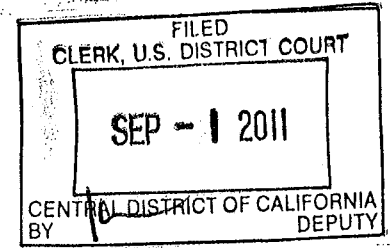


1 SPENCER E. BENDELL, Cal. Bar No. 181220
Email: bendells@sec.gov
2 PETER F. DEL GRECO, Cal Bar No. 164925
Email: delgreco@sec.gov
3 LUCEE S. KIRKA, Cal. Bar No. 121685
Email: kirkal@sec.gov

4 Attorneys for Plaintiff
5 Securities and Exchange Commission
6 Rosalind R. Tyson, Regional Director
7 Michele Wein Layne, Associate Regional Director
8 5670 Wilshire Boulevard, 11th Floor
9 Los Angeles, California 90036
10 Telephone: (323) 965-3998
11 Facsimile: (323) 965-3908



12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 SECURITIES AND EXCHANGE
15 COMMISSION,

16 Plaintiff,

17 vs.

18 CHRISTIAN STANLEY, INC.; and
19 DANIEL C.S. POWELL,

20 Defendants,

21 and

22 CHRISTIAN STANLEY, LLC; and
23 DANIEL CHRISTIAN STANLEY
24 POWELL REALTY HOLDINGS, INC.,

25 Relief Defendants.

Case No. **CV11-07147GHK (MAN)**

**[PROPOSED] TEMPORARY
RESTRAINING ORDER AND
ORDERS: (1) FREEZING ASSETS;
(2) APPOINTING A TEMPORARY
RECEIVER; (3) PROHIBITING
THE DESTRUCTION OF
DOCUMENTS; (4) REQUIRING
ACCOUNTINGS; (5) ALLOWING
EXPEDITED DISCOVERY; AND
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION
AND APPOINTMENT OF A
PERMANENT RECEIVER**

NOTE CHANGES MADE BY THE COURT

26 11 AUG 30 AM 10:31

27 CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

28 BY: *[Signature]*

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before the court on

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1 This matter came to be heard upon Plaintiff Securities and Exchange
2 Commission's ("Commission") *Ex Parte* Application for a Temporary Restraining
3 Order and Orders: (1) Freezing Assets; (2) Appointing a Temporary Receiver;
4 (3) Prohibiting the Destruction of Documents; (4) Requiring Accountings;
5 (5) Allowing Expedited Discovery; and Order to Show Cause Re Preliminary
6 Injunction and Appointment of a Permanent Receiver (the "Application").

7 The Court, having considered the Commission's Complaint, the Application,
8 the supporting Memorandum of Points and Authorities, Declarations and Exhibits,
9 and all other evidence and argument presented regarding the Application, finds that:

10 A. This Court has jurisdiction over the parties to, and the subject matter
11 of, this action.

12 B. Good cause exists to believe that defendants Christian Stanley, Inc.
13 ("Christian Stanley") and Daniel C.S. Powell ("Powell") (collectively,
14 "Defendants"), and each of them, have engaged in, are engaging in, and are about
15 to engage in transactions, acts, practices and courses of business that constitute
16 violations of Sections 5(a), 5(c), and 17 of the Securities Act of 1933 ("Securities
17 Act"), 15 U.S.C. §§ 77e(a), 77e(c), and 77q(a); and Section 10(b) of the Securities
18 Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78j(b), and Rule 10b-5
19 thereunder, 17 C.F.R. § 240.10b-5.

20 C. Good cause exists to believe that relief defendants Christian Stanley,
21 LLC and Daniel Christian Stanley Powell Realty Holdings, Inc. ("Realty
22 Holdings") (collectively, Relief Defendants) possess assets attributable to the
23 Defendants' fraudulent conduct and that the Relief Defendants have no legitimate
24 claim on such assets.

25 D. The Commission has demonstrated a probability of success on the
26 merits and the possibility of dissipation of assets.

27 E. Good cause exists to believe that Defendants will continue to engage
28 in such violations to the immediate and irreparable loss and damage to investors

1 and to the general public unless they are restrained and enjoined.

