

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

美國地方法院
加州中央區
南分部

UNITED STATES COMMODITY
FUTURES TRADING COMMISSION

Plaintiff,
美國商品期貨管理委員會
原告

v. 對

FOREX LIQUIDITY LLC

Defendants
美通銀行¹
被告

CIVIL ACTION NO.
民事訴訟案號
SACV 07-1437 CJC (RNBx)

**EX PARTE STATUTORY RESTRAINING ORDER, AND ORDER TO
SHOW CAUSE REGARDING PRELIMINARY INJUNCTION**
片面法定限制令以及初步禁制令相關正當理由提據之裁定

Plaintiff, the Commodity Futures Trading Commission (“Commission”), has filed a complaint for permanent injunction and other relief, and moved *ex parte*, pursuant to Section 6c of the Commodity Exchange Act (the “Act”), 7 U.S.C. § 13a-1 (2002), for a Statutory Restraining Order. The Court, having considered the Commission’s Complaint, Motion, Memorandum of Points and Authorities, Exhibits, other materials, all other evidence presented by the Commission filed herein, and having heard the arguments of Plaintiff’s counsel, finds that:

原告美國商品期貨管理委員會（後稱「委員會」）已向本法庭提交起訴書，申請永久禁制令與其他救濟方式，同時根據商品交易法（後稱「法案」）第 6c 段之 7 U.S.C. § 13a-1 條（2002 年修訂），片面提請法定限制令（Statutory Restraining Order）。本法庭在考量了委員會之控告、裁定之申請、要點與權限備忘錄（Memorandum of Points and Authorities）、證物、其他資料以及委員會就此案所提出之不同證據，並在聽取了原告律師之論證之後，發現：

1. This Court has jurisdiction over the parties and over the subject matter of this action pursuant to Section 6c of the Commodity Exchange Act, as amended (the ‘Act’) 7 U.S.C. § 13a-1 (2002). Venue lies properly within this District pursuant to Sections 6c (e) of the Act, 7 U.S.C. § 13a-1 (e) (2002).

¹ 譯註: Forex Liquidity 在中國使用之名稱爲 MultiBank (美通銀行) FX。

一、依據商品交易法（後稱「法案」）第 6c 段之修訂版 7 U.S.C. § 13a-1條（2002），本法庭對訴訟當事人與本訴訟案件擁有管轄權。依據法案第 6c (e) 段之 7 U.S.C. § 13a-1條（2002），審判地點也屬本地方法院轄區。

2. There is good cause to believe that Defendant Forex Liquidity LLC (“FXLQ”) is engaged, is engaging and is about to engage in acts and practices constituting violations of the Act, 7 U.S.C. §§ 1, *et seq.* (2002).

二、本法庭有理由相信被告美通銀行（Forex Liquidity LLC，後稱「FXLQ」）已經、正在或即將進行違反法案第 7 U.S.C. §§ 1條以及其後等條款（2002）的行為或作法。

3. There is good cause to believe that immediate and irreparable damage to the Court’s ability to grant effective final relief for customers in the form of monetary redress will occur from the sale, transfer, assignment, or other disposition by Defendant of assets or records unless Defendant is immediately restrained and enjoined by Order of this Court.

三、本法庭有理由相信除非被告立即受到本法庭之約束並遵從本法庭之裁定，否則被告對其資產或資料之出售、轉讓、讓與或其他處分方式，會對本法庭同意被告之客戶透過最後有效的救濟方式，獲致金錢型態補償的權力，造成立即而無法挽救的損害。

4. Good cause exists for the freezing of Defendant’s assets and for entry of an order that prohibits Defendant from destroying records and prohibits Defendant from denying agents of the Commission access to inspect and copy records.

四、本法庭有理由凍結被告資產，並提出裁定禁止被告摧毀紀錄、禁止被告拒絕委員會人員詳細調查或複印紀錄。

5. This is a proper case for granting a statutory restraining order *ex parte* to preserve the status quo, to protect public customers from loss and damage, and to enable the CFTC to fulfill its statutory duties.

