendants, and all other persons access to any safe deposit box that is:

1. titled in the name of the Defendants, either individually or jointly; or
2. otherwise subject to access by the Defendants; and

C. Cooperate with all reasonable requests of the CFTC relating to implementation of this Order, including producing records related to Defendants' accounts and Defendants' businesses.

## **II. PROHIBITION OF DESTRUCTION OF BOOKS AND RECORDS**

**IT IS FURTHER ORDERED** that Defendants and all persons or entities who receive notice of this Order by personal service or otherwise, including electronic mail, facsimile, United Parcel Service and Federal Express, 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 or personal finances of the Defendants.

**III. ACCESS TO AND INSPECTION OF BOOKS AND RECORDS**

**IT IS FURTHER ORDERED** that representatives of the CFTC be allowed immediately to inspect the books, records, and other documents of the Defendants and their agents including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of the Defendants or others, and to copy said documents, data and records, either on or off the premises where they may be situated.

**IV. SERVICE OF ORDER AND ASSISTANCE OF U.S. MARSHALS SERVICE**

**IT IS FURTHER ORDERED** that copies of this Order may be served by any means, including electronic mail, facsimile transmission, United Parcel Service and Federal Express, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of the Defendants, or that may be subject to any provision of this Order. Heather Johnson and Venice Bickham, employees of the CFTC, are hereby specially appointed to serve process, including this Order and all other papers in this cause.

**IT IS FURTHER ORDERED** that the United States Marshals Service is directed to assist the CFTC with service of process, including the summons and complaint, and all other papers in this case.

**V. BOND NOT REQUIRED OF PLAINTIFF**

**IT IS FURTHER ORDERED THAT** pursuant to Section 6c(b) of the Act, 7 U.S.C. § 13a-1(b), no bond need be posted by the Commission, which is an agency of the United States of America

**VI. SERVICE ON THE COMMISSION**

**IT IS FURTHER ORDERED** that the Defendants shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to Diane M. Romaniuk, Senior Trial Attorney, or Ava M. Gould, Senior Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, Illinois 60661.

**VII. COURT MAINTAINS JURISDICTION**

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

**VIII. FURTHER COURT HEARINGS**

**IT IS FURTHER ORDERED** that this matter is set for a status hearing on 5/23, 2012, at 9:45am o'clock, and that Plaintiff's Motion for Preliminary Injunction is set for a hearing on \_\_\_\_\_.

**IT IS SO ORDERED**

Date: 5/1/12

  
United States District Judge