

EXHIBIT I

**IN SUPPORT OF
PLAINTIFF'S MEMORANDUM IN SUPPORT OF ITS EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER TO PREVENT VIOLATIONS OF THE FEDERAL
SECURITIESD LAWS, TO APPOINT A RECEIVER, AND PROVIDE FOR OTHER
ANCILLARY RELIEF**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

DARAYL D. DAVIS,

Defendant,

and

**AFFLUENT ADVISORY GROUP, LLC,
Relief Defendant.**

Civil Action No. 17 CV 9224

ASSET FREEZE ORDER

Plaintiff United States Securities and Exchange Commission (the “SEC”) has filed an *Ex Parte* emergency motion for temporary restraining order and emergency ancillary relief, including an asset freeze (the “Motion”). The Court, having considered the Motion, the memorandum of law in support thereof, the declarations, exhibits, and all other documents filed contemporaneously therewith; having reviewed the SEC’s complaint and other submissions it has filed in this matter; having considered the arguments of counsel; and having been fully advised of such in the premises, hereby finds as follows:

A. This Court has subject matter jurisdiction over this case and there is good cause to believe it has personal jurisdiction over defendant DaRayl D. Davis (“Defendant”) and relief defendant Affluent Advisory Group, LLC (“Relief Defendant”), and the SEC is a proper party to bring this action seeking the relief sought in its complaint.

B. The SEC has made a sufficient and proper showing and there is good cause to believe that it will ultimately succeed in establishing that Defendant has engaged and is likely to engage in transactions, practices, and courses of business that violate the federal securities laws, as alleged in the complaint, including Section 17(a) of the Securities Act of 1933 (the “Securities Act”) [15 U.S.C. § 77q(a)]; Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”) [15 U.S.C. § 78j(b)] and Rule 10b-5 thereunder [17 C.F.R § 240.10b-5]; and Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. §§ 80b-6(1) and 80b-6(2)].

C. There is good cause to believe that Defendant has obtained money or property from investors as a result of their securities laws violations alleged in the complaint. Further, the SEC has demonstrated a likelihood of establishing that Relief Defendant has received ill-gotten gains for which it has not provided consideration.

D. There is good cause to believe that unless frozen by Order of this Court, assets that otherwise could have been subject to an order of disgorgement pursuant to Section 20(d) of the Securities Act of 1933 [15 U.S.C. § 77t(d)], Section 21(d) of the Securities Exchange Act of 1934 [15 U.S.C. § 78u(d)], and Section 209(d) of the Investment Advisers Act of 1940 [15 U.S.C. § 80b-9(d)] will be dissipated, concealed, or transferred from the jurisdiction of this Court.

E. An Order freezing assets is necessary to preserve the *status quo* and to protect this Court’s ability to award equitable relief for the benefit of any investors who may have been harmed by Defendant’s conduct.

F. There is good cause to believe that providing notice of these proceedings may have resulted in the dissipation of assets or the compromising of evidence. The SEC’s submissions

clearly demonstrate that immediate and irreparable injury, loss, or damage would have resulted had the SEC provided such notice.

G. Therefore, the SEC's Motion should be, and is, granted as set forth more fully below.

For these reasons, **it is HEREBY ORDERED:**

A. All funds and other assets held, managed or controlled, whether directly or indirectly, by Defendant DaRayl D. Davis and Relief Defendant Affluent Advisory Group, LLC are hereby frozen.

B. Defendant and Relief Defendant, and any of their agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission, email, or otherwise, are hereby restrained from, directly or indirectly, transferring, selling, encumbering, receiving, concealing, changing, pledging, hypothecating, assigning, liquidating, incurring debt upon, or otherwise disposing of, or withdrawing, any funds, assets or other property (including money, real or personal property, securities, chose in action or any other form of asset or property of any kind whatsoever).

