

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

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CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

_____)	
COMMODITY FUTURES TRADING)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 8:07-cv-1658-T-26MAP
)	
EDWARD J. EVORS,)	
)	
Defendant,)	
)	
BALLY LINES, LTD. AND)	
GPS FUND, LTD.,)	
)	
Relief Defendants.)	
_____)	

STATUTORY RESTRAINING ORDER

Having read the Complaint for Injunctive and Other Equitable Relief, the Plaintiff's Motion for an *Ex Parte* Statutory Restraining Order ("SRO"), the Brief in Support of Plaintiff's Motion for a SRO, the Declarations of Fred Bischoff, Ronald Waldron, and Joy H. McCormack, the exhibits and attachments thereto, and all other papers filed herein by the Plaintiff, Commodity Futures Trading Commission ("Commission"), the Court finds:

1) The Court has jurisdiction over the subject matter.

2) Section 6c of the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. § 13a-1 (2002), permits this Court to enter an *ex parte* statutory restraining order (“SRO”).

3) It appears to the satisfaction of the Court that there is good cause to believe that the Defendant, Edward J. Evors, has engaged, is engaging in and is about to engage in violations of Sections 4b(a)(2)(i)-(iii) of the Act, 7 U.S.C. §§ 6b(a)(2)(i)-(iii)(2002).

4) It further appears to the satisfaction of the Court that this is a proper case for granting an *ex parte* restraining order to preserve the *status quo* and to protect public customers from further damage.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

I.

Statutory Restraining Order and Asset Freeze

5) Defendant Evors, and all persons insofar as they are acting in the capacity of his agent, successor, assigns, and attorneys, and all persons insofar as they are acting in active concert or participation with him who receive actual notice of such order by personal service or otherwise, shall be prohibited from directly or indirectly:

a) Withdrawing, transferring, removing, dissipating or disposing of funds, assets or other property, wherever situated, including but not limited to, all funds, personal property, artwork, money or securities held in safes, safety deposit boxes and all funds on deposit in any financial institution, bank or savings and loan account held by, under the control, or in the name of the Defendant. The assets affected by this Section shall

include both existing assets and assets acquired after the issuance of this Order;

b) Destroying, mutilating, altering, concealing or disposing of any books, records, documents, correspondence, brochures, manuals, electronically stored data, tape recordings or other property, wherever stored concerning the Defendant; and

c) Refusing to permit authorized representatives of the Commission to inspect; when and as requested, any books, records, electronically stored data or other documents, wherever stored concerning the Defendant.

6) **IT IS FURTHER ORDERED** that Defendant shall provide counsel for the Plaintiff within five (5) business days of receiving a copy of this Order, a statement setting forth:

a) the identification number of each such account or asset titled in the name, individually or jointly, of the Defendant, or held 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.

7) Upon the request by the Plaintiff, Defendant shall promptly provide the Plaintiff 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.

8) **IT IS FURTHER ORDERED** that each firm, corporation or other person or entity with notice which holds, or which is a depository of funds, securities, property, or other assets of or under the control or in the name of the Defendant, including funds and property of investors, is prohibited from transferring, withdrawing, removing or disposing of any such funds, securities, property, or other assets until further order of this Court. This Order may be served on any such entity by facsimile transmission.

9) **IT IS FURTHER ORDERED** that representatives of the Plaintiff be allowed to immediately inspect the books, records, and other electronically stored data, tape recordings, and other documents of the Defendant, and his agents and to copy said documents, data, and records either on or off the premises wherever they may be situated.

Service of Order and other Pleadings

10) **IT IS FURTHER ORDERED** that copies of this Order may be served by any means, including facsimile transmissions, electronic mail or data transfer, upon 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.

11) **IT IS FURTHER ORDERED** that Joy H. McCormack an employee of the Commission and the U. S. Marshall are hereby specially appointed to serve process, including the summons and complaint, and all other papers in this cause.

Service on the Commission

12) **IT IS FURTHER ORDERED** that the Defendant shall serve all pleadings, correspondence, notices required by this Order, and other materials on the Commission by delivering a copy to David Terrell, Senior Trial Attorney or Elizabeth M. Streit, Senior Trial Attorney, Division of Enforcement, Commodity Futures Trading Commission, 525 W. Monroe, Suite 1100, Chicago, Illinois 60661.

Court Maintains Jurisdiction

13) **IT IS FURTHER ORDERED** that this *Ex Parte* 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.

Further Court Hearings

14) **IT IS FURTHER ORDERED** that this matter is set for a status hearing on **Friday, October 5, 2007, at 1:30 p.m.**, before United States District Judge Richard A. Lazzara, in Courtroom 15B, at the Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida.

15) **IT IS FURTHER ORDERED** that a hearing on the Plaintiff's motion for a preliminary injunction will be scheduled at time of status conference.

DONE AND ORDERED in Chambers at Tampa, Florida, on September 18, 2007

at 10:10 a.m.

s/Richard A. Lazzara 
RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO :

David Terrell, Senior Trial Attorney
Elizabeth M. Streit, Senior Trial Attorney
Division of Enforcement
Commodity Futures Trading Commission
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