



2. Section 6c of the Commodity Exchange Act, as amended (“Act”), 7 U.S.C. § 13a-1 (2006), permits this Court to continue the appointment of the Temporary Receiver.

3. It appears that there is good cause to believe that Defendants Trevor Cook d/b/a Crown Forex, LLC (“Cook”), Patrick Kiley d/b/a Crown Forex, LLC, Universal Brokerage FX and Universal Brokerage FX Diversified (“Kiley”), Oxford Global Partners, LLC (“OGP”), Oxford Global Advisors, LLC (“OGA”), Universal Brokerage FX Advisors, LLC fka UBS Diversified FX Advisors, LLC (“UBFXA”), Universal Brokerage FX Growth, L.P. fka UBS Diversified FX Growth, L.P. (“UBFXG”), Universal Brokerage FX Management, LLC, fka UBS Diversified FX Management, LLC (“UBFXM”), and UBS Diversified Growth, LLC (“UBSDG”), have engaged, are engaging in and are about to engage in violations of Sections 4b(a)(2)(A)-(C) of the Commodity Exchange Act (the “Act”), as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII (the CFTC Reauthorization Act (“CRA”), §§ 13101-13204, 122 Stat. 1651 (enacted June 18, 2008), to be codified at 7 U.S.C. §§ 6b(a)(2)(A)-(C).

**IT IS HEREBY ORDERED THAT:**

The appointment of R.J. Zayed (“Zayed”) of Carlson, Caspers, Vandenburg & Lindquist as temporary Receiver (“Receiver”) in the *Ex Parte* Statutory Restraining Order entered November 23, 2009 shall continue until further order of this Court. Zayed is appointed as Receiver for the Defendants and their affiliates and subsidiaries, and all funds, properties, premises, accounts and other assets directly or indirectly owned, beneficially or otherwise, by the Defendants individually or collectively, including, but

not limited to, investors' funds, for the purpose of marshalling, preserving, accounting for and liquidating the assets that are subject to this Order and directing, monitoring and supervising Defendants' activities in accordance with the provisions of this Order set forth below.

**IT IS FURTHER ORDERED** that the Receiver shall be the agent of this Court in acting as Receiver under this Order.

*I. Powers of the Receiver*

**IT IS FURTHER ORDERED** that the Receiver is directed and authorized to accomplish the following:

- A. Take exclusive custody, control, and possession of all funds, property, and other assets in the possession of, or under the control of the Defendants wherever situated that he has a reasonable basis to believe is related to this action, and that is consistent with this Court's orders. The Receiver will also take exclusive custody, control, and possession of all customer funds and property and other assets traceable to customers that are in the possession of, or under the control of Defendants. The Receiver shall have full power to sue for, collect, receive and take possession of all goods, chattels, rights, credits, moneys, effects, land, leases, books, records, work papers, and records of accounts, including computer-maintained information and digital data and other papers and documents of Defendants, including documents related to customers or clients whose interests are now

held by or under the direction, possession, custody or control of the Defendants;

- B. The Receiver is authorized to enter and inspect any and all business premises of the Defendants or under the control of Defendants with reasonable notice and take any documents or other property related to this matter.
- C. Preserve, hold and manage all receivership assets, and perform all acts necessary to preserve the value of those assets, in order to prevent any loss, damage or injury to customers or clients;
- D. Prevent the withdrawal or misapplication of funds entrusted to the Defendants and otherwise protect the interests of customers or clients;
- E. Collect all money owed to the Defendants;
- F. Initiate, defend, compromise, adjust, intervene in, dispose of, or become a party to any actions or proceedings in state, federal or foreign jurisdictions necessary to preserve or increase the assets of the Defendants or to carry out his or her duties pursuant to this Order;
- G. Choose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as he deems advisable or necessary in the performance of duties and responsibilities upon obtaining leave of this Court and thereafter, only upon further order of this Court;
- H. Issue subpoenas to obtain documents and records pertaining to the receivership (notice of a subpoena does not have to be provided by the

Receiver to any party), and conduct discovery in this action on behalf of the receivership estate;

- I. Open one or more bank accounts as designated depositories for funds of the Defendants. The Receiver shall deposit all funds of the Defendants in such designated accounts and shall make all payments and disbursements from the receivership estate from such accounts;
- J. Make payments and disbursements from the receivership estate that are necessary or advisable for carrying out the directions of, or exercising the authority granted by, this Order. The Receiver shall apply to the Court for prior approval of any payment of any debt or obligation incurred by the Defendants prior to the date of entry of this Order, except for payments that the Receiver deems necessary or advisable to secure assets of the Defendants; and
- K. Close out all commodities futures positions, or other outstanding positions and/or hold such assets without further court order.

## ***II. Delivery to the Receiver***

**IT IS FURTHER ORDERED** that, immediately upon service of this Order upon them, Defendants, and any other person or entity served with a copy of this Order shall, immediately or within such time as permitted by the Receiver in writing, deliver over to the Receiver;

- A. Possession and custody of all funds and all other assets, belonging to customers as described in the complaint;

- B. Possession and custody of documents of the Defendants, not previously produced to the CFTC, including but not limited to, all books and records of accounts, all financial and accounting records, balance sheets, income statements, bank records (including monthly statements, canceled checks, records of wire transfers, and check registers), client lists, title documents and other papers;
- C. Possession and custody of all precious metals, other commodities, funds and other assets belonging to members of the public now held by the Defendants;
- D. All keys, computer passwords, entry codes, PIN numbers and combinations to locks necessary to gain or to secure access to any of the assets or documents of the Defendants, including but not limited to, access to the Defendants' business premises, means of communication, accounts, computer systems, or other property; and
- E. Information identifying the accounts, employees, properties or other assets or obligations of the Defendants.