C. The asset freeze articulated herein extends to accounts at any financial institution: (1) in the name of any Defendant or Relief Defendant; (2) that any Defendant or Relief Defendant has signatory authority or a beneficial interest; (3) that any Defendant or Relief Defendant directly or indirectly controls, owns or manages; (4) held for the benefit of any Defendant or Relief Defendant, including through corporations, trusts, partnerships, agents,

nominees, friends or relatives; or (5) which are traceable to funds and assets, wherever located, belonging to the victims of the securities law violations alleged in the SEC's complaint.

D. Defendant or Relief Defendant, and their agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission, email, or otherwise, is hereby restrained from, directly or indirectly, transferring, selling, encumbering, receiving, concealing, changing, pledging, hypothecating, assigning, liquidating, incurring debt upon, or otherwise disposing of, or withdrawing, any funds or assets, that constitute investor funds or any accounts or property into which investor funds were deposited or invested.

E. Defendant or Relief Defendant, and their agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission, email, or otherwise, are hereby restrained from opening or causing to be opened any safe deposit boxes, commercial mail boxes, or storage facilities titled in the name of any Defendant or Relief Defendant, or subject to access by them, without providing the SEC prior notice and an opportunity to inspect the contents in order to determine whether they contain assets subject to this Order.

F. Any bank, financial or brokerage institution or other person or entity holding any such funds or anything else of value, in the name of, for the benefit of, or under the control of any Defendant or Relief Defendant, or any account holding investor funds wherever located, and that receives actual notice of this Order or of the terms of the asset freeze provisions contained

herein, by personal service, mail, email, facsimile transmission or otherwise, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale, liquidation, dissipation, concealment, or other disposal of any such funds, assets or property belonging to any Defendant or Relief Defendant, or in which any Defendant or Relief Defendant has a beneficial interest, wherever located and held in whatever name.

G. Assets covered by this order include, but are not limited to, any holdings in the following accounts:

BANK	ACCOUNT NUMBER	ACCOUNT HOLDER
Bank of America	*0633	Affluent Advisory Group
Bank of America	*4916	Affluent Advisory Group
Bank of America	*4929	Affluent Advisory Group
Bank of America	*7435	DaRayl Davis
Bank of America	*9418	DaRayl Davis
Suntrust Bank	unknown	DaRayl Davis
Wells Fargo Bank	*0875	Affluent Advisory Group
Wells Fargo Bank	*7045	DaRayl Davis
Wells Fargo Bank	*2668	DaRayl Davis
None Suffer Lack Federal Credit Union	*4512	DaRayl Davis

H. To facilitate this asset freeze, no later than 9 a.m. the business day following this Order, each Defendant and Relief Defendant shall identify with specificity to the SEC all accounts, including bank accounts, brokerage accounts, retirement accounts, and/or trust accounts, in which that Defendant or Relief Defendant has an ownership or beneficial interest.

I. This Order shall expire at 11:59 P.M. fourteen days following the entry of this order, unless otherwise ordered by this Court.

SO ORDERED this 22nd day of December, 2017 by

JUDGE: 
United States District Court Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Plaintiff,

v.

DANIEL H. GLICK and
FINANCIAL MANAGEMENT
STRATEGIES INC.,

Defendants,

and

GLICK ACCOUNTING SERVICES INC.,
EDWARD H. FORTE, and
DAVID B. SLAGTER,

Relief Defendants.

Case No. 17-cv-02251

**[PROPOSED] ORDER OF PRELIMINARY INJUNCTION,
ASSET FREEZE, AND OTHER ANCILLARY RELIEF**

This cause coming to be heard on plaintiff United States Securities and Exchange Commission's motion for a preliminary injunction against defendants Daniel H. Glick and Financial Management Strategies Inc. (collectively, the "defendants") and for other relief, the Court finds as follows:

A. The SEC has filed a complaint alleging that the defendants have engaged in transactions, practices and courses of business that violate Section 17(a) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. § 77q(a)], Section 10(b) of the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. § 78j(b)], Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5],

and Sections 206(1) and 206(2) of the Investment Advisers Act of 1940 (“Advisers Act”) [15 U.S.C. §§ 80b-6(1), (2)].