五、本法庭認為，同意發出片面法定限制令以保全目前狀態、防範大眾客戶蒙受損失與損害，並賦予 CFTC 履行其法定義務之權力，是為適當之作法。

DEFINITIONS

詞彙定義

For the purpose of this Order, the following definitions apply:

為達本裁定目的，茲爰用下列定義：

6. The term “document” is synonymous in meaning and equal in scope to the usage of the term in Federal rule of Civil Procedure 34 (a), and includes, but is not limited to, writings, drawings, graphs, charts, photographs, audio and video recordings, computer records, and other data compilations from which information can be obtained and translated, if necessary, through detection devices into reasonably

usable form. A draft or non-identical copy is a separate document within the meaning of the term.

六、「文件」一詞在意義與範圍上均等同聯邦民事訴訟程序規則（Federal rule of Civil Procedure）第34 (a) 條之用法，包括但不限於文字資料、圖畫資料、圖解資料、圖表資料、照片、影音記錄、電腦記錄、其他可以從中獲得資訊的資料編輯，以及如屬必要，透過偵測工具解譯成合理可用型態資訊之資料編輯。

7. “Assets” means any legal or equitable interest in, right to, or claim to, any real or personal property, including but not limited to: chattels, goods, instruments, equipments, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts including bank accounts and accounts at financial institutions, credits, receivables, lines of credit, contracts including spot and futures contracts, insurance policies, and all cash, wherever located.

七、「資產」一詞意為任何實質或個人資產中，具有任何屬於合法或公正權益者，包括但不限於有形財產、貨品、儀器、設備、裝置、一般無形資產、動產、租賃權、郵件或其他交貨物品、庫存、支票、票據、銀行帳戶與財務機構的帳戶、貸出款、應收帳款、信用額度、合約現貨交易或期貨合約、保險保單以及所有現金，不論地點何在。

RELIEF GRANTED

同意之救濟方式

I.

Order Against Transfer, Dissipation, and Disposal of Assets

禁止資產轉讓、浪費與處分之裁定

IT IS HEREBY ORDERED that

8. Defendant, its agents, owners, servants, employees, attorneys, and persons in active concert or participation with it who receive notice of this Order in accordance with Section XIII of this Order, and except as otherwise ordered by this Court, or, as to receivership assets, as directed by the Receiver appointed herein are restrained and enjoined from directly or indirectly transferring, selling, alienating, liquidating, encumbering, pledging, leasing, loaning, assigning, concealing, dissipating, converting, withdrawing, or otherwise disposing of any assets, wherever located, including assets held outside the United States. The assets affected by this paragraph shall include both existing assets and assets acquired after the effective date of this Order wherever located, including but not limited to the assets identified below by name of financial institution and partial or complete account number (if known):

本法庭裁定：

八、依照本裁定第XIII部分而收到本裁定通知之被告、被告之代理人、所有人、雇工、員工、律師以及與被告積極合作或參與被告行為之個人，除非本法庭有其他裁定，或指定之接管人對受到監管的資產有指示，否則皆不得亦禁止對任何資產進行直接或間接之轉讓、出售、讓渡、清算、承擔債務、抵押、租賃、出借、分配、隱藏、浪費、兌換、抽領或其他處置方式，不論資產地點何在，也不論資產地點是否位於美國境

外。本段文字影響所及之資產，包括現存的資產以及本裁定生效日之後所取得之資產，不論地點何在，包括但不限於下列已確認之財務機構名稱或（已知的）部分、全部已確認之帳號：