2 F. It is appropriate and the interests of justice require that the
3 Commission's Application be granted without notice to Defendants or Relief
4 Defendants as the Commission set forth in its Application, pursuant to Local Rule
5 7-19.2, the reasons supporting its claim that notice should not be required, and it
6 appears from specific facts shown by the declarations and other supporting
7 evidence filed by the Commission that immediate and irreparable injury, loss, or
8 damage will result if notice to Defendants is given.

9 I.

10 IT IS HEREBY ORDERED that the Commission's *Ex Parte* Application for a
11 Temporary Restraining Order and Orders: (1) Freezing Assets; (2) Appointing a
12 Temporary Receiver; (3) Prohibiting the Destruction of Documents; (4) Requiring
13 Accountings; (5) Allowing Expedited Discovery; and Order to Show Cause Re
14 Preliminary Injunction and Appointment of a Permanent Receiver is hereby GRANTED.

15 II.

16 IT IS FURTHER ORDERED that Defendants Christian Stanley and Powell,
17 and their officers, agents, servants, employees, attorneys, subsidiaries and
18 affiliates, and those persons in active concert or participation with any of them,
19 who receive actual notice of this Order, by personal service or otherwise, and each
20 of them, be and hereby are temporarily restrained and enjoined from, directly or
21 indirectly, making use of any means or instruments of transportation or
22 communication in interstate commerce or of the mails, to sell, to offer to sell, or to
23 offer to buy any security, or carrying or causing securities to be carried through the
24 mails or in interstate commerce, by any means or instruments of transportation, for
25 the purpose of sale or delivery after sale, in violation of Sections 5(a) and 5(c) of
26 the Securities Act, 15 U.S.C. §§ ~~77(e)(a)~~ & ~~77(e)(e)~~.

77e(a) 77e(c)

27 III.

28 IT IS FURTHER ORDERED that Defendants Christian Stanley and Powell,

1 and their officers, agents, servants, employees, attorneys, subsidiaries and
2 affiliates, and those persons in active concert or participation with any of them,
3 who receive actual notice of this Order, by personal service or otherwise, and each
4 of them, be and hereby are temporarily restrained and enjoined from, directly or
5 indirectly, in the offer or sale of any securities, by the use of any means or
6 instruments of transportation or communication in interstate commerce or by the
7 use of the mails:

- 8 A. employing any device, scheme or artifice to defraud;
- 9 B. obtaining money or property by means of any untrue statement of a
10 material fact or any omission to state a material fact necessary in order
11 to make the statements made, in light of the circumstances under
12 which they were made, not misleading; or
- 13 C. engaging in any transaction, practice, or course of business which
14 operates or would operate as a fraud or deceit upon the purchaser;

15 in violation of Section 17(a) of the Securities Act, 15 U.S.C. § 77q(a).

16 **IV.**

17 IT IS FURTHER ORDERED that Defendants Christian Stanley and Powell,
18 and their officers, agents, servants, employees, attorneys, subsidiaries and
19 affiliates, and those persons in active concert or participation with any of them,
20 who receive actual notice of this Order, by personal service or otherwise, and each
21 of them, be and hereby are temporarily restrained and enjoined from, directly or
22 indirectly, in connection with the purchase or sale of any security, by the use of
23 any means or instrumentality of interstate commerce, or of the mails, or of any
24 facility of any national securities exchange:

- 25 A. employing any device, scheme, or artifice to defraud;
- 26 B. making any untrue statement of a material fact or omitting to state a
27 material fact necessary in order to make the statements made, in the
28 light of the circumstances under which they were made, not

1 misleading; or

2 C. engaging in any act, practice, or course of business which operates or
3 would operate as a fraud or deceit upon any person

4 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule
5 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