B. This Court has jurisdiction over the subject matter of this case and there is good cause to believe it will have jurisdiction over all parties hereto.

C. The SEC is the proper party to bring this action seeking the relief sought in the complaint.

D. Therefore, the SEC’s motion for a preliminary injunction should be, and is, granted as set forth more fully below.

IT IS THEREFORE ORDERED:

I. PRELIMINARY INJUNCTION AGAINST ANY VIOLATION OF SECTION 10(B) OF THE EXCHANGE ACT OF 1934 AND RULE 10B-5 THEREUNDER.

IT IS HEREBY ORDERED that, until a final adjudication on the merits may be made, the defendants, their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from, directly or indirectly, in violation of Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5], and in connection with the purchase or sale of securities, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

A. employing any device, scheme or artifice to defraud;

B. making any untrue statement of material fact or omitting to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or

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

II. PRELIMINARY INJUNCTION AGAINST ANY VIOLATION OF SECTION 17(A) OF THE SECURITIES ACT.

IT IS FURTHER ORDERED that, until a final adjudication on the merits may be made, the defendants, their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from, directly or indirectly, in violation of Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], and in the offer or sale of securities, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

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

III. PRELIMINARY INJUNCTION AGAINST ANY VIOLATION OF SECTIONS 206(1) AND 206(2) OF THE ADVISERS ACT.

IT IS FURTHER ORDERED that, until a final adjudication on the merits may be made, the defendants, their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from, directly or

indirectly, in violation of Sections 206(1) and 206(2) of the Advisers Act [15 U.S.C. §§ 80b-6(1), (2)]:

A. employing any device, scheme, or artifice to defraud any client or prospective client; and

B. engaging in any transaction, practice, or course of business which operates as a fraud or deceit upon any client or prospective client.

IV. ASSET FREEZE.

A. All funds and other assets held, managed or controlled, whether directly or indirectly, by defendant Glick, defendant Financial Management Strategies, and relief defendant Glick Accounting Services are hereby frozen.

B. Defendant Glick, defendant Financial Management Strategies, and relief defendant Glick Accounting Services and any of their agents, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any one or more of them, and each of them, who receive actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, facsimile transmission, email, or otherwise, shall hold and retain within their control and are hereby restrained from, directly or indirectly, transferring, selling, encumbering, dissipating, receiving, concealing, changing, pledging, hypothecating, assigning, liquidating, incurring debt upon, or otherwise disposing of, or withdrawing, any funds, assets or other property (including money, real or personal property, securities, chose in action or any other form of asset or property of any kind whatsoever).

C. The asset freeze articulated herein extends to accounts at any financial institution in the name of defendant Glick, defendant Financial Management Strategies, or relief defendant Glick Accounting Services, or accounts held for their benefit (including through corporations,

trusts, partnerships, agents, nominees, friends or relatives). The asset freeze also extends to accounts at any financial institution that defendant Glick, defendant Financial Management Strategies, or relief defendant Glick Accounting Services control, own or manage, or in which any of them has a beneficial interest.

D. Assets covered by this Order include, but are not limited to, any holdings in the following accounts:

Account Owner	Institution	Account Number
Daniel H. Glick	Fifth Third Bancorp	x2812
Daniel H. Glick	US Bank	x1302
Financial Management Strategies Inc.	Fifth Third Bancorp	x7640
Financial Management Strategies Inc.	Fifth Third Bancorp	x7681
Glick Accounting Services Inc.	US Bank	x1294

This asset freeze also includes, without limitation, the Israeli investments described in the SEC's Memorandum and supporting papers.

E. Any bank, financial or brokerage institution or other person or entity holding any such funds or anything else of value, in the name of, for the benefit of, or under the control of defendant Glick (subject to the exceptions in paragraph F), defendant Financial Management Strategies, or relief defendant Glick Accounting Services, and that receives actual notice of this Order or of the terms of the asset freeze provisions contained herein, by personal service, mail, email, facsimile transmission or otherwise, shall hold and retain within its control and prohibit the withdrawal, removal, transfer, disposition, pledge, encumbrance, assignment, set off, sale,

liquidation, dissipation, concealment, or other disposal of any such funds, assets or property covered by this Order.

