

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

**CASE NO. 05-61588-CIV-ALTONAGA/Turnoff**

**COMMODITY FUTURES TRADING  
COMMISSION,**

Plaintiff,

vs.

**INTERNATIONAL BERKSHIRE  
GROUP HOLDINGS, INC., et al.**

Defendants.

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**ORDER GRANTING MOTION FOR DEFAULT FINAL JUDGMENT**

**THIS CAUSE** came before the Court upon Plaintiff, the Commodity Futures Trading Commission's Motion for Default Judgment and Order of Permanent Injunction Pursuant to Rule 55(b) Fed. R. Civ. P. [D.E. 83], filed on November 3, 2006. An executed proof of service [D.E. 56] appears in the record for Defendants, Harrington Advisory Services, SL, Richmond Royce Advisory Services and SLU, Stratford Advisory Services (collectively the "Defendants"), and for Relief Defendants, FED and Associates, LLC, International Investments Holding Corporation, and Briscoe and Associates, Inc. (collectively the "Relief Defendants"). The Defendants and the Relief Defendants have failed to answer or otherwise respond to the Complaint or appear in this action. A Clerk's Default was accordingly entered against the Defendants and Relief Defendants [D.E. 81] on October 24, 2006.

After careful consideration of Plaintiff's Motion, the affidavits filed in support of the Motion, and the documentation in the record, which are sufficient to establish Plaintiff's measure of damages, and taking the allegations of the Complaint as admitted, the Court will enter a Final Default Judgment

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against the Defendants and Relief Defendants and issue a Permanent Restraining Order against the Defendants pursuant to Fed. R. Civ. P. 55(b). Accordingly, it is

**ORDERED AND ADJUDGED** that Plaintiff's Motion [D.E. 83] is granted as follows:

1. The Court finds that the Defendants violated the Act and Regulations alleged in the complaint, to wit, Sections 4o(1)(A) and (B), 4k(3) and Section 4m(1) of the Commodity Exchange Act, as amended, 7 U.S.C. §§ 6o(1)(A) & (B), 6k(3) and 6m(1), and for violations of Sections 4.41(a)(1) and (2) and Section 4.41(b)(1) of the Commission's Regulations, 17 C.F.R. §§ 4.41(a)(1) and (2), and 4.41(b)(1).

2. Defendants, and any other person or entity associated with them, or any successor thereof, are permanently enjoined and prohibited from engaging in conduct that violates any of the provisions of the Act and Regulations as alleged in the Complaint or set forth in this Order, and are further enjoined and prohibited from engaging in any activity relating to commodity interest trading, including but not limited to, soliciting, accepting or receiving funds, revenue or other property from any person, giving advice for compensation, or soliciting prospective clients, participants or customers, related to the purchase and sale of any commodity futures or options on commodity futures contracts.

3. Defendants are hereby ordered to immediately disgorge all ill-gotten gains as found herein, to wit, \$9,555,041 for each Defendant, with each Defendant jointly and severally liable for the total amount, with each other and with the previously-defaulted Defendants in this action. The Relief Defendants herein shall disgorge the following amounts: \$155,000 from FED and Associates, LLC; \$7,975 from Briscoe and Associates, Inc.; and \$1.35M from International Investments Holding Corporation. All disgorgement shall accrue plus post-judgment interest, and all disgorgement shall be paid to the National Futures Association which will serve as monitor. Pre-judgment interest shall

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run from July 1, 2003, the date such violations commenced, to the date of this Order, and shall be determined by using the underpayment rate established quarterly by the Internal Revenue Service pursuant to 26 U.S.C. § 6621(a)(2). Post-judgment interest shall accrue beginning on the date of entry of this Order and shall be determined by using the Treasury Bill rate prevailing on the date of this Order pursuant to 28 U.S.C. § 1961. These disgorged funds shall be sent by electronic funds transfer, or by U.S. postal money order, certified check, bank cashier's check, or bank money order, made out to "International Berkshire Disgorgement Fund" and sent to:

Daniel Driscoll, Monitor  
National Futures Association  
200 W. Madison St., #1600  
Chicago, IL 60606-3447

to be used first for restitution to customers, as ordered herein, and as previously ordered in this action, with any remaining disgorged funds not distributed as restitution to be paid over by NFA to the U.S. Treasury.

4. Defendants are assessed and shall pay within ten (10) days a civil monetary penalty in the following amounts: Harrington Advisory Services, SL shall pay \$4M; Richmond Royce Advisory Services, SLU shall pay \$4M; and Stratford Advisory Services shall pay \$1.5M, plus post-judgment interest. Post-judgment interest shall be determined by using the Treasury Bill rate prevailing on the date of this Order pursuant to 28 U.S.C. § 1961. Post-judgment interest shall accrue beginning on the date of entry of this Order. Each Defendant is jointly and severally liable for the total civil monetary penalty of \$9.5M. Payment of the civil monetary penalty shall be made to the Commodity Futures Trading Commission, Division of Enforcement, ATTN: Marie Bateman – AMZ-300, DOT/FAA/MMAC, 6500 S. Macarthur Blvd., Oklahoma City, OK 73169. Payment must be made

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by electronic funds transfer, U.S. postal money order, certified check, bank cashier's check, or bank money order, made payable to the Commodity Futures Trading Commission. If payment by electronic transfer is chosen, Marie Bateman is to be contacted at 405-954-6569 for instructions. The payment(s) shall include a cover letter that identifies the payee and the name and docket number of this proceeding. Defendants shall simultaneously transmit a copy of the cover letter and the form of payment to the Director, Division of Enforcement, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington, D.C. 20581.

5. Defendants are ordered to pay costs and fees as permitted by 28 U.S.C. §§ 1920 and 2412(a)(2).

**DONE AND ORDERED** in Chambers at Miami, Florida this 29th day of November, 2006.

*Cecilia M. Altonaga*

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**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: Magistrate Judge William C. Turnoff  
counsel of record