

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Plaintiff,

Case No. 09-cv-3332 MJD/FLN

vs.

TREVOR COOK et al,
Defendants,

R.J. ZAYED,
Receiver.

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION
Plaintiff,

Case No. 09-cv-3333 MJD/FLN

vs.

TREVOR G. COOK, et al,
Defendants,

R.J. ZAYED,
Receiver.

REDACTED ORDER

This matter came before the Court on a Joint Motion to Approve Settlement Agreement (Docket Nos: 982 and 1030) between the Receiver and James McIntosh (“Respondent”). The Court being fully advised in the premises now hereby ORDERS as follows:

- (1) The Receiver has been appointed as Receiver for Trevor Cook, and various entities he controlled (“Cook Entities”), in an action filed by the United States Securities and Exchange Commission against Cook and others, Case No. 09-cv-3333 in the United States District Court for the District of Minnesota and in an action filed by the United States Commodity Futures Trading Commission against Cook and others, Case No. 09-cv-3332 in the United States District Court for the District of Minnesota.
- (2) The Cook Entities were established by Trevor Cook as an illegal Ponzi scheme ostensibly engaged in the investment business. More specifically, Trevor Cook set up the Cook Entities to defraud investors. Trevor Cook was ultimately indicted on several charges and pleaded guilty to mail fraud in the United States District Court for the District of Minnesota and was sentenced to prison.
- (3) Respondent was an investor whom Trevor Cook fraudulently convinced to invest in the Cook Entities. Respondent made his investment in the Cook Entities by transferring monies from a qualified Individual Retirement Account (“IRA”) into a self-directed IRA account with the Cook Entities administered by a third party administrator.
- (4) In June or July 2009, the Cook Entities returned to Respondent \$250,000.00 of the amounts Respondent invested with the Cook Entities and Respondent deposited those funds into an IRA account Respondent maintains with Principal Life Insurance Co.

- (5) On or about July 23, 2010, the Receiver instituted a summary proceeding by Petition against, among others, Respondent seeking return of the \$250,000.00 the Cook Entities transferred to Respondent in June or July 2009 (“Action”).
- (6) Pursuant to the Settlement Agreement approved by this Court between the Receiver and the Respondent, \$100,000.00 shall be returned to the Receiver from the Respondent’s IRA account with Principal Life Insurance Co.
- (7) Principal Life Insurance Co. is hereby Ordered to return to the Receiver \$100,000.00 in Receivership funds currently held in Respondent’s IRA Account number XXXXXX2117 (“Respondents’ IRA Account”). Principal Life Insurance Co. shall ACH transfer this amount directly to the Receiver's bank at US Bank, routing number XXXXXXXXXX, Account No. XXXX-XXXX-8615, no later than 30 days after the entry of this Order;
- (8) It is further Ordered that to the extent there is not sufficient cash in Respondent’s IRA Account for Principal Life Insurance Co. to transfer the amount set forth in paragraph 1 to the Receiver, Principal Life Insurance Co. is authorized to liquidate any investments in Respondent’s IRA Account as necessary to generate the proceeds to pay the amount set forth in paragraph 1 to the Receiver.

Date: February 21, 2013

s/Michael J. Davis
MICHAEL J. DAVIS
CHIEF JUDGE
UNITED STATES DISTRICT COURT