

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

COMMODITY FUTURES TRADING
COMMISSION, and

ALABAMA SECURITIES COMMISSION,
STATE OF ALASKA, ARIZONA
CORPORATION COMMISSION,
CALIFORNIA COMMISSIONER OF
BUSINESS OVERSIGHT, COLORADO
SECURITIES COMMISSIONER, STATE
OF DELAWARE, STATE OF FLORIDA,
OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA, OFFICE OF
FINANCIAL REGULATION, OFFICE OF
THE GEORGIA SECRETARY OF STATE,
STATE OF HAWAII, SECURITIES
ENFORCEMENT BRANCH, IDAHO
DEPARTMENT OF FINANCE, INDIANA
SECURITIES COMMISSIONER, IOWA
INSURANCE COMMISSIONER
DOUGLAS M. OMMEN, OFFICE OF THE
KANSAS SECURITIES COMMISSIONER,
KENTUCKY DEPARTMENT OF
FINANCIAL INSTITUTIONS, MAINE
SECURITIES ADMINISTRATOR, STATE
OF MARYLAND EX REL MARYLAND
SECURITIES COMMISSIONER,
ATTORNEY GENERAL DANA NESSEL
ON BEHALF OF THE PEOPLE OF
MICHIGAN, MISSISSIPPI SECRETARY
OF STATE, NEBRASKA DEPARTMENT
OF BANKING & FINANCE, OFFICE OF
THE NEVADA SECRETARY OF STATE,
NEW MEXICO SECURITIES DIVISION,
THE PEOPLE OF THE STATE OF NEW
YORK BY LETITIA JAMES, ATTORNEY
GENERAL OF THE STATE OF NEW
YORK, OKLAHOMA DEPARTMENT OF
SECURITIES, SOUTH CAROLINA
ATTORNEY GENERAL, SOUTH
CAROLINA SECRETARY OF STATE,
SOUTH DAKOTA DEPARTMENT OF
LABOR & REGULATION, DIVISION OF

**CONSENT ORDER OF PRELIMINARY
INJUNCTION AND OTHER
EQUITABLE RELIEF AGAINST
TMTE, INC. a/k/a METALS.COM,
CHASE METALS, INC., CHASE
METALS, LLC, BARRICK CAPITAL,
INC., AND RELIEF DEFENDANT
TOWER EQUITY, LLC.**

Case No.: **3:20-CV-2910-L**

Judge: Judge Sam A. Lindsay

INSURANCE, COMMISSIONER OF THE
TENNESSEE DEPARTMENT OF
COMMERCE AND INSURANCE, STATE
OF TEXAS, WASHINGTON STATE
DEPARTMENT OF FINANCIAL
INSTITUTIONS, WEST VIRGINIA
SECURITIES COMMISSION, AND STATE
OF WISCONSIN.

Plaintiffs,

v.

TMTE, INC. a/k/a METALS.COM, CHASE
METALS, INC., CHASE METALS, LLC,
BARRICK CAPITAL, INC., LUCAS
THOMAS ERB a/k/a LUCAS ASHER a/k/a
LUKE ASHER, and SIMON BATASHVILI,

Defendants;

and

TOWER EQUITY, LLC,

Relief Defendant.

1. On September 22, 2020, Plaintiffs Commodity Futures Trading Commission, Alabama Securities Commission, State of Alaska, Arizona Corporation Commission, California Commissioner of Business Oversight, Colorado Securities Commissioner, State of Delaware, State of Florida, Office of the Attorney General and State of Florida, Office of Financial Regulation, Office of the Georgia Secretary of State, State of Hawaii, Securities Enforcement Branch, Idaho Department of Finance, Indiana Securities Commissioner, Iowa Insurance Commissioner Douglas M. Ommen, Office of the Kansas Securities Commissioner, Kentucky Department of Financial Institutions, Maine Securities Administrator, State of Maryland Ex Rel the Maryland Securities Commissioner, Attorney General Dana Nessel on Behalf of the People