6 V.

7 IT IS FURTHER ORDERED that, except as otherwise ordered by this
8 Court, Defendants Christian Stanley and Powell, Relief Defendants Christian
9 Stanley, LLC and Realty Holdings, and their officers, agents, servants, employees,
10 attorneys, subsidiaries and affiliates, and those persons in active concert or
11 participation with any of them, who receive actual notice of this Order, by personal
12 service or otherwise, and each of them, be and hereby are temporarily restrained
13 and enjoined from, directly or indirectly, transferring, assigning, selling,
14 hypothecating, changing, wasting, dissipating, converting, concealing,
15 encumbering, or otherwise disposing of, in any manner, any funds, assets,
16 securities, claims, or other real or personal property, including any notes or deeds
17 of trust or other interests in real property, wherever located, of Defendants Powell
18 or Christian Stanley or Relief Defendants Christian Stanley, LLC or Realty
19 Holdings, and their subsidiaries and affiliates, whether owned by, controlled by,
20 managed by or in the possession or custody of any of them, and from transferring,
21 encumbering, dissipating, incurring charges or cash advances on any debit or credit
22 card or the credit arrangement of Defendants Powell or Christian Stanley or Relief
23 Defendants Christian Stanley, LLC or Realty Holdings.

24 VI.

25 IT IS FURTHER ORDERED that, except as otherwise ordered by this Court,
26 an immediate freeze shall be placed on all monies and assets (with an allowance for
27 necessary and reasonable living expenses to be granted only upon good cause shown
28 by application to the Court with notice to and an opportunity for the Commission to

1 be heard) in all accounts at any bank, financial institution or brokerage firm, all
 2 certificates of deposit, and other funds or assets, held in the name of, for the benefit
 3 of, or over which account authority is held by Defendants Christian Stanley or
 4 Powell or Relief Defendants Christian Stanley, LLC or Realty Holdings, or any
 5 trust, partnership, joint venture, person or entity affiliated with any of them
 6 (including subsidiaries), including, but not limited to, the accounts set forth below:

<u>Financial Institution</u>	<u>Account Name</u>	<u>Last Four Digits of Account No.</u>
Bank of America	Christian Stanley, LLC	xxxxx-x2239
Bank of America	Christian Stanley, LLC	xxxxx-x3237
Gilmore Bank	Daniel C. Stanley Powell	xxx2893

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13 **VII.**

14 IT IS FURTHER ORDERED that any person who receives actual notice of
 15 this Order by personal service or otherwise, and who holds, possesses, or controls
 16 assets exceeding \$5,000.00 for the account or benefit of Christian Stanley, Powell,
 17 Christian Stanley, LLC, or Realty Holdings, shall within five (5) days of receiving
 18 actual notice of this Order provide to counsel for the Commission a written
 19 statement identifying all such assets, the value of the assets, or best approximation
 20 thereof, and any account number(s) or account name(s) in which the assets are held.

21 **VIII.**

22 IT IS FURTHER ORDERED that Robb Evans & Associates LLC is
 23 appointed as temporary receiver of Christian Stanley, Christian Stanley, LLC, and
 24 Realty Holdings, and their subsidiaries and affiliates, with full powers of an equity
 25 receiver, including, but not limited to, full power over all funds, assets, collateral,
 26 premises (whether owned, leased, occupied, or otherwise controlled), choses in
 27 action, books, records, papers and other property belonging to, being managed by
 28 or in the possession of or control of Christian Stanley, Christian Stanley, LLC, and

1 Realty Holdings, and their subsidiaries and affiliates, and that such receiver is
2 immediately authorized, empowered and directed:

3 A. to have access to and to collect and take custody, control, possession,
4 and charge of all funds, assets, collateral, premises (whether owned,
5 leased, occupied, or otherwise controlled), choses in action, books,
6 records, papers and other real or personal property, wherever located,
7 of or managed by Christian Stanley, Christian Stanley, LLC, and
8 Realty Holdings, and their subsidiaries and affiliates, with full power
9 to sue, foreclose, marshal, collect, receive, and take into possession all
10 such property;

11 B. to have control of, and to be added as the sole authorized signatory
12 for, all accounts of the entities in receivership, and all accounts over
13 which any of their employees or agents have signatory authority, at
14 any bank, title company, escrow agent, financial institution or
15 brokerage firm which has possession, custody or control of any assets
16 or funds of Christian Stanley, Christian Stanley, LLC, and Realty
17 Holdings, and their subsidiaries and affiliates, or which maintains any
18 accounts over which Christian Stanley, Christian Stanley, LLC, and
19 Realty Holdings, and their subsidiaries and affiliates, and/or any of
20 their officers, employees or agents have signatory authority;