- a) Malory Investments LLC; 帳號#70028104 PB (FXLQ/MultiBank FX); 帳號#700281141 (FXLQ/MultiBank FX);
- b) MF Global FXClear; 帳號#MC103300 (Forex Liquidity LLC) 或帳號#MX103300;
- c) Solid Gold Financial Services Inc.; 帳號#381130001 (Forex Liquidity LLC);
- d) South County Bank, 帳號#26001404 (Forex Liquidity LLC); 帳號#26001404; 帳號#26001412;
- e) HotSpot FXR; 帳號#forexcollat (Forex Liquidity LLC);
- f) FIMAT International Banque SA (UK); 帳號#L FXXXX 2000F310 (Forex Liquidity LLC);
- g) ADM Derivatives Inc.;
- h) Bank of America; 帳號#12134429665;
- i) US Bank; 帳號尾數為3831、3828、4548、1755、0757; 帳號#153495034958; 帳號#153495034966;
- j) Commonwealth Financial P.M.S.; 0339806851;
- k) OANDA corporation; (帳號不詳);
- l) London Capital Group (帳號不詳);
- m) Saxo Bank (帳號不詳)。

II.

Directives to Financial Institutions and Others

對財務機構與其他對象之命令

9. IT IS FURTHER ORDERED, pending further Order of this Court, that the financial or brokerage institutions, business entities, or persons identified above in subparagraphs (a) - (m) of Part I of this Order that hold, control, or maintain custody of the specified accounts or assets of Defendant shall prohibit Defendant, its owners, employees, agents and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling or otherwise disposing of any such asset except as directed by further order of the Court.

九、本法庭進一步裁定，本法庭暫時不決定下一步裁定，本裁定上段第 I 部分 a) 至 m) 所認定之財務或經紀機構、商業機法人或個人，不論擁有、控制或繼續保管被告詳列之帳戶或資產者，除非本法庭另有進一步裁定指示，否則均需防止被告、其所有人、員工、代理人、或所有其他人提領、取走以及處分這類資產。

III.

Maintenance of Business Records

業務記錄之保管

IT IS FURTHER ORDERED that:

10. Defendant and all persons or entities who receive notice of this Order, are restrained and enjoined from directly or indirectly destroying, mutilating, erasing, altering, concealing or disposing of, in any manner, directly or indirectly, any documents or records that relate to the business practices or business finances of Defendant.

本法庭進一步裁定：

十、被告與所有收到本裁定通知的個人與法人，都不得直接或間接以任何方式直接或間接毀滅、損壞、刪除、修改、隱藏或處分任何與被告之商業行為或商業財務有關的文件或紀錄。

IV.

Inspection and Copying of Books and Records

帳冊與紀錄之檢閱與複印

IT IS FURTHER ORDERED that:

A. Representatives of the Commission and the Receiver appointed herein shall be immediately allowed to inspect the books, records, and other documents of Defendant and its agents including, but not limited to, electronically stored data, tape recordings, and computer discs, wherever they may be situated and whether they are in the possession of Defendant or others, and to copy said documents, date and records, either on or off the premises where they may be situated; and that the U.S. Marshal's Office is authorized and directed to accompany and assist Commission representatives and designated agents of the Commission, including staff members of the National Futures Association, as well as agents and employees of the temporary Receiver appointed herein, to assist said persons in the service and execution of this Order and to undertake such efforts as are reasonably necessary to ensure that the terms of this Order are effectuated.

本法庭進一步裁定：

甲、委員會之代表與在此指派的接管人代表均立即獲准檢閱被告與其代理人之帳冊、紀錄與其他文件，包括但不限於以電子型態存放之資料、紀錄影帶與電腦磁片，不論地點何在，也不論是否由被告或其他人掌握，委員會之代表與在此指派的接管人代表也立即獲准複印這些文件、資料與紀錄，不論這些文件是否位於可能之土地建物內；本法庭授權並指示美國聯邦保安官辦公室陪同並協助委員會代表與委員會委派的代理人，包括全國期貨公會的人員以及在此指派的暫時接管人之代理人與員工，提供支援與執行本裁定，同時擔負合理的必要責任，確保達成本裁定的所有條文。

B. Defendant and its agents, owners, servants, employees, attorneys, and persons in active

concert or participation with them who receive notice of this Order, shall cooperate fully with the Commission and the Receiver to locate and provide to representatives of the Commission and the Receiver all books and records of Defendant, wherever such books and records may be situated.