of Michigan, Mississippi Secretary of State, Nebraska Department of Banking & Finance, Office of the Nevada Secretary of State, New Mexico Securities Division, The People of the State of New York by Letitia James, Attorney General of the State of New York, Oklahoma Department of Securities, South Carolina Attorney General and South Carolina Secretary of State, South Dakota Department of Labor & Regulation, Division of Insurance, Commissioner of the Tennessee Department of Commerce and Insurance, State of Texas, Washington State Department of Financial Institutions, West Virginia Securities Commission, and State of Wisconsin filed a Complaint for Injunctive Relief, Civil Monetary Penalties, and Other Equitable Relief against Defendants TMTE, Inc., d/b/a Metals.com, Chase Metals, LLC, Chase Metals, Inc., (collectively “Metals”), Barrick Capital, Inc. (“Barrick”) and their principals, Lucas Thomas Erb *a/k/a* Lucas Asher *a/k/a* Luke Asher (“Asher”), and Simon Batashvili (“Batashvili”) and Relief Defendant Tower Equity, LLC. (“Tower”) (Docket Entry (“D.E.”) #2).

2. Contemporaneously with the filing of the Complaint, Plaintiffs moved the Court on an emergency, *ex parte* basis, for an order, pursuant to Section 6c(a) of the Commodity Exchange Act (“CEA”), 7 U.S.C. § 13a-1 (2018) and in accordance with Federal Rule of Civil Procedure 65, that: 1) freezes the assets of Defendants and Relief Defendant, (2) grants the CFTC and the States immediate access to the books, records, and other documents of Defendants and Relief Defendant and the authority to inspect and copy such records; (3) appoints a temporary receiver; and (4) grants Plaintiffs’ motion for expedited discovery in advance of a preliminary injunction hearing. (D.E. # 4-6; 11-12; 16).

3. On September 22, 2020, the Court granted Plaintiffs’ motion for emergency relief and entered a Statutory Restraining Order (“SRO”) (D.E. #16). The SRO: (1) prohibits Defendants from withdrawing, transferring, removing, dissipating, and disposing of assets; (2)

prohibits Defendants from destroying, altering, or disposing of books, records, and other documents; (3) appoints Kelly Crawford of Scheef & Stone, LLP as temporary receiver for Defendants and Relief Defendant and (4) grants expedited discovery in advance of a preliminary injunction hearing. The SRO also set a hearing on preliminary injunction relief on October 6, 2020 and directed that SRO remain in full force and effect until to October 6, 2020 at 5:00 pm.

4. On October 5, 2020, the Court continued the hearing on Plaintiffs' application for a preliminary injunction to October 27, 2020 and directed that SRO remain in full force and effect until to October 27, 2020 at 5 p.m. (D.E. #148).

5. On September 24, 2020, Plaintiffs properly served TMTE, Inc., Chase Metals, LLC, Chase Metals, Inc., and Tower Equity. (D.E. # 49; 51-52; 54). On September 25, 2020, Plaintiffs properly served Barrick (D.E. #128). Defendants Metals and Barrick and Relief Defendant Tower, without admitting or denying the allegations in the Complaint, except for allegations relating to venue and the Court's jurisdiction over the parties and over the subject matter of this action, to which Defendants Metals and Barrick and Relief Defendant Tower admit, consent to the entry of this Order for Preliminary Injunction ("Order") as set forth herein.

6. Defendants Metals and Barrick and Relief Defendant Tower enter into this Order voluntarily, and no promise or threat has been made by the Plaintiffs, or any member, officer, agent, or representative of the Plaintiffs to induce Defendants Metals and Barrick and Relief Defendant Tower to consent to this Order.

7. In consideration of the foregoing, and based on the entire record in this case, the Court finds that there is good cause to believe that a preliminary injunction is proper in this case to preserve the *status quo*; prevent the withdrawal, transfer, removal, dissipation or disposal of assets; prevent the destruction, alteration, or disposal of books and records and other documents;

protect members of the public from loss and damage, and enable the Plaintiffs to fulfill their statutory duties in this civil enforcement action.

8. The Court hereby grants the Motion on the terms and conditions to which Plaintiffs and Defendants Metals and Barrick and Relief Defendant Tower have stipulated, as set forth below.

I. DEFINITIONS

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

9. The terms “funds, assets, or other property” encompass any legal or equitable interest in, right to, or claim to, any real or personal property, whether individually or jointly, directly or indirectly controlled, and wherever located, including but not limited to: chattels, goods, instruments, equipment, fixtures, general intangibles, effects, leaseholds, mail or other deliveries, inventory, checks, notes, accounts (including, but not limited to, bank accounts and accounts at other financial institutions), credits, receivables, lines of credit, contracts (including spot, futures, options, or swaps contracts), insurance policies, and all funds, wherever located, whether in the United States or outside the United States.