F. The asset freeze shall not extend to accounts in the name of defendants' investors or clients that would be subject to this asset freeze solely because Glick has power of attorney over the account, including, but not limited to:

- (a) The account in the name of Evelyn M. Warden and the Evelyn M. Warden Revocable Trust 04/29/1999 at Fifth Third Bank, account no. x1681.

V. PRELIMINARY INJUNCTION AS TO GLICK'S POWERS OF ATTORNEY.

Defendant Glick, his agents, servants, employees, attorneys, and those persons in active concert or participation with him who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are preliminarily enjoined from exercising any and all trustee powers and powers of attorney over the Evelyn M. Warden Revocable Trust, the Anne B. Ivan Trust, the Helen Bobin Trust, and any accounts in the name of or for the benefit of those trusts. This Order includes without limitation, the following:

- (a) All trustee or agent powers, powers of attorney, and any official or unofficial delegated trustee and agent powers and powers of attorney relating to the Evelyn M. Warden Revocable Trust.
- (b) All trustee or agent powers, powers of attorney, and any official or unofficial delegated trustee and agent powers and powers of attorney relating to the Evelyn M. Warden and the Evelyn M. Warden Revocable Trust 04/29/1999 at Fifth Third Bank, account no. x1681.

- (c) All trustee or agent powers, powers of attorney, and any official or unofficial delegated trustee and agent powers and powers of attorney relating to the Anne B. Ivan Trust.
- (d) All trustee or agent powers, powers of attorney, and any official or unofficial delegated trustee and agent powers and powers of attorney relating to the Helen Bobin Trust.

VI. ACCOUNTING.

A. The Court's Order dated March 23, 2017 directed each defendant to provide a sworn accounting within 10 days of the issuance of the Order. *See* Dckt. No. 9, at § VI.

B. In response, defendant Glick has asserted the right against self-incrimination under the Fifth Amendment.

C. Defendant Financial Management Strategies has not submitted a sworn accounting as directed by the Court. The obligations of defendant Financial Management Strategies to provide a sworn accounting as provided in the Order dated March 23, 2017 remain in effect. The Court adopts and incorporates by reference Section VI of the Order dated March 23, 2017 relating to defendant Financial Management Strategies.

VII. REPATRIATION.

A. The Court's Order dated March 23, 2017 directed each defendant to repatriate foreign assets to the territory of the United States, and to otherwise provide information and cooperate with the return of foreign assets. *See* Dckt. No. 9, at § VII.

B. In response, defendant Glick has asserted the right against self-incrimination under the Fifth Amendment. The SEC has reserved the right to challenge the ability of defendant Glick to assert the Fifth Amendment as to certain aspects of the repatriation order. At this time, the Court does not resolve whether defendant Glick can assert the Fifth Amendment in

response to the repatriation order. The obligations of defendant Glick to comply with the repatriation order in Section VII of the Order dated March 23, 2017 remain in effect, subject to any future ruling by the Court about the applicability of the Fifth Amendment. Regardless of the Fifth Amendment, any foreign assets under the possession, custody or control of defendant Glick remain subject to the asset freeze in this Order.

C. The obligations of defendant Financial Management Strategies to comply with the repatriation order as provided in the Order dated March 23, 2017 remain in effect. The Court adopts and incorporates by reference Section VII of the Order dated March 23, 2017 relating to defendant Financial Management Strategies.

VIII. ORDER PROHIBITING DESTRUCTION OF RECORDS.

A. Defendants and relief defendants, and all of their agents, corporations, partnerships, companies, servants, employees, attorneys, depositories, banks, and those persons in active concert or participation with any of them, are restrained and enjoined from, directly or indirectly, destroying, mutilating, concealing, altering, disposing of, or otherwise rendering illegible in any manner, any of the books, records, documents, correspondence, ledgers, accounts, financial transactions, statements, electronic files, computers, or any other property or data of any kind, and wherever located or stored, pertaining in any way to: (1) any matter described in the Complaint, or any amendment thereto, filed by the Commission in this action; or (2) any defendant, relief defendant, or investors identified in the SEC's Memorandum. (These documents and data are collectively referred to here as "Evidence"). This order includes, without limitation, all Evidence relating to investor or client funds, as well as the use of any funds by the defendants and relief defendants.

