

Commission's Motion as to Defendants UBS Diversified Growth, LLC and Universal Brokerage FX Management LLC ("Defendants"); Relief Defendants Basel Group, LLC, Crown Forex, LLC, Market Shot, LLC, PFG Coin and Bullion, Oxford Global Managed Futures Fund, UBS Diversified FX Advisors, LLC, UBS Diversified FX Growth L.P., and UBS Diversified FX Management, LLC (collectively "Relief Defendant Shell Companies"); and Relief Defendants Clifford Berg and Ellen Berg.

The Court has considered the Commission's Complaint, the evidence introduced at the December 4, 2009 evidentiary hearing, the arguments of the parties, and the other documents filed in connection herewith, and having been fully advised in the premises, finds:

A. That this Court has jurisdiction over the subject matter of this case and over all parties hereto.

B. That the Commission has made a substantial showing that the Defendants have engaged in acts, practices, and transactions which violated Sections 5(a) and 5(c) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77e(a) and 77e(c)], Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 CFR. § 240.10b-5].

C. That the Commission has made a substantial showing that, absent the issuance of a preliminary injunction, there exists a reasonable likelihood of future violations by the Defendants.

D. That there is good cause to believe that investor funds and assets which could be subject to an Order of disgorgement will be dissipated, concealed or transferred from the jurisdiction of this Court.

Accordingly, the Court hereby orders as follows:

I.

PRELIMINARY INJUNCTION

IT IS HEREBY ORDERED that until a final adjudication on the merits may be made, Defendants, and their agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, be and hereby are preliminarily enjoined from violating, directly or indirectly, Sections 5(a) and (c) of the Securities Act [15 U.S.C. §§ 77e(a) and (c)], by, directly or indirectly: (i) making use of means or instruments of transportation or communication in interstate commerce or of the mails to sell, through the use or medium of a prospectus or otherwise, securities as to which no registration statement was in effect; (ii) for the purpose of sale or delivery after sale, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, securities as to which no registration statement was in effect; or (iii) making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy, through the use or medium of a prospectus or otherwise, securities as to which no registration statement had been filed.

IT IS HEREBY FURTHER ORDERED that until a final adjudication on the merits may be made, Defendants, and their agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, be and hereby are preliminarily enjoined from violating, directly or indirectly, Sections 17(a)(1), (2) and (3) of the Securities Act [15 U.S.C. §§ 77q(a)(1), (2) and (3)] by, in the offer and sale of securities through use of the means and instruments of transportation or communication in interstate commerce or the mails, employing devices, schemes and artifices to defraud, obtaining money or property by means of untrue statements of material fact or by omitting to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, or engaging in transactions, practices, or courses of business that operate or would operate as a fraud or deceit upon the purchasers of such securities.

IT IS HEREBY FURTHER ORDERED that until a final adjudication on the merits may be made, Defendants, and their agents, servants, employees, attorneys, and those persons in active concert or participation with them, and each of them, be and hereby are preliminarily enjoined from violating, directly or indirectly, Section 10(b) of the Exchange Act [15 U.S.C. §78j(b)] and Rule 10b-5 [17 C.F.R. § 240.10b-5] promulgated thereunder, by, in connection with the purchase or sale of securities, by use of the means and instrumentalities of interstate commerce or the mails, directly or indirectly, using and employing devices, schemes and artifices to defraud; making untrue statements of material

fact and omitting to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, and engaging in acts, practices and courses of business which operate or would operate as a fraud and deceit upon purchasers and sellers and prospective purchasers and sellers of securities.

II.

ORDER FREEZING ASSETS

IT IS HEREBY ORDERED that until otherwise ordered by this Court any and all assets of the Defendants and Relief Defendant Shell Companies, in whatever form such assets may presently exist and wherever located (including funds, accounts, insurance policies, real estate, automobiles, marine vessels, contents of safe deposit boxes, precious metals, other personal property, cash, securities, free credit balances, fully paid-for securities, and/or property pledged or hypothecated as collateral for loans, and all other assets), held in the name of the Defendants and/or Relief Defendant Shell Companies, and/or held for benefit of Defendants and/or Relief Defendant Shell Companies, and/or on their behalf, including through corporations, trusts, partnerships, agents, or nominees; and all other funds, accounts, and other assets to which proceeds from the Defendants' offering can be traced or which were acquired with proceeds of the Defendants' offering are hereby frozen.