10. The term “document” and “electronically stored information” are synonymous in meaning and equal in scope to the usage of those terms in Fed. R. Civ. P. 34(a), and includes, but are not limited to, all writings, graphs, charts, photographs, sound recordings, images, and other data or other data compilations—stored in any medium from which information can be obtained or translated, if necessary, into reasonable usable form. The terms “document” and “electronically stored information” also refer to each and every such item in Defendants’ actual or constructive possession, including but not limited to: (i) all such items within the custody or control of any agents, employers, employees, or partners of the Defendants; and (ii) all items

which Defendants have a legal or equitable right to obtain from another person. A draft or non-identical copy is a separate item within the meaning of the term. A document also includes the file and folder tabs associated with each original and copy.

II. RELIEF GRANTED

THE PARTIES AGREE AND IT IS HEREBY ORDERED that:

I. Jurisdiction and Venue

9. Defendants Metals and Barrick and Relief Defendant Tower have been properly served with the Complaint and Summons and have consented to the entry of this Order.

10. The Court is authorized to enter a preliminary injunction and ancillary equitable relief against Defendants Metals and Barrick and Relief Defendant Tower pursuant to 7 U.S.C. §§ 13a-1, 13a-2 and the laws of the States.

11. This Court has jurisdiction over the parties and over the subject matter of this action pursuant to 28 U.S.C. § 1331 (2018) (federal question jurisdiction) and 28 U.S.C. § 1345 (2018) (district courts have original jurisdiction over civil actions commenced by the United States or by any agency expressly authorized to sue by Act of Congress), as well as 28 U.S.C. § 1367(a) (supplemental jurisdiction over claims under the laws of the States).

12. This Court has subject matter jurisdiction over this action under 28 U.S.C. § 1331 (2018) (federal question jurisdiction) and 28 U.S.C. § 1345 (2018) (district courts have original jurisdiction over civil actions commenced by the United States or by any agency expressly authorized to sue by Act of Congress).

13. 7 U.S.C. § 13a-1(a) (2018), authorizes the CFTC to seek injunctive and other relief against any person whenever it appears to the CFTC that such person has engaged, is

engaging, or is about to engage in any act or practice constituting a violation of any provision of the CEA or any rule, regulation, or order thereunder.

14. 7 U.S.C. § 13a-2(1) (2018), authorizes the States to bring a suit in the district courts of the United States to seek injunctive and other relief against any person whenever it appears to the Attorney General and/or Securities Administrator of a State, or such other official that a State may designate, that the interests of the residents of the State have been, are being, or may be threatened or adversely affected because of violations of the CEA or CFTC Regulations.

15. Venue lies properly in this District pursuant to 7 U.S.C. § 13a-1(e) (2018), because Defendants transacted business in this District, and certain of the acts and practices in violation of the CEA, the CFTC Regulations, and State laws occurred, are occurring, or are about to occur within this District, among other places. Venue also lies properly in this District pursuant to 17 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the Plaintiffs' claims occurred in this District.

16. The Parties waive the entry of findings of fact and conclusions of law for purposes of this Order pursuant to Rule 52 of the Federal Rules of Civil Procedure, and the Court accepts that waiver.

II. Prohibitions from Violating the CEA, CFTC Regulations and the Laws of the States

17. Defendants Metals and Barrick and Relief Defendant Tower and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successors thereof, who receive actual notice of this Order by personal service or otherwise, are preliminarily restrained and enjoined from directly or indirectly violating 7 U.S.C. § 9(1) and 17 C.F.R. § 1801.1(a)(1)-(3).

18. Defendants Metals and Barrick and Relief Defendant Tower and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successors thereof, who receive actual notice of this Order by personal service or otherwise, are preliminarily restrained and enjoined from directly or indirectly violating:

