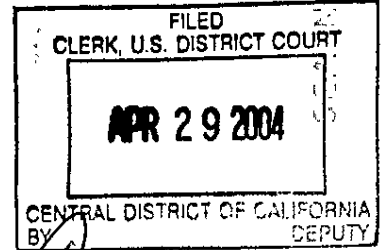


1 JOSE F. SANCHEZ, Cal. Bar No. 161362  
LISA A. GOK, Cal. Bar No. 147660  
2 J. CINDY ESON, Cal. Bar No. 219782  
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3 DAVID S. BROWN, Cal. Bar No. 134569  
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4 Attorneys for Plaintiff  
5 Securities and Exchange Commission  
Randall R. Lee, Regional Director  
6 Sandra J. Harris, Associate Regional Director  
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EX. U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
RIVERSIDE

9  
10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12 EASTERN DIVISION CV 04 - 02949

13 SECURITIES AND EXCHANGE  
14 COMMISSION,

15 Plaintiff,

16 vs.

17 D.W. HEATH & ASSOCIATES, INC.;  
PCM FIXED INCOME FUND I, LLC;  
18 PRIVATE CAPITAL MANAGEMENT,  
INC.; PRIVATE COLLATERAL  
19 MANAGEMENT, INC.; DANIEL  
WILLIAM HEATH; AND DENIS  
20 TIMOTHY O'BRIEN,

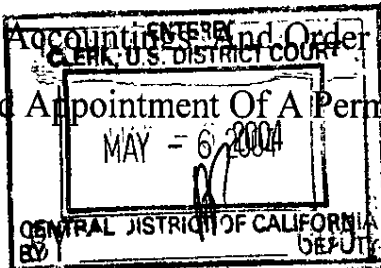
21 Defendants.

Case No.

JFW (Ex)

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

23 This matter came to be heard upon Plaintiff Securities and Exchange  
24 Commission's ("Commission") *Ex Parte* Application For A Temporary  
25 Restraining Order and Orders: (1) Freezing Assets; (2) ~~Appointing a Temporary~~  
26 ~~Receiver~~, (3) Granting Expedited Discovery; (4) Prohibiting The Destruction Of  
27 Documents, (5) Requiring Accounting ~~And Order~~ To Show Cause Re  
28 Preliminary Injunction And Appointment Of A Permanent Receiver (the



22

1 "Application").

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

- 6 A. This Court has jurisdiction over the parties to, and the subject matter  
7 of, this action.
- 8 B. Good cause exists to believe that defendants Daniel William Heath  
9 ("Heath"), Denis Timothy O'Brien ("O'Brien"), D.W. Heath &  
10 Associates, Inc. ("Heath & Associates"), Private Capital  
11 Management, Inc. ("PCM"), Private Collateral Management, Inc.  
12 ("Private Collateral Management"), and the PCM Fixed Income Fund  
13 I, LLC (the "PCM Fund") and each of them have engaged in, are  
14 engaging in, and are about to engage in transactions, acts, practices  
15 and courses of business which constitute violations of Sections 5(a)  
16 and 5(c) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C.  
17 §§ 77e(a), 77e(c), Section 17(a) of the Securities Act, 15 U.S.C. §  
18 77q(a), and Section 10(b) of the Securities Exchange Act of 1934  
19 ("Exchange Act"), 15 U.S.C. § 78j(b) and Rule 10b-5 thereunder, 17  
20 C.F.R. § 240.10b-5.
- 21 C. The Commission has demonstrated a probability of success on the  
22 merits and the possibility of dissipation of assets in this case;
- 23 D. It is appropriate and the interests of justice require that the  
24 Commission's Application be granted without notice to defendants as  
25 the Commission has certified in writing pursuant to Local Rule 7-19.2  
26 the reasons supporting its claim that notice should not be required,  
27 and it appears from specific facts shown by the declarations and other  
28 supporting evidence filed by the Commission that immediate and

1 irreparable injury, loss, or damage will result if notice to the  
2 defendants is given.

3 I.

4 IT IS HEREBY ORDERED that the Commission's Application For A  
5 Preliminary Injunction and Orders: (1) Freezing Assets; ~~(2) Appointing a~~  
6 ~~Temporary Receiver~~; (3) Granting Expedited Discovery; (4) Prohibiting The  
7 Destruction Of Documents, (5) Requiring Accountings; And Order To Show  
8 Cause Re Preliminary Injunction And Appointment Of A Permanent Receiver is  
9 hereby GRANTED.