***III. Cooperation with the Receiver***

**IT IS FURTHER ORDERED** that the Defendants and all other persons or entities served with a copy of this Order shall cooperate fully with and assist the Receiver in the performance of his duties and any other appropriate assertion of any other privilege or right. This cooperation and assistance shall include, but not be limited to, providing any information to the Receiver that the Receiver deems necessary to exercising the

authority and discharging the responsibilities of the Receiver under this Order; providing any password required to access any computer or electronic files in any medium; and advising all persons who owe money to the Defendants that all debts should be paid directly to the Receiver.

#### **IV. Stay**

**IT IS FURTHER ORDERED** that except by leave of the Court, during the pendency of the receivership ordered herein, the Defendants, and all other persons and entities be and hereby are stayed from taking any action to establish or enforce any claim, right or interest for, against, on behalf of, or in the name of the Defendants, the Receiver, receivership assets, or the Receiver's duly authorized agents acting in their capacities as such, including but not limited to, the following actions:

- A. Commencing, prosecuting, litigating or enforcing any civil suit, except that actions may be filed to toll any applicable statute of limitations;
- B. Accelerating the due date of any obligation or claimed obligation, enforcing any lien upon, or taking or attempting to take possession of, or retaining possession of, property of the Defendants or any property claimed by the Defendants, or attempting to foreclose, forfeit, alter or terminate any of the Defendants' interests in property, whether such acts are part of a judicial proceeding or otherwise;
- C. 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 property, wherever located, owned by or in the possession of the Defendants, or the Receiver or any agent of the Receiver; and

- D. Doing any act or thing to interfere with the Receiver taking control, possession or management of the property subject to the receivership, or to in any way interfere with the Receiver or the duties of the Receiver, or to interfere with the exclusive jurisdiction of this Court over the property and assets of the Defendants. This Paragraph does not stay the commencement or continuation of an action or proceeding by a governmental or regulatory unit, such as the National Futures Association (“NFA”), to enforce such governmental or regulatory unit’s police or regulatory power.

***V. Related Case***

**IT IS FURTHER ORDERED** that a copy of this Order shall be filed in Phillips v. Cook et al., 09-cv-1732 (MJD/JJK) and SEC v. Cook et al., 09-cv-3333 (“Related Cases”) and notwithstanding any order to the contrary in the Related Cases, the Receiver shall have the authority to take custody, control and possession of all receivership assets that are frozen in the Related Cases.

***VI. Other Orders In This Case***

**IT IS FURTHER ORDERED** that notwithstanding any other order in this case, the Receiver shall have the authority to take custody, control and possession of all receivership assets.

***VII. Receiver’s Report to the Court and Compensation***

**IT IS FURTHER ORDERED** that the Receiver maintain written accounts, itemizing receipts and expenditures, describing properties held or managed, and naming the depositories of receivership funds; make such written accounts and supporting documentation available to the Commission for inspection, and, within ninety (90) days of being appointed and periodically thereafter, as directed by the Court, file with the Court and serve on the parties a report summarizing efforts to marshal and collect assets, administer the receivership estate, and otherwise perform the duties mandated by this Order.

**IT IS FURTHER ORDERED** that the Receiver and all personnel hired by the Receiver (“Hired Personnel”) as herein authorized, including counsel to the Receiver, are entitled to reasonable compensation for the performance of duties pursuant to this Order and for the cost of actual out-of-pocket expenses incurred by them for those services authorized by this Order that when rendered were (1) reasonably likely to benefit the receivership estate or (2) necessary to the administration of the estate. The Receiver and Hired Personnel shall be compensated solely out of funds now held by or in the possession or control of or which may in the future be received by the receivership Defendants and shall not be entitled to any compensation from the Commission. The Receiver shall file with the Court and serve on the parties periodic requests for the payment of such reasonable compensation, with the first such request filed no more than ninety (90) days after the date of this Order and subsequent requests filed quarterly thereafter. The requests for compensation shall itemize the time and nature of services rendered by the Receiver and all personnel hired by the Receiver. The Receiver shall not

increase the hourly rates used as the bases for such fee applications without prior approval of the Court.

**VIII. *No Bond***

**IT IS FURTHER ORDERED** that the Receiver is appointed without bond.

**IX. *No Liability***

**IT IS FURTHER ORDERED** that Receiver and Hired Personnel are entitled to rely on all outstanding rules of law and Court orders and shall not be liable to anyone for their own good faith compliance with any order, rule, law, judgment, or decree. In no event shall the Receiver or Hired Personnel be liable to anyone for their good faith compliance with their duties and responsibilities as Receiver or Hired Personnel, nor shall the Receiver or Hired Personnel be liable to anyone for any actions taken or omitted by them except upon a finding by this Court that they acted or failed to act as a result of malfeasance, bad faith, gross negligence, or in reckless disregard of their duties.

**X. *Court Maintains Jurisdiction***

**IT IS FURTHER ORDERED** that this Order shall remain in full force and effect until further order of this Court, and that this Court retains jurisdiction of this matter for all purposes.

Dated: December 11, 2009

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