- a. § 8-6-3(b) and (c), Code of Alabama (1975)
- b. § 8-6-17(b)(2), Code of Alabama (1975)
- c. § 8-6-17(a)(2), Code of Alabama (1975)
- d. § 13A-6-195, Code of Alabama (1975)
- e. Alaska Stat. § 45.50.471
- f. Cal. Corp. Code, § 25230
- g. Cal. Corp. Code § 25235
- h. Cal. Corp. Code, § 29536
- i. §§ 11-53-107(1)(a)-(c), C.R.S.
- j. §§ 11-51-501(1)(a), (b) and (c), C.R.S.
- k. Fla. Stat. § 501.204
- l. Fla. Stat. § 517.275
- m. Ga. Code Ann. § 10-5-32
- n. Ga. Code Ann § 10-5-33
- o. Ga. Code Ann. § 10-5-51
- p. Ga. Code Ann. § 10-5A-2
- q. Ga. Code Ann. § 10-5A-6
- r. KRS 292.330(8)
- s. KRS 292.320(1)
- t. Md. Code, Corps. & Assn's § 11-401(b)(1)
- u. Md. Corps. & Assn's § 11-402(b)(1)

- v. Md. Code, Corps. & Assn's § 11-301(2)-(3);
- w. Md. Code, Corps. & Assn's § 11-302(a)(2)-(3), (c), and COMAR 02.02.05.03;
- x. S.C. Code Ann. § 35-1-403 to 35-1-404
- y. S.C. Code Ann. § 35-1-501(1)-(3) and § 35-1-502(a)
- z. S.C. Code Ann. § 39-73-20
- aa. S.C. Code Ann. § 39-73-60 (1)-(4)
- bb. Tex. Rev. Civ. Stat. Ann. art. 581-12
- cc. Tex. Rev. Civ. Stat. Ann. art. 581-32

19. Pending further order of the Court, Defendants Metals and Barrick and Relief Defendant Tower and their affiliates, agents, servants, employees, successors, assigns, attorneys, and all persons in active concert with them, directly or indirectly, are restrained and enjoined from:

- a. Trading on or subject to the rules of any registered entity (as that term is defined by 7 U.S.C. § 1a(40) (2018));
- b. Entering into any transactions involving "commodity interests" (as that term is defined in Regulation 1.3, 17 C.F.R. § 1.3), for accounts held in the name of any Defendant or Relief Defendant or for accounts in which any Defendant or Relief Defendant has a direct or indirect interest;
- c. Having any commodity interests traded on any Defendants' or Relief Defendant's behalf;
- d. Controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity interests;
- e. Soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling of any commodity interests;

- f. Applying for registration or claiming exemption from registration with the CFTC in any capacity, and engaging in any activity requiring such registration or exemption from registration with the CFTC except as provided for in CFTC Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9);
- g. Acting as a principal (as that term is defined in CFTC Regulation 3.1(a), 17 C.F.R. § 3.1(a)), agent, or any other officer or employee of any person registered, exempted from registration, or required to be registered with the CFTC except as provided for in 17 C.F.R. § 4.14(a)(9); and
- h. Acting as a broker-dealer or investment adviser or associating with a licensed broker-dealer or investment adviser, in violation of the laws of the States.
- i. Soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling securities or equities.

III. Asset Freeze Order Prohibiting the Withdrawal, Transfer, Removal, Dissipation, and Disposal of Assets

20. The SRO (D.E. #16) shall remain in full force and effect.

21. The injunctive provisions of this Order shall be binding upon Defendants Metals and Barrick and Relief Defendant Tower, and upon any person acting in the capacity of agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them, including any successors thereof, of Defendants Metals and Barrick and Relief Defendant Tower, and upon any person who receives actual notice of this Order by personal service or otherwise insofar as he or she is acting in active concert or participation with Defendants Metals and Barrick and Relief Defendant Tower.

22. Defendants Metals and Barrick and Relief Defendant Tower and their agents, servants, employees, assigns, attorneys, and persons in active concert or participation with them,

including any successor thereof, who receive actual notice of this Order by personal service or otherwise, are immediately restrained and enjoined, except as otherwise ordered by this Court, from directly or indirectly withdrawing, transferring, removing, dissipating, or otherwise disposing of any of their funds, assets, or other property, wherever located, including the Defendants Metals' and Barrick's and Relief Defendant Tower's funds, assets, or other property held outside the United States, in accordance with the Court's SRO and this Order.

23. At the request of the Receiver, Defendants Metals and Barrick and Relief Defendant Tower and any other person who has possession, custody, or control of any of Defendants Metals' and Barrick's and Relief Defendant Tower's assets shall transfer possession of all funds, assets or other property subject to this Order to the Receiver in accordance with SRO and this Order.

24. The funds, assets, or other property affected by this Order shall include both existing funds, assets, or other property, and funds, assets, or other property acquired after the effective date of this Order.