10 II.

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

23 III.

24 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &  
25 Associates, PCM, Private Collateral Management, and PCM Fund, and their  
26 officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and  
27 those persons in active concert or participation with any of them, who receive  
28 actual notice of this Order, by personal service or otherwise, and each of them, be

1 and hereby are temporarily restrained and enjoined from, directly or indirectly, in  
2 the offer or sale of any securities, by the use of any means or instruments of  
3 transportation or communication in interstate commerce or by use of the mails:

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

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

12 **IV.**

13 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &  
14 Associates, PCM, Private Collateral Management, PCM Fund, and their officers,  
15 agents, servants, employees, attorneys, subsidiaries and affiliates, and those  
16 persons in active concert or participation with any of them who receive actual  
17 notice of this Order, by personal service or otherwise, and each of them, be and  
18 hereby are temporarily restrained and enjoined from, directly or indirectly, in  
19 connection with the purchase or sale of any security, by the use of any means or  
20 instrumentality of interstate commerce, or of the mails, or of any facility of any  
21 national securities exchange:

- 22 A. employing any device, scheme, or artifice to defraud;
- 23 B. making any untrue statement of a material fact or omitting to state a  
24 material fact necessary in order to make the statements made, in the  
25 light of the circumstances under which they were made, not  
26 misleading; or
- 27 C. engaging in any act, practice, or course of business which operates or  
28 would operate as a fraud or deceit upon any person

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1 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule  
2 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

3 V.

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

21 VI.

22 IT IS FURTHER ORDERED that, pending the Court's issuance of an order  
23 specifying the full relief requested in the Commission's *Ex Parte* Application and  
24 except as otherwise ordered by this Court, an immediate freeze shall be placed on  
25 all monies and assets (with an allowance for necessary and reasonable living  
26 expenses to be granted only upon good cause shown by application to the Court  
27 with notice to and an opportunity for the Commission to be heard) in all accounts  
28 at any bank, financial institution or brokerage firm, all certificates of deposit, and

1 other funds or assets, such as personal or real property, held in the name of, for the  
 2 benefit of, or over which account authority is held by Heath, Heath & Associates,  
 3 PCM, Private Collateral Management, PCM Fund, Heath, or any trust, partnership,  
 4 joint venture, person or entity affiliated with them (including subsidiaries),  
 5 including but not limited to (1) 40616 Village Drive, Big Bear Lake, CA 92315;  
 6 (2) 15845 Berkeley Drive, Chino Hills, CA 91709, (3) 201 N Eureka Drive, Big  
 7 Bear Lake, CA 92315 and (4) the following accounts:

| Financial Institution | Account Name  | Account Number |
|-----------------------|---|----------------|
| Bank of America       | Private Capital Management, Inc. Disbursement Account | 1202102320     |
| Bank of America       | Private Capital Management, Inc. Disbursement Account | 1202807522     |
| Bank of America       | Private Capital Management, Inc. Executive Account    | 1202412870     |
| Bank of America       | D. W. Heath & Associates, Inc. General Account        | 09525-02188    |
| T.D. Waterhouse       | Daniel W. Heath                                       | 593-90769-1-4  |

**VII.**

19 IT IS FURTHER ORDERED that Robb Evans is appointed as temporary  
 20 receiver of Heath & Associates, PCM, Private Collateral Management, PCM Fund,  
 21 and their subsidiaries and affiliates, with full powers of an equity receiver,  
 22 including, but not limited to, full power over all funds, assets, collateral, premises  
 23 (whether owned, leased, occupied, or otherwise controlled), choses in action,  
 24 books, records, papers and other real or personal property, including notes, deeds  
 25 of trust and other interests in real property, belonging to, being managed by, or in  
 26 the possession of or control of Heath & Associates, PCM, Private Collateral  
 27 Management, PCM Fund, and any of their subsidiaries and affiliates, and that such  
 28 temporary receiver is immediately authorized, empowered and directed:

- 1 A. to have access to and to collect and take custody, control, possession,  
2 and charge of all funds, assets, collateral, premises (whether owned,  
3 leased, occupied, or otherwise controlled), choses in action, books,  
4 records, papers and other real or personal property, including notes,  
5 deeds of trust and other interests in real property, of Heath &  
6 Associates, PCM, Private Collateral Management, PCM Fund, and  
7 their subsidiaries and affiliates, with full power to sue, foreclose,  
8 marshal, sell, liquidate, collect, receive, and take into possession all  
9 such property;
- 10 B. to have control of, and to be added as the sole authorized signatory  
11 for all accounts of Heath & Associates, PCM, Private Collateral  
12 Management, PCM Fund, and their subsidiaries and affiliates,  
13 including all accounts over which Heath & Associates, PCM, Private  
14 Collateral Management, PCM Fund, and any of their officers,  
15 employees or agents, have signatory authority, at any bank, title  
16 company, escrow agent, financial institution or brokerage firm which  
17 has possession, custody or control of any assets or funds of Heath &  
18 Associates, PCM, Private Collateral Management, PCM Fund, or  
19 which maintains accounts over which Heath & Associates, PCM,  
20 Private Collateral Management, PCM Fund, and/or any of their  
21 officers, employees or agents have signatory authority;
- 22 C. to conduct such investigation and discovery as may be necessary to  
23 locate and account for all of the assets of, or managed by, Heath &  
24 Associates, PCM, Private Collateral Management, PCM Fund, and  
25 their 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, Heath & Associates,  
2 PCM, Private Collateral Management, PCM Fund, and their affiliates;

3 E. to make an accounting, as soon as practicable, to this Court and the  
4 Commission of the assets and financial condition of Heath &  
5 Associates, PCM, Private Collateral Management, and PCM Fund,  
6 and the assets under their management, including all notes, deeds of  
7 trust and other interests in real property, and to file the accounting  
8 with the Court and 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, and to incur, or authorize the making of such agreements as may  
12 be necessary and advisable in discharging his duties as temporary  
13 receiver;

14 G. to employ attorneys, accountants, and others to investigate, advise  
15 and, where appropriate, to institute, pursue, and prosecute all claims  
16 and causes of action of whatever kind and nature which may now or  
17 hereafter exist as a result of the activities of present or past employees  
18 or agents of Heath & Associates, PCM, Private Collateral  
19 Management, and PCM Fund;

20 H. to have access to and monitor all mail of Heath & Associates, PCM,  
21 Private Collateral Management, and PCM Fund, in order to review  
22 such mail which he deems relevant to the business of Heath &  
23 Associates, PCM, Private Collateral Management, and PCM Fund,  
24 and the discharging of his duties as temporary receiver; and

25 I. to exercise all of the lawful powers of Heath & Associates, PCM,  
26 Private Collateral Management, PCM Fund, and their officers,  
27 directors, employees, representatives, or persons who exercise similar  
28 powers and perform similar duties.



1 VIII.

2 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &  
3 Associates, PCM, Private Collateral Management, and PCM Fund, and their  
4 officers, agents, servants, employees and attorneys, and any other persons who are  
5 in custody, possession or control of any assets, collateral, books, records, papers,  
6 notes, deeds of trust and other interests in real property, or other property of, or  
7 managed by, Heath & Associates, PCM, Private Collateral Management, and/or  
8 PCM Fund shall forthwith give access to and control of such property to the  
9 temporary receiver.

10 IX.

11 IT IS FURTHER ORDERED that no officer, agent, servant, employee, or  
12 attorney of Heath, O'Brien, Heath & Associates, PCM, Private Collateral  
13 Management, and PCM Fund, or their subsidiaries or affiliates shall take any  
14 action or purport to take any action, in the name of or on behalf of Heath &  
15 Associates, PCM, Private Collateral Management, PCM Fund, or any of their  
16 subsidiaries and affiliates, without the written consent of the temporary receiver or  
17 order of this Court.

18 X.

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

- 1 A. commencing, prosecuting, continuing or enforcing any suit or  
2 proceeding (other than the present action by the Commission) against  
3 Heath & Associates, PCM, Private Collateral Management, or PCM  
4 Fund or any of their subsidiaries and affiliates;
- 5 B. using self-help or executing or issuing or causing the execution or  
6 issuance of any court attachment, subpoena, replevin, execution or  
7 other process for the purpose of impounding or taking possession of  
8 or interfering with or creating or enforcing a lien upon any property  
9 or property interests owned by or in the possession of Heath &  
10 Associates, PCM, Private Collateral Management, or PCM Fund, and  
11 any of their subsidiaries or affiliates, wherever situated; and
- 12 C. doing any act or thing whatsoever to interfere with taking control,  
13 possession or management by the temporary receiver appointed  
14 hereunder of the property and assets owned, controlled or in the  
15 possession of Heath & Associates, PCM, Private Collateral  
16 Management, or PCM Fund, any subsidiaries or affiliates, or in any  
17 way to interfere with or harass the temporary receiver, or his  
18 attorneys, accountants, employees or agents or to interfere in any  
19 manner with the discharge of the temporary receiver's duties and  
20 responsibilities hereunder.