21 C. to conduct such investigation and discovery as may be necessary to
22 locate, account for and recover all of the assets of or managed by (and
23 to account for and pursue recovery of the losses of) Christian Stanley, *K*
24 Christian Stanley, LLC, and Realty Holdings, and their subsidiaries
25 and affiliates, and to engage and employ attorneys, accountants and
26 other persons to assist in such investigation and discovery;

27 D. to take such action as is necessary and appropriate to preserve and
28 take control of and to prevent the dissipation, concealment, or

1 disposition of any assets of or managed by Christian Stanley,
2 Christian Stanley, LLC, and Realty Holdings, and their subsidiaries
3 and affiliates;

4 E. to make an accounting, as soon as practicable, to this Court and the
5 Commission of the assets and financial condition of Christian Stanley,
6 Christian Stanley, LLC, and Realty Holdings, and the assets under
7 their management, and to file the accounting with the Court and
8 deliver copies thereof to all parties;

9 F. to make such payments and disbursements from the funds and assets
10 taken into custody, control and possession or thereafter received by
11 him or her, and to incur, or authorize the making of, such agreements
12 as may be necessary and advisable in discharging his or her duties as
13 temporary receiver;

14 G. to employ attorneys, accountants and others to investigate and, where
15 appropriate, to institute, pursue, and prosecute all claims and causes of
16 action of whatever kind and nature which may now or hereafter exist
17 as a result of the activities of present or past employees or agents of
18 Christian Stanley, Christian Stanley, LLC, and Realty Holdings, and
19 their subsidiaries and affiliates;

20 H. to have access to, monitor, and redirect all mail (including email and
21 facsimile) of Christian Stanley, Christian Stanley, LLC, and Realty
22 Holdings, and their subsidiaries and affiliates, in order to review such
23 mail which he or she deems relates to their business and the
24 discharging of his or her duties as temporary receiver;

25 I. to operate and control the content of information posted on any
26 Internet web site maintained by Christian Stanley, Christian Stanley,
27 LLC, and Realty Holdings, and their subsidiaries and affiliates; and

28 J. to exercise all of the lawful powers of Christian Stanley, Christian

1 Stanley, LLC, and Realty Holdings, and their subsidiaries and
2 affiliates, and their officers, directors, employees, representatives, or
3 persons who exercise similar powers and perform similar duties.

4 **IX.**

5 IT IS FURTHER ORDERED that the Defendants and Relief Defendants and
6 their subsidiaries and affiliates, including all of the other entities in receivership,
7 and their officers, agents, servants, employees and attorneys, and any other persons
8 who are in custody, possession or control of any assets, collateral, books, records,
9 papers or other property of or managed by any of the entities in receivership, shall
10 forthwith give access to and control of such property to the temporary receiver.

11 **X.**

12 IT IS FURTHER ORDERED that no officer, agent, servant, employee, or
13 attorney of the Defendants or Relief Defendants shall take any action or purport to
14 take any action, in the name of or on behalf of Christian Stanley, Christian Stanley,
15 LLC, and Realty Holdings without the written consent of the temporary receiver or
16 order of this Court.

17 **XI.**

18 IT IS FURTHER ORDERED that, except by leave of this Court, during the
19 pendency of this receivership, all clients, investors, trust beneficiaries, note
20 holders, creditors, claimants, lessors, and all other persons or entities seeking relief
21 of any kind, in law or in equity, from the Defendants, Relief Defendants, or their
22 subsidiaries or affiliates, and all persons acting on behalf of any such investor, trust
23 beneficiary, note holder, creditor, claimant, lessor, consultant group, or other
24 person, including sheriffs, marshals, servants, agents, employees, and attorneys,
25 are hereby restrained and enjoined from, directly or indirectly, with respect to these
26 persons and entities:

- 27 A. commencing, prosecuting, continuing or enforcing any suit or
28 proceeding (other than the present action by the Commission) against

1 any of them;