IV. Maintenance of and Access to All Records That Relate to the Business Activities and Business and Personal Finances

25. Defendants Metals and Barrick and Relief Defendant Tower are restrained from directly or indirectly destroying, altering, or disposing of, in any manner, any records that relate or refer to the business activities or business or personal finances of any Defendants Metals and Barrick and Relief Defendant Tower in accordance with the Court's SRO and this Order.

26. Representatives of the Plaintiffs shall, with 24 hours' notice, be allowed access to inspect the records that relate or refer to business activities and business and finances of Defendants Metals and Barrick and Relief Defendant Tower, including, but not limited to, both hard-copy documents and electronically stored information, wherever they may be situated and

whether they are in the possession of the Defendants Asher and Batashvili or others. To ensure preservation and facilitate meaningful inspection and review of records, the Defendants Metals and Barrick and Relief Defendant Tower shall allow representatives of the Plaintiffs to make copies of said documents and electronically stored information, and if on-site copying of documents and electronically stored information is not practicable, representatives may make such copies off-site. After any such off-site copying, Plaintiffs shall promptly return the original documents and devices upon which electronic information is stored.

21. To further facilitate meaningful inspection and review, Defendants Metals and Barrick and Relief Defendant Tower shall promptly provide Plaintiffs with:

- a. the location of all records relating or referring to the business activities and business and finances of the Defendants Metals and Barrick and Relief Defendant Tower;
- b. all identification numbers and other identifying information for websites, cloud storage services, email and smartphone accounts, and all accounts at any bank, financial institution or brokerage firm (including any introducing broker or futures commission merchant) owned, controlled or operated by the Defendants Metals and Barrick and Relief Defendant Tower, or to which the Defendants Metals and Barrick and Relief Defendant Tower have access; and
- c. all passwords to, and the location, make and model of, all computers and/or mobile electronic devices owned and/or used by the Defendants Metals and Barrick and Relief Defendant Tower in connection with their business activities and business and finances.

22. When inspecting records that are subject to this Order, including those contained on computer(s) and/or other electronic device(s), Plaintiffs should undertake reasonable measures to prevent review of Defendants Metals and Barrick and Relief Defendant Tower

privileged communications by Plaintiffs' attorneys and other staff who are part of the litigation team in this matter. Moreover, the Defendants Metals and Barrick and Relief Defendant Tower (or their counsel) shall promptly contact Plaintiffs' counsel to assert any claims of privilege or other legal objection relating to the contents of any records that are subject to this Order and promptly cooperate with Plaintiffs' counsel to develop reasonable protocols to isolate and prevent disclosure of claimed privileged materials to Plaintiffs' attorneys and other staff who are part of the litigation team in this matter. However, nothing herein shall excuse Defendants Metals and Barrick and Relief Defendant Tower from full and immediate compliance with this Court's Order permitting Plaintiffs to inspect the books and records which relate to the Defendants Metals' and Barrick's and Relief Defendant Tower's business activities and their business and finances.

23. Nothing herein shall preclude Plaintiffs from providing materials obtained from Defendants Metals and Barrick and Relief Defendant Tower to any other government agency pursuant to a lawful access request by such agency.

V. Appointment of Receiver

27. Kelly Crawford, previously appointed by the Court as Temporary Receiver pursuant to the SRO, is appointed Receiver with the full powers of an equity receiver for Defendants and Relief Defendant and their affiliates or subsidiaries owned or controlled by Defendants or Relief Defendant (hereinafter referred to as the "Receivership Defendants"), and of all records, and all funds, properties, premises, accounts, income, now or hereafter due or owing to the Receivership Defendants, and other assets directly or indirectly owned, beneficially or otherwise, by the Receivership Defendants.

28. The Receiver shall be the agent of this Court in acting as Receiver under this Order.

29. The directions, authorizations, duties, and powers of the Temporary Receiver under the SRO are granted in full to the Receiver, Kelly Crawford, and incorporated in full herein as part of the Order.

VI. Cooperation with the Receiver

30. Defendants Metals and Barrick and Relief Defendant Tower and all other persons or entities served with a copy of this order shall cooperate fully with and assist the Receiver. 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 as provided in this Order; providing any password required to access any computer or electronic files in any medium; and discharging the responsibilities of the Receiver under this Order, and advising all persons who owe money to the Receivership Defendants that all debts should be paid directly to the Receiver.