21 **XI.**

22 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &  
23 Associates, PCM, Private Collateral Management, and PCM Fund, and their  
24 subsidiaries and affiliates and their officers, agents, servants, employees and  
25 attorneys, shall cooperate with and assist the temporary receiver, his attorneys,  
26 accountants, employees and agents and shall take no action, directly or indirectly,  
27 to hinder, obstruct, or otherwise interfere with the temporary receiver, his  
28 attorneys, accountants, employees or agents or to in the conduct of the temporary

1 receiver's duties or to interfere in any manner, directly or indirectly, with the  
2 custody, possession, management, or control by the temporary receiver of the  
3 funds, assets, collateral, premises, and choses in action described above.

4 **XII.**

5 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &  
6 Associates, PCM, Private Collateral Management, and PCM Fund shall pay the  
7 costs, fees and expenses of the temporary receiver incurred in connection with the  
8 performance of his duties described in this Order, including the costs and expenses  
9 of those persons who may be engaged or employed by the temporary receiver to  
10 assist him in carrying out his duties and obligations. All applications for costs,  
11 fees and expenses for services rendered in connection with the temporary  
12 receivership other than routine and necessary business expenses in conducting the  
13 temporary receivership, such as salaries, rent and any and all other reasonable  
14 operating and liquidating expenses, shall be made by application setting forth in  
15 reasonable detail the nature of the services and shall be heard by the Court.

16 **XIII.**

17 IT IS FURTHER ORDERED that no bond shall be required in connection  
18 with the appointment of the temporary receiver. Except for an act of gross  
19 negligence, the temporary receiver shall not be liable for any loss or damage  
20 incurred by any of the defendants, their officers, agents, servants, employees and  
21 attorneys or any other person, by reason of any act performed or omitted to be  
22 performed by the temporary receiver in connection with the discharge of his  
23 duties and responsibilities.

24 **XIV.**

25 IT IS FURTHER ORDERED that representatives of the Commission are  
26 authorized to have continuing access to inspect or copy any or all of the corporate  
27 books and records and other documents of Heath & Associates, PCM, Private  
28 Collateral Management, and PCM Fund and their subsidiaries and affiliates and

1 continuing access to inspect their funds, property, assets and collateral, wherever  
2 located.

3 **XV.**

4 IT IS FURTHER ORDERED that, except as otherwise ordered by this  
5 Court, defendants Heath, O'Brien, Heath & Associates, PCM, Private Collateral  
6 Management, and PCM Fund, and their officers, agents, servants, employees,  
7 attorneys, subsidiaries and affiliates, and those persons in active concert or  
8 participation with any of them, who receive actual notice of this Order, by  
9 personal service or otherwise, and each of them, be and hereby are temporarily  
10 restrained and enjoined from, directly or indirectly: destroying, mutilating,  
11 concealing, transferring, altering, or otherwise disposing of, in any manner, any  
12 documents, which includes all books, records, computer programs, computer files,  
13 computer printouts, contracts, correspondence, memoranda, brochures, or any  
14 other documents of any kind in their possession, custody or control, however  
15 created, produced, or stored (manually, mechanically, electronically, or otherwise),  
16 pertaining in any manner to Heath, O'Brien, Heath & Associates, PCM, Private  
17 Collateral Management, or PCM Fund.

18 **XVI.**

19 IT IS FURTHER ORDERED that defendants Heath, O'Brien, Heath &  
20 Associates, PCM, Private Collateral Management, and PCM Fund shall within  
21 five days of the date of issuance of this Order, prepare and deliver to the  
22 Commission a detailed and complete schedule of all assets of Heath, O'Brien,  
23 Heath & Associates, PCM, Private Collateral Management, and PCM Fund,  
24 including all real and personal property exceeding \$5,000 in value, and all bank,  
25 securities, futures and other accounts identified by institution, branch address and  
26 account number. The accountings shall include a description of the source(s) of  
27 all such assets. Such accountings shall be filed with the Court and copies shall be  
28 delivered to the attention of Jose Sanchez, Senior Trial Counsel, at the

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1 Commission's Pacific Regional Office located at 5670 Wilshire Boulevard, 11th  
2 Floor, Los Angeles, California 90036. After completion of the accountings,  
3 Heath, O'Brien, Heath & Associates, PCM, Private Collateral Management, and  
4 PCM Fund shall produce to the Commission's Pacific Regional Office, at a time  
5 agreeable to the Commission, all books, records and other documents supporting  
6 or underlying the accountings.