B. Such Evidence includes both "hard copy" versions and electronically-stored information in defendants' or relief defendants' possession, custody or control, including

computer files of any kind, text files, data compilations, word processing documents, spreadsheets, e-mail, voicemail, text messages, databases, calendars and scheduling information, log, file fragments and backup files, letters, instant messages, memoranda, notes, drawings, designs, correspondence or communication of any kind. Evidence that is stored electronically may be maintained on shared network files, computer hard drives, servers, DVDs, CD-ROMs, flash drives, thumb drives, laptops, digital recorders, netbooks, PDA, or other handheld/smartphone devices.

C. The obligations set forth in this Section include an obligation to provide notice to all defendants' or relief defendants' employees, custodians, agents, corporations, partnerships, companies, or contractors who may be in possession of Evidence. This duty also extends to the preservation and retention of Evidence in the possession or custody of third-parties, such as an internet service provider or a cloud computing provider, if such Evidence is within defendants' or relief defendants' control.

D. Defendants and relief defendants are ordered to act affirmatively to prevent the destruction of Evidence. This duty may necessitate: (1) quarantining certain Evidence to avoid its destruction or alteration; (2) discontinuing the recycling of backup tapes or other storage media, and (3) taking affirmative steps to prevent the deletion of emails, "trash," "recycling," "drafts," "sent," or "archived" folders.

E. Defendants and relief defendants are directed not to run or install any drive cleaning, wiping, encrypting, or defragmenting software on hard disks of computers that may contain Evidence.

IX. PRESERVATION OF RIGHTS AND PRIVILEGES.

Nothing in this Order shall be construed to require that a defendant or relief defendant abandon or waive any constitutional or other legal privilege which he may have available to him

including his Fifth Amendment privilege against self-incrimination. In turn, nothing in this Order shall prevent the SEC from opposing or challenging any assertion by a defendant or relief defendant of any Fifth Amendment privilege against self-incrimination, or any other constitutional or other legal privilege.

X. NOTICE OF ORDER.

A. Notice of this Order, or any other Orders of the Court or notices required to be issued by the SEC, may be accomplished by delivery of a copy of the Order or notice by first class mail, overnight delivery, international express mail, facsimile, electronic mail, or personally, by agents or employees of the SEC, (i) upon any defendant, relief defendant, or their counsel; and (ii) upon any bank, saving and loan institution, credit union, financial institution, transfer agent, broker-dealer, investment company, title company, commodity trading company, storage company, or any other person, partnership, corporation, or legal entity that may be subject to any provision of an Order.

B. For purposes of notice to anyone in possession of documents, records, assets, funds, property, or property rights, actual notice of an Order shall be deemed complete upon notification by any means, including, but not limited to, notice by first class mail, overnight delivery, international express mail, facsimile, electronic mail, or personally, by agents or employees of the SEC.

XI. DURATION.

This Order shall remain in effect until a final adjudication on the merits of this litigation, unless otherwise ordered by the Court.

XII. OTHER RELIEF.

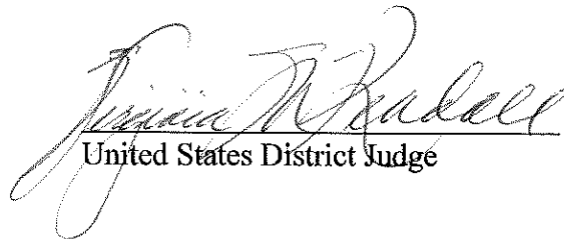
A. This Court shall retain jurisdiction of this matter for all purposes.

B. Pursuant to