VII. Turning Over Property to the Receiver

31. Upon service of this Order, and to the extent the Defendants Metals and Barrick and Relief Defendant Tower have not done so pursuant to the SRO, Defendants Metals and Barrick and Relief Defendant Tower, 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, including but not limited to:

- a. Possession and custody of all funds, assets, property, and all other assets, owned beneficially or otherwise, wherever situated, of the Receivership Defendants;
- b. Possession and custody of records of the Receivership Defendants in

connection with their business activities and business and personal finances, 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 records of the Receivership Defendants;

- c. Possession and custody of all funds and other assets belonging to members of the public now held by the Receivership Defendants;
- d. All keys, computer or cloud computing passwords, entry codes, and combinations to locks necessary to gain or to secure access to any of the assets or records of the Receivership Defendants, including but not limited to, access to the Receivership Defendants' business premises, means of communication, accounts, computer systems, mobile electronic devices or other property; and
- e. Information identifying the accounts, employees, properties or other assets or obligations of the Receivership Defendants.

VIII. Persons Bound by This Order

32. This Order is binding on any person who receives actual notice of this Order by personal service or otherwise and is acting in the capacity of an officer, agent, servant, employee, or attorney of Defendants or Relief Defendant, or is in active concert or participation with the Defendants or Relief Defendant.

IX. Stay on Actions Against the Receivership Defendants

33. Except by leave of the Court, during the pendency of the receivership ordered herein, Defendants Metals and Barrick and Relief Defendant Tower, and all other persons and entities are stayed from taking any action (other than the present action by Plaintiffs) to establish or enforce any claim, right or interest for, against, on behalf of, in, or in the name of, the

Receivership 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. Petitioning, or assisting in the filing of a petition that would cause the Receivership Defendants to be placed in bankruptcy;
- b. Commencing, prosecuting, litigating or enforcing any suit or proceeding against any of the Receivership Defendants, or any of their subsidiaries or affiliates, except that such actions may be filed to toll any applicable statute of limitations;
- c. Commencing, prosecuting, continuing or entering any suit or proceeding in the name or on behalf of any of the Receivership Defendants, or any of their subsidiaries or affiliates;
- d. 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 Receivership Defendants, or any of their subsidiaries or affiliates, or any property claimed by any of them, or attempting to foreclose, forfeit, alter or terminate any of the Receivership Defendants' interests in property, including without limitation, the establishment, granting, or perfection of any security interest, whether such acts are part of a judicial proceeding or otherwise;
- e. Opening all mail directed to or received by or at the offices or post office boxes of the Receivership Defendants, or any of their subsidiaries or affiliates, and to inspect all mail opened prior or subsequent to the entry of this Order to determine whether items or information therein fall within the mandate of this Order;
- f. 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 Receivership Defendants, or any of their subsidiaries or affiliates, or the Receiver, or any agent of the Receiver; and

- g. Doing any act or thing whatsoever 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 to harass or interfere with the duties of the Receiver; or to interfere in any manner with the exclusive jurisdiction of this Court over the property and assets of the Receivership Defendants, or their subsidiaries or affiliates.

34. Provided, however, that nothing in this section shall prohibit any federal or state law enforcement or regulatory authority from commencing or prosecuting an action against the Receivership Defendants.

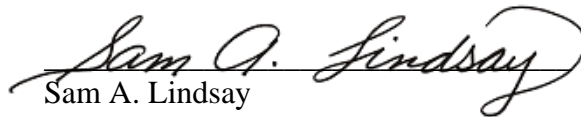
X. Bond Not Required of Plaintiffs or the Receiver

35. As Plaintiffs CFTC and the States have made a proper showing under 7 U.S.C. §13a-1(b) and they are not required to post any bond in connection with this Order. The Receiver similarly is not required to post bond.

XI. Force and Effect

36. 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.

IT SO ORDERED, at Dallas, Texas, on this 14th day of October, 2020, at 4:00 p.m.


Sam A. Lindsay
United States District Judge

CONSENTED TO AND APPROVED BY DEFENDANTS AND RELIEF DEFENDANTS:



Kelly Crawford, Temporary Receiver

Date: 10/9/2020

Approved as to form:



Peter Lewis
Counsel to the Receiver

Dated: 10/9/2020

CONSENTED TO AND APPROVED BY PLAINTIFFS:

Dated: October 8, 2020

By: /s/ JonMarc P. Buffa

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