2 B. using self-help or executing or issuing or causing the execution or
3 issuance of any court attachment, subpoena, replevin, execution or
4 other process for the purpose of impounding or taking possession of
5 or interfering with or creating or enforcing a lien upon any property or
6 property interests owned by or in the possession of Christian Stanley,
7 Christian Stanley, LLC, and Realty Holdings; and

8 C. doing any act or thing whatsoever to interfere with taking control,
9 possession or management by the temporary receiver appointed
10 hereunder of the property and assets owned, controlled or managed by
11 or in the possession of Christian Stanley, Christian Stanley, LLC, and
12 Realty Holdings, or in any way to interfere with or harass the
13 temporary receiver or his or her attorneys, accountants, employees, or
14 agents or to interfere in any manner with the discharge of the
15 temporary receiver's duties and responsibilities hereunder.

16 **XII.**

17 IT IS FURTHER ORDERED that the Defendants and Relief Defendants,
18 and their subsidiaries, affiliates, officers, agents, servants, employees, and
19 attorneys, shall cooperate with and assist the temporary receiver and shall take no
20 action, directly or indirectly, to hinder, obstruct, or otherwise interfere with the
21 temporary receiver or his or her attorneys, accountants, employees, or agents, in
22 the conduct of the temporary receiver's duties or to interfere in any manner,
23 directly or indirectly, with the custody, possession, management, or control by the
24 temporary receiver of the funds, assets, collateral, premises, and choses in action
25 described above.

26 **XIII.**

27 IT IS FURTHER ORDERED that the Defendants, and their subsidiaries and
28 affiliates, shall pay the costs, fees and expenses of the temporary receiver incurred

1 in connection with the performance of his or her duties described in this Order,
2 including the costs and expenses of those persons who may be engaged or
3 employed by the temporary receiver to assist him or her in carrying out his or her
4 duties and obligations. All applications for costs, fees, and expenses for services
5 rendered in connection with the receivership other than routine and necessary
6 business expenses in conducting the receivership, such as salaries, rent, and any
7 and all other reasonable operating expenses, shall be made by application setting
8 forth in reasonable detail the nature of the services and shall be heard by the Court.

9 **XIV.**


10 IT IS FURTHER ORDERED that no bond shall be required in connection
11 with the appointment of the temporary receiver. Except for an act of gross
12 negligence, the temporary receiver shall not be liable for any loss or damage
13 incurred by any of the Defendants, their officers, agents, servants, employees and
14 attorneys or any other person, by reason of any act performed or omitted to be
15 performed by the temporary receiver in connection with the discharge of his or her
16 duties and responsibilities.

17 **XV.**

18 IT IS FURTHER ORDERED that representatives of the Commission and
19 any other government agency, are authorized to have continuing access to inspect
20 or copy any or all of the corporate books and records and other documents of the
21 Defendants and the other entities in receivership, and continuing access to inspect
22 their funds, property, assets and collateral, wherever located.

23 **XVI.**

24 IT IS FURTHER ORDERED that Defendants Christian Stanley and Powell
25 and Relief Defendants Christian Stanley, LLC and Realty Holdings, and their
26 officers, agents, servants, employees, attorneys, subsidiaries and affiliates,
27 including the other entities in receivership, shall, within 24 hours of the issuance of
28 this Order, cause to be prepared and delivered to the temporary receiver, a detailed



1 and complete schedule of all desk top computers, laptop computers and/or personal
2 digital assistants ("PDA") owned and/or used by them in connection with their
3 business. In the case of the individual defendants, they shall, within 24 hours of
4 the issuance of this Order, prepare and deliver to the temporary receiver, a detailed
5 and complete schedule of all desk top computers, laptop computers and/or PDA's
6 owned, controlled or used by them for any purpose. The schedules required by this
7 section shall include at a minimum the make, model and description of each
8 computer and/or PDA, along with its location, the name of the person primarily
9 assigned to use the computer and/or PDA, all passwords necessary to access the
10 computer and/or PDA, and all passwords necessary to access and use the software
11 contained on the computer and/or PDA. The temporary receiver shall be
12 authorized to make an electronic, digital or hard copy of all of the data contained
13 on the computers and/or PDAs.