IT IS HEREBY FURTHER ORDERED that all funds, accounts, and other assets held by or for Relief Defendants Clifford Berg and Ellen Berg, which

were received, directly or indirectly, from any of the Defendants or Relief Defendants, including Defendant Cook and the other Defendants and Relief Defendant that entered into stipulated Preliminary Injunctions, or were acquired with funds or other assets received, directly or indirectly, from any of the Defendants or Relief Defendants, including Defendant Cook and the other Defendants and Relief Defendant that entered into stipulated Preliminary Injunctions (“the Frozen Berg Assets”), are hereby frozen.

IT IS HEREBY FURTHER ORDERED that until otherwise ordered by this Court, the Defendants and Relief Defendant Shell Companies, and their officers, agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission or otherwise, are hereby restrained from, directly or indirectly:

A. transferring, selling, encumbering, receiving, changing, pledging, assigning, liquidating, incurring debt upon (such as mortgage or credit card debt), or otherwise disposing of, or withdrawing, any funds, accounts, or other assets (including, but not limited to, funds, accounts, insurance policies, real estate, automobiles, marine vessels, contents of safe deposit boxes, precious metals, other personal property, cash, securities, free credit balances, fully paid-for securities, and/or property pledged or hypothecated as collateral for loans, and all other assets) owned by, controlled by, held for the benefit of, or in the possession of any

of the Defendants and/or Relief Defendants, including any and all accounts at any financial institution in the name of any one or more of them, and any and all accounts at any financial institution in which any one or more of the Defendants and/or Relief Defendants have signatory authority or a beneficial interest; and

B. transferring, selling, encumbering, receiving, changing, pledging, assigning, withdrawing, liquidating, incurring debt upon (such as mortgage or credit card debt), or otherwise disposing of, in any manner, any assets (including funds, accounts, insurance policies, real estate, automobiles, marine vessels, contents of safe deposit boxes, precious metals, other personal property, cash, securities, free credit balances, fully paid-for securities, and/or property pledged or hypothecated as collateral for loans, and all other assets) to which proceeds from the Defendants' offering can be traced or which were acquired with proceeds of the Defendants' offering.

IT IS HEREBY FURTHER ORDERED that until otherwise ordered by this Court, Relief Defendants Clifford Berg and Ellen Berg, and their officers, agents, servants, employees, attorneys, relatives, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission or otherwise, are hereby restrained from, directly or indirectly, transferring, selling, encumbering, receiving, changing, pledging, assigning, liquidating, incurring debt upon, or otherwise disposing of any of the Frozen Berg Assets. Notwithstanding

any other term of this Order, Relief Defendants Clifford Berg and Ellen Berg may (1) open a new checking account (“the New Berg Account”), (2) deposit into that account salaries, wages, pension payments, and other current income not related to the conduct alleged in the Commission’s Complaint, and (3) withdraw money from that account. Counsel for Relief Defendants Clifford Berg and Ellen Berg shall notify Counsel for the Commission and Counsel for the Receiver of the banking institution, account name, and account number of the New Berg Account within forty-eight hours of the time when it is opened.

IT IS HEREBY FURTHER ORDERED that the assets frozen by this Order include, but are not limited to, the following accounts:

ACCOUNT HOLDER	FINANCIAL INSTITUTION	ACCOUNT NUMBER	ACCOUNT NAME
Trevor Cook	Associated Bank	XXX - 8733	Market Shot, LLC
Trevor Cook	Associated Bank	XXX - 2331	Oxford Global FX, LLC
Trevor Cook, Jason & Hollie Beckman	Associated Bank	XXX - 2356	Oxford Global Partners, LLC
Pat Kiley Julia Smith	Associated Bank	XXX - 5214	Basel Group, LLC
Pat Kiley Julia Smith	Associated Bank	XXX - 1705	Crown Forex, LLC
Pat Kiley Julia Smith	Associated Bank	XXX – 5601 XXX - 5619	Universal Brokerage FX Management, LLC
Trevor Cook	Wells Fargo	XXX - 2686	Market Shot, LLC
Trevor Cook	Wells Fargo	XXX - 6543	Trevor Cook
Trevor Cook	Wells Fargo	XXX - 2702	Trevor Cook dba PFG Coin and Bullion