乙、收到本裁定通知的被告、其代理人、所有人、雇工、員工、律師以及與前述人員積極合作或參與前述人員行為之個人，均應與委員會和接管人充分合作，並將被告的所有帳冊與紀錄交予委員會和接管人代表，不論這些帳冊與紀錄地點何在。

V.

Appointment of a Receiver

指定接管人

IT IS FURTHER ORDERED that Robb Evans & Associates LLC, is appointed temporary Receiver for Defendant and any affiliates, subsidiaries, or holding companies of Defendant, with the full powers of an equity receiver. The Court makes this appointment of a temporary Receiver after having duly considered the qualifications and experience of said firm, along with a confirmation from an authorized representative of said firm that it stands ready to assume the duties of Receiver and to carry out the duties of Receiver as specified herein, as evidenced in a firm resume, letter, and list of prior fiduciary engagements submitted in writing to this Court by Plaintiff in support of its application for this statutory restraining order, which shall be filed separately by Plaintiff and served upon defendant. The Receiver shall be the agent of this Court in acting as Receiver under this Order.

本法庭進一步裁定任命羅義文有限責任公司（Robb Evans & Associates LLC）為被告與其所有子公司、分支或控股公司之指定暫時接管人（「接管人」），被授與資產接管人的全部權限。本法庭對暫時接管人之指定，乃已適切考慮過該公司的資格與經驗，並得到該公司某授權代表確認該公司將立場堅定地執行接管人責任，執行在此所詳述之接管人任務，一如原告以書面所提供給本法庭有關該公司的簡歷、信件以及該公司之前所獲得委託之雇用契約清單，作為支持原告申請由該公司執行此次片面法定限制令之證明，原告之申請除需另行分開遞送至院，也需送達予給被告。接管人為本法庭之代理人，擔任本裁定之接管人。

VI.

Powers of the Receiver

接管人權限

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

本法庭進一步裁定，指示並授權接管人完成下列事項：

A. Assume full control of the Defendant by removing any officer, independent contractor, employee, or agent of the Defendant, from control and management of the affairs of the Defendant;

甲、免除被告之任何主管、獨立承攬人、員工或代理人對被告事務的控制與管理，以達到完全接管被

告之所有控制；

B. Take exclusive custody, control, and possession of all the funds, property, mail and other assets of, in the possession of, or under the control of the Defendant, wherever situated. 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 other papers and documents of the Defendant, including documents related to customers or clients whose interests are now held by or under the direction, possession, custody or control of the Defendant. The Receiver shall have discretion to determine that certain personal property or other assets of the Defendant shall be under the Receiver's control, but shall remain in the possession or custody of the Defendant;

乙、監護、控制與掌握被告所擁有或控制之所有基金、財產、郵件與其他資產，不論地點何在。接管人具有完全的權力提訟、收集、收受與取得所有的貨物、動產、購得股票之權利、貸出款、金錢、財產、土地、租約、帳冊、紀錄、工作文件、帳戶紀錄，包括被告由電腦管理之資訊以及其他的報告與文件，也包括其權益目前由被告所主導、擁有、監護或控制的顧客或客戶的相關文件。接管人將稟持審慎態度判斷某些私人財產或其他被告的資產必須由接管人掌控，而非繼續由被告擁有或監護；

C. Take all steps necessary to secure the business premises of the Defendant and any and all other premises under the control of the Defendant;

丙、採取所有必要措施保障被告之商業營業場所，以及被告控制下的任何與其他土地建物；

D. 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;

丁、保存、維持、管理所有受到監管的資產，並執行所有必要行為以保存那些資產之價值，以避免造成顧客或客戶的損失、損害或傷害；

E. Prevent the withdrawal or misapplication of funds entrusted to the Defendant, and otherwise protect the interests of customers or clients;