14 **XVII.**

15 IT IS FURTHER ORDERED that Defendants Christian Stanley and Powell
16 and Relief Defendants Christian Stanley, LLC and Realty Holdings, and their
17 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, including
18 the other entities in receivership, shall, within 24 hours of the issuance of this Order,
19 cause to be prepared and delivered to the temporary receiver a detailed and complete
20 schedule of all passwords, usernames, identification numbers and similar
21 information for all web sites, email accounts, and all accounts at any bank, financial
22 institution or brokerage firm operated by or to which any of them have access.

23 **XVIII.**


24 IT IS FURTHER ORDERED that Defendants Christian Stanley and Powell
25 and Relief Defendants Christian Stanley, LLC and Realty Holdings shall, within
26 five days of the issuance of this Order, prepare and deliver to the Commission a
27 detailed and complete schedule of all of his or its assets, including all real and
28 personal property exceeding \$5,000 in value, and all bank, securities, futures and

1 other accounts identified by institution, branch address and account number. The
2 accountings shall include a description of the source(s) of all such assets. Such
3 accountings shall be filed with the Court and copies shall be delivered to the
4 attention of Spencer Bendell at the Commission's Los Angeles Regional Office,
5 located at 5670 Wilshire Blvd., Los Angeles, CA 90036. After completion of the
6 accountings, Defendants Christian Stanley and Powell and Relief Defendants
7 Christian Stanley, LLC and Realty Holdings shall produce to the Commission's
8 Los Angeles Regional Office, at a time agreeable to the Commission, all books,
9 records and other documents supporting or underlying his or its accountings.

10 **XIX.**

11 IT IS FURTHER ORDERED that the Commission's application for expedited
12 discovery is granted and that, immediately upon entry of this Order, the Commission
13 and the temporary receiver may take depositions upon oral examination and obtain
14 document production from parties and non-parties subject to two days notice
15 pursuant to Rules 30(a), 34 and 45 of the Federal Rules of Civil Procedure, including
16 notice given personally, by facsimile, commercial overnight delivery, or by
17 electronic mail. Depositions taken pursuant to this Order shall not be counted for
18 purposes of determining the applicability of the limitations of Rules 30(a)(2)(A) and
19 30(a)(2)(B) of the Federal Rules of Civil Procedure. The times applicable to
20 discovery under the Federal Rules of Civil Procedure shall govern discovery
21 requests propounded after the expiration of this Temporary Restraining Order.

22 **XX.**

23 IT IS FURTHER ORDERED that this Temporary Restraining Order shall
24 expire at ~~9:30~~ o'clock a.m. on September 15, 2011, unless, for good cause 
25 shown, it is extended or unless the parties against whom it is directed consent that
26 it may be extended for a longer period.

27 **XXI.**

28 IT IS FURTHER ORDERED that at ~~9:30~~ o'clock a.m. on

1 September 15, 2011, or as soon thereafter as the parties can be heard,
 2 Defendants, and each of them, shall appear before the Honorable
 3 George H. King, Judge of the United States District Court for the Central
 4 District of California, to show cause, if there be any, why a preliminary injunction
 5 should not be granted in accordance with the prayer for relief contained in the
 6 Complaint filed by the Commission. Any declarations, affidavits, points and
 7 authorities, or other submissions ~~in support of, or~~ in opposition to, the issuance of
 8 such an Order shall be filed with the Court and delivered to the Commission's Los
 9 Angeles Regional Office and the offices of Defendants, Relief Defendants and/or
 10 their attorneys no later than 10:00' clock a.m. on September 8, 2011. Any
 11 reply papers shall be filed with the Court and delivered to opposing counsel no
 12 later than 10:00' clock a.m. on September 12, 2011. Service of all such papers
 13 shall be made by facsimile, electronic mail, Notice of Electronic Filing via
 14 CM/ECF, or personal service. *A mandatory chambers copy*

15 *of each filing shall be delivered to chambers*
 16 *at the time of filing.*
 17 IT IS SO ORDERED.

18 DATED: September 1
August, 2011

20 TIME: 9:30 o'clock a.m

King
 UNITED STATES DISTRICT JUDGE

23 Presented by:

24
 25 *Spencer E. Bendell*
 26 Spencer E. Bendell
 27 Attorney for Plaintiff
 28 Securities and Exchange Commission