Patrick Kiley	Wells Fargo	XXX - 9716	UBS Diversified FX Advisors, LLC
Patrick Kiley	Wells Fargo	XXX - 5830	UBS Diversified FX Management, LLC
Patrick Kiley	Wells Fargo	XXX - 2710	UBS Diversified Growth, LLC
Patrick Kiley	Wells Fargo	XXX - 3573	UBS Diversified FX Growth, L.P.
Jason Beckman	Wells Fargo	XXX - 5606	Oxford Global Advisors, LLC
Unknown	Wells Fargo	XXX - 5598	Oxford Global Advisors, LLC
Unknown	Wells Fargo	XXX - 5614	Oxford Global Advisors, LLC
Unknown	Wells Fargo	XXX - 5572	Oxford FX Growth L.P.
Clifford and Ellen Berg	Charles Schwab	Currently Unknown	Berg Brokerage Account
Clifford Berg	Charles Schwab	Currently Unknown	Clifford Berg IRA
Ellen Berg	Charles Schwab	Currently Unknown	Ellen Berg IRA
Trevor Cook	Crown Forex, S.A.	Currently Unknown	UBS Diversified Growth LLC
Trevor Cook	Crown Forex, S.A.	Currently Unknown	Oxford FX Growth, L.P.
Trevor Cook	Crown Forex, S.A.	Currently Unknown	Trevor Cook
Trevor Cook	Saxo Bank	XXX – NETD	Oxford FX Growth, L.P.
Trevor Cook	Saxo Bank	XXX – NETC	Oxford FX Growth, L.P.
Trevor Cook	Saxo Bank	XXX – NETE	Oxford FX Growth, L.P.
Trevor Cook	Saxo Bank	XXX - INET	Oxford FX Growth, L.P.
Trevor Cook	PFG Best, Inc.	XXX - 549	Oxford Global FX LLC
Trevor Cook	PFG Best, Inc.	XXX - 009	UBS Diversified Growth LLC
Trevor Cook	PFG Best, Inc.	XXX - 159	UBS Diversified Growth LLC

IT IS HEREBY FURTHER ORDERED that the assets frozen by this Order also include, but are not limited to, the following pieces of real estate:

- 1. 1900 LaSalle Ave., Minneapolis, MN, 55403**

2. **12644 Tiffany Court, Burnsville, MN, 55337**
3. **Panama Bay Hotel & Casino property; Finca Nos. 291482 and 291484; Located near the intersection of Avenida Juan Pablo II and Avenida Ricardo Alfaro in the Loceria neighborhood of Panama City, Panama**
4. **Parcel 4178 Rainy River, Island G 1251 containing 2.3 acres situated in Rainy Lake west of Sand Point Island District of Rainy River**
5. **The Vineyards; Finca Nos. 28268, 28269, and 31571; Located in the Coco del Mar District of Panama City, Panama**

IT IS HEREBY FURTHER ORDERED that the assets frozen by this Order also include, but are not limited to, all funds held for the benefit of the Defendants and/or Relief Defendants by the following law firms:

1. **Neve & Associates, PLLC; Minnesota Center, 7760 France Avenue South, Suite 1100, Edina, MN, 55435**
2. **Oberman Thompson & Segal, LLC; One Financial Plaza, 120 South Sixth Street, Suite 850, Minneapolis, MN, 55402**
3. **Law Offices of William J. Mauzy; 510 First Ave North, Suite 610, Minneapolis, MN, 55403**
4. **Saunders Law Group; 1891 California Ave, Suite 102, Corona, CA, 92881**
5. **Peter B. Wold, P.A.; Barristers Trust Building, 247 Third Ave South, Minneapolis, MN, 55415**
6. **American Dream Law, LLC; 1518 East Lake Street, #206 B, Minneapolis, MN 55407**
7. **McKinzie, Wilkes, & Mahmoud; 6772 Blantyre Blvd, Stone Mountain, GA, 30007**

IT IS HEREBY FURTHER ORDERED that until otherwise ordered by this Court any bank, financial or brokerage institution, law firm, or other person or entity holding any funds or other assets referred to in this Order, in the name of, for the benefit of, or under the control of the Defendants or Relief Defendants, including those who previously entered into stipulated preliminary injunctions, which receives actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission or otherwise, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale, liquidation, dissipation, concealment, or other disposal of any such funds or other assets, and shall notify counsel for the Commission of the existence, nature, and amount of any such funds or other assets. Provided, however, that this provision shall not apply to the New Berg Account.