7 **XVII.**

8 IT IS FURTHER ORDERED that immediately upon entry of this Order the  
9 parties may take depositions upon oral examination and obtain document  
10 production from parties and non-parties subject to <sup>one (1) calendar</sup> ~~two (2) business~~ days notice;  
11 and may serve interrogatories, requests for the production of documents and  
12 requests for admissions, subject to response within five (5) calendar days of  
13 service. Service of all expedited discovery requests shall be proper if made upon  
14 the parties by facsimile or overnight courier. The times applicable to discovery  
15 under the Federal Rules of Civil Procedure shall govern upon the expiration of this  
16 Temporary Restraining Order.

17 **XVIII.**

18 IT IS FURTHER ORDERED that this Temporary Restraining Order shall  
19 expire at 5 o'clock P.m. on May 13, 2004, unless, for good cause shown, it is  
20 extended or unless the parties against whom it is directed consent that it may be  
21 extended for a longer period.

22 **XIX.**

23 IT IS FURTHER ORDERED that at 1:30 o'clock P.m. on May 10, 2004, or  
24 as soon thereafter as the parties can be heard, the Defendants, and each of them,  
25 shall appear before the Honorable John P. Walter, Judge of the United  
26 States District Court for the Central District of California, to show cause, if there  
27 be any, why a preliminary injunction should not be granted, and a ~~permanent~~  
28 receiver not appointed, in accordance with the prayer for relief contained in the

<sup>^</sup>  
should

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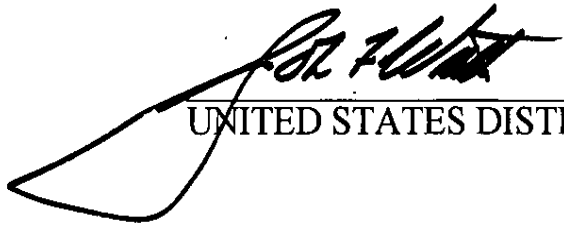
1 Complaint filed by the Commission. Any declarations, affidavits, points and  
2 authorities, or other submissions in support of, or in opposition to, the issuance of  
3 such an Order shall be filed with the Court and delivered to the Commission's  
4 Pacific Regional Office and the offices of the Defendants and/or their attorneys no  
5 later than 12:00 o'clock p.m. on May 4, 2004. Any reply  
6 papers shall be filed with the Court and delivered to opposing counsel no later  
7 than 12:00 o'clock p.m. on May 6, 2004. Service of all such  
8 papers shall be made by facsimile or personal service. *Courtesy copies of all*  
9 *documents shall be ~~sent~~ delivered to Chambers of the date filed.*  
10 *Plaintiff shall personally <sup>XX</sup> serve all papers filed in this action and a*  
11 *copy of this*

12 IT IS FURTHER ORDERED that this Court shall retain jurisdiction over *Order*  
13 this action for the purpose of implementing and carrying out the terms of all orders *on*  
14 and decrees which may be entered herein and to entertain any suitable application *by*  
15 or motion for additional relief within the jurisdiction of this Court. *4/30/04. Plaintiff*  
16 *shall file a Proof of Service*  
17 *on May 3, 2004.*

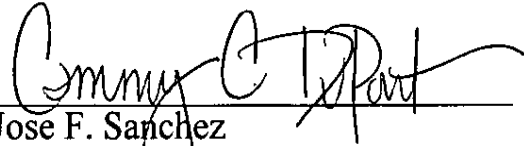
18 IT IS SO ORDERED.

19 DATED: April 21, 2004

20 TIME: 11:30 o'clock a.m.

21   
UNITED STATES DISTRICT JUDGE

22 Presented by:

23   
24 \_\_\_\_\_  
25 Jose F. Sanchez  
26 David Brown  
27 Cammy C. DuPont  
28 Attorneys for Plaintiff  
Securities and Exchange Commission