戊、防止抽提與不當使用被告所受到委託的基金，保護顧客或客戶之權益；

F. Manage and administer the Defendant by performing all acts incidental thereto that the Receiver deems appropriate, including hiring or dismissing any and all personnel or suspending operations;

己、藉由執行所有接管人認為妥當之附帶行為來管理與治理被告，包括聘僱或撤免任何與所有人員，或暫停營業；

G. Collect all money owned to the Defendant;

庚、收取所有積欠被告的款項；

H. Initiate, defend, compromise, adjust, intervene in, dispose of, or become a party to any actions or proceedings in state, federal or foreign court necessary to preserve or increase the assets of the Defendant or to carry out its duties pursuant to this Order:

辛、擬定、防衛、協調、調整、介入、處分，或在必要時，針對任何發生在洲、聯邦或外國司法管轄區的判決與訴訟程序，以當事人身份保護或增加被告的資產，或執行任何依據本裁定的義務；

I. Choose, engage and employ attorneys, accountants, appraisers, and other independent contractors and technical specialists, as the Receiver deems advisable or necessary in the performance of duties and responsibilities under the authority granted by this Order;

申、在本裁定所賦予的權力範圍內，接管人於履行義務或責任時，認為適當或必要之情形下，可選擇、延聘、雇用律師、會計師、鑑價師與其他獨立承攬人與技術人員；

J. Issue subpoenas to obtain documents and records pertaining to the receivership, and conduct discovery in this action on behalf of the receivership estate;

酉、發出傳票以取得受到監管資產的文件或紀錄，並於進行此行動時，代表受到監管的資產徹底進行了解；

K. Open one or more bank accounts as designated depositories for funds of the Defendant. The Receiver shall deposit all funds of the Defendant in such designated accounts and shall make all payments and disbursements from the receivership estate from such accounts; and

戌、開設一個或多個銀行帳戶作為被告資產的指定保管處。接管人必須將被告所有的基金存入這些指定帳戶中，並由這些帳戶所受到的監管資產，支付所有的費用與開銷；

L. 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 Defendant prior to the date of entry of this Order, except for payments that the Receiver deems necessary or advisable to secure assets of the Defendant.

亥、由監管之資產支付必要或適當的費用與開銷，以執行本裁定之指示，或行使本裁定所賦予之權力。接管人必須就被告因任何債務或義務所衍生的任何費用，在本裁定登錄日之前，事先向法院申請許可，惟若接管人認定是為了確保被告資產，所必要或適當的費用除外。

VII.

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

本法庭進一步裁定，於本裁定送達時，被告與任何其他收到本裁定之個人或法人，需立即或在接管人以書面同意的期限之內，提供下列文件予接管人：

A. Possession and custody of all funds, assets, property, and all other assets, owned beneficially or otherwise, wherever situated, of the Defendant;

甲、擁有與保管的基金、資產、所有物與所有其他財產，其所有人或受益人為被告者，不論地點何在；

B. Possession and custody of documents of the Defendant, 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 transfer, and check registers), client lists, title documents and other papers;

乙、擁有與保管的被告文件，包括但不限於所有的帳冊與帳務紀錄、所有的財務與會計紀錄、資產負債表、損益表、銀行紀錄（包括每月的對帳單、已兌現的支票、轉帳紀錄與支票登記簿）、客戶名單、所有權文件與其他文件紀錄；

C. Possession and custody of all funds and other assets belonging to members of the public now held by the Defendant;

丙、擁有與保管的所有基金或其他資產，屬於大眾會員但現在由被告所保管者；

D. All keys, computer passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or documents of the Defendant, including but not limited to, access to the Defendant's business premises, means of communication, accounts, computer systems, or other property; and

丁、所有取得或確保進入被告的任何資產或文件所必要之鑰匙、電腦密碼、開機或檔案密碼以及數字鎖之開鎖密碼，包括但不限於進入使用被告的商業營業場所、通訊方式、帳戶、電腦系統或其他資產；

E. Information identifying the accounts, employees, properties or other assets or obligations of the Defendant.

戊、可判讀被告帳戶、員工、財產與其他資產或義務的資料。

VIII.

IT IS FURTHER ORDERED that the Defendant shall cooperate fully with and assist the Receiver. The Defendant's 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, and advising all persons who owe money to the Defendant that all debts should be paid directly to the Receiver.

本法庭進一步裁定，被告應完全配合與協助接管人執行其任務。在本裁定權限之下，被告之配合與協助範疇，包括但不限於提供任何接管人認為必要行使權力與取消接管人責任的資料，以及告知所有積欠被告金錢的個人，所有的債務都將直接給付予接管人。

IX.

IT IS FURTHER ORDERED that except by leave of the Court, during the pendency of the receivership ordered herein, the Defendant 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, in, or in the name of, the Defendant, 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:

本法庭進一步裁定，在裁定受到監管的資產尚未決定如何處置期間，被告以及其他所有的個人與法人，都必須延緩採取任何行動去建立或執行任何主張、權利或權益，不論這些行動是對抗、代表或以被告、接管人、監管之資產，或接管人正式授權代表之代理者的名義進行，這些行動包括但不限於下列範疇：

A. Commencing, prosecuting, litigating or enforcing any suit, except that actions may be filed to toll any applicable statute of limitations;

甲、控告、告發、爭訟或執行任何訴訟，惟可申請依任何適當規定延長追訴時效期；

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, assets or property of the Defendant or any assets or property claimed by the Defendant, or attempting to foreclose, forfeit, alter or terminate any of the Defendant's interests in assets or property, whether such acts are part of a judicial proceeding or otherwise;

乙、將任何義務或主張義務之期限日提前，執行任何抵押權，或取得、試圖擁有或保留被告的資產或所有物，或任何被告所主張擁有的任何資產或所有物，或試圖喪失取回贖回抵押品之權利、喪失取得資產之權利、更改或終結任何被告對資產或所有物的權益，不論這些行為是否屬於正在進行的司法程序；

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 assets or property, wherever located, owned by or in the possession of the Defendant, or the Receiver, or any agent of the Receiver; and

丙、利用自助方式、執行、發出或取得任何法院執行或發出之令狀、傳票、扣押物回復令、執行令或利用其他過程，以扣留、取得、干預、造成或強加扣押權於任何屬於被告、接管人或任何接管人代理者名下或所擁有的資產或所有物，不論地點何在；

D. Doing any act or thing to interfere with the Receiver taking control, possession or management of the assets or 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 Defendant.

丁、進行任何行動或事情干預接管人取得、擁有或管理依法應屬監管的資產，或以任何方式干預接管人，或接管人履行之責任，或干預本法庭對被告的所有物與資產的唯一管轄權。

This paragraph does not stay the commencement or continuation of an action or proceeding by a government unit to enforce such government unit's police or regulatory power.

惟本段文字並不延緩政府機構爲了貫徹該機構之政策或規定權所開始或繼續的任何行動或訴訟。

IT IS FURTHER ORDERED that the Receiver and all personnel hired by the Receiver 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, from the assets now held by, or in the possession or control of, or which may be received by the Defendant. 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 sixty (60) days after the date of this Order. The receiver shall not increase the hourly rates used as the bases for such fee applications without prior approval of the Court. The CFTC shall have the right to object to any fee application made by the Receiver.

本法庭進一步裁定，在此由法院授權之接管人與所有接管人雇用之員工，包括接管人之法律顧問，均可因本裁定所執行的任務，獲得合理之報酬，另因本裁定授權之服務所衍生的實際預付費用，也可由目前受到保管、擁有或掌控的資產，或未來被告可能取得的資產中獲得償付。接管人需定期向法院提出這類合理償付之申請，而這類償付的首次申請，需於本裁定日期的六十日之內提出。這類以時數為費用償付基準的申請，未經法庭事先同意，接管人不得擅自提高每小時的收費金額。美國商品期貨管理委員會有權否決任何由接管人所提出之費用申請。

XI.

Bond Not Required of Plaintiff

契約

IT IS FURTHER ORDERED that:

Plaintiff Commission is an agency of the United States of America and, accordingly the Commission need post no bond.

本法庭進一步裁定：

原告委員會為一美利堅合眾國之政府機構，因此不需訂定契約。

XII.

Order to Show Cause

提出正當理由之裁定

IT IS FURTHER ORDERED that:

本法庭進一步裁定：

A. Defendant shall appear before this Court on the 4th of January, 2008 at 1:30 P.M. at the United States Courthouse for the Central District of California, Southern Division, Courtroom 9B, to show cause, if there be any, why an Order for Preliminary Injunction should not be granted to prohibit further violations of the Act and why the other relief requested should not be granted pending trial on the merits of this action; unless the parties mutually agree to extend or postpone such date.

甲、若被告有任何正當理由反對本法庭下達初步禁制令防範進一步的違法行爲，或被告有任何正當理由反對本法庭在暫緩本案審理期間，不允許其他救濟方式進行之決定，應於二〇〇八年一月四日下午一時三十分於美國法院南分部加州中央區9B法庭出庭陳述；除非本案所有當事人均同意延長或延後此日期。

B. Should any party wish to file a memorandum of law or other papers in opposition to Plaintiff's Motion for a Preliminary Injunction, Defendant shall file and serve upon counsel for Plaintiff any opposition no later than December 28, 2007, and any reply by Plaintiff thereto shall be filed and served upon Defendant no later than January 3, 2008.

乙、任何一方若希望提交法律規章或其他文件反對原告對初步禁制令之申請，被告應最遲於二〇〇七年十二月二十八日向本法庭提出，同時將相同文件送達原告律師處，而任何原告針對該文件的回復，應最遲於二〇〇八年一月三日向本法庭提出，同時將相同文件送達被告處。

XIII.

Service of Order

裁定之送達

IT IS FURTHER ORDERED that copies of this Order, as well as the Complaint and all accompanying papers filed by Plaintiff in support of its application for this Order and the motion for preliminary injunction shall be personally served upon Defendant no later than close of business on Monday, December 17, 2007. The seal entered in this case shall be lifted on December 18, 2007. Copies of this Order may be served by any means, including facsimile transmission, upon any financial institution or other entity or person that may have possession, custody, or control of any documents or assets of any Defendant, or that may be subject to any provision of this Order. Service of the summons, Complaint or other process may be affected by any U.S. Marshal or deputy U.S. Marshal.

本法庭進一步裁定，本裁定以及原告作為申請本裁定與初步禁制令證明所遞交之起訴書和所有相關文件，應於二〇〇七年十二月十七日營業結束前，由被告親自收受。對本案保密的規定，將於二〇〇七年十二月十八日予以解除。本裁定可由包括傳真在內的任何方式傳達給可能擁有、保管或控制被告任何文件或資產，或受制於本裁定任何條款之任何財務機構、其他法人或個人。任何美國聯邦保安官或聯邦副保安官均能提供傳喚、控告或其他訴訟程序之協助。

XIV.

Force and Effect

效力與施行

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.

本法庭進一步裁定，本裁定具有完全的效力，直到本法庭出具下一個裁定為止，而本法庭對本案保有完全之管轄權。

SO ORDERED, on this 14th day of December, 2007.

裁定確定日：二〇〇七年十二月十四日

Cormac J. Carney

UNITED STATES DISTRICT JUDGE

美國地區法官 Cormac J. Carney