IT IS HEREBY FURTHER ORDERED that until otherwise ordered by this Court all investors, creditors, and other persons, and all others acting on behalf of any such investor, creditor or other persons, including sheriffs, marshals, other officers, deputies, servants, agents, employees and attorneys, are stayed from:

A. Commencing, prosecuting, continuing or enforcing any suit or proceeding against or affecting the Defendants or Relief Defendants, or any assets frozen pursuant to this Order;

B. Using self-help or executing or issuing or causing the execution or

issuance of any court attachment, subpoena, replevin, execution, or other process for the purpose of impounding or taking possession of or interfering with or creating or enforcing a lien upon any assets of the Defendants or Relief Defendants, or any other assets frozen by Order of this Court, wherever situated; and

C. Attempting to modify, cancel, terminate, call, extinguish, revoke or accelerate the due date, of any lease, loan, mortgage, indebtedness, security agreement or other agreement with the defendants or otherwise affecting any of the Defendants or Relief Defendants, or any assets frozen by this Order.

III.

REPATRIATION

IT IS HEREBY FURTHER ORDERED that the Defendants, the Relief Defendant Shell Companies, and Relief Defendants Clifford Berg and Ellen Berg shall each, no later than December 11, 2009, repatriate to the territory of the United States any and all funds and assets that are held by the individual Defendant or Relief Defendant, or are under his, hers, or its direct or indirect control, jointly or singly, or in which he, she, or it has or had any beneficial interest, or over which he, she, or it maintained or maintains and/or exercised or exercises control, including but not limited to any and all assets and funds:

1. Held in foreign bank, brokerage or other financial accounts; or

2. Transferred out of the United States from any account within the territory of the United States at any point from January 1, 2006 through the present; and
3. No later than December 11, 2009, deposit such repatriated funds into the Registry of this Court.

IV.

ACCOUNTING

IT IS HEREBY FURTHER ORDERED that the Defendants, the Relief Defendant Shell Companies, and Relief Defendants Clifford Berg and Ellen Berg shall each produce to the Commission a sworn accounting within five (5) days of issuance of this Order. The sworn accounting shall:

A. list (1) all assets, funds and property received, directly or indirectly, from the receipt, directly or indirectly, of money from members of the public relating to foreign currency trading activities; (2) the amount of such funds or value of such assets; (3) the location of such assets and the location where such funds were put and for each location provide the name and address of the bank, financial institution or any other entity the account name, the account number and the approximate date on which the funds were placed at the location; and (4) the uses to which such funds were put; and

B. list all of the assets and liabilities of the Defendant and/or Relief Defendant, wherever located, and, with respect to each asset and liability state: (1) a description; (2) the amount or value; (3) the location including the name and

address of the bank, financial institution or any other entity, the account name and the account number; and (4) the date the asset was acquired or the date the liability was incurred.

V.

RECORDS PRESERVATION

IT IS HEREBY FURTHER ORDERED that the Defendants, the Relief Defendant Shell Companies, Relief Defendants Clifford and Ellen Berg, their officers, agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, be and they hereby are restrained and enjoined from, directly or indirectly, destroying, mutilating, concealing, altering, disposing of, or otherwise rendering illegible in any manner, any of the books, records, documents, correspondence, ledgers, accounts, statements, files and other property of or pertaining to the Defendants, the Relief Defendants, or any matters described in the Complaint filed by the Commission in this action, wherever located, until further order of this Court.

VI.

SERVICE AND NOTICE

IT IS HEREBY FURTHER ORDERED that service of this Order, any notices or other documents required or permitted by this Order may be accomplished by any means, including, but not limited to facsimile, email, overnight courier, personal delivery, or U.S. mail.

VII.

PRESERVATION OF RIGHTS AND PRIVILEGES

IT IS HEREBY FURTHER ORDERED that nothing in this Order shall be construed to require that the Defendants and Relief Defendants abandon or waive any constitutional or other legal privilege which they may have available to them.

VIII.

IT IS FURTHER ORDERED that the Court shall retain jurisdiction of this matter for all purposes, including, but not limited to, enforcement of this Order.

IT IS SO ORDERED.

s/ Michael J. Davis
Chief Judge
United States District Court

DATED: December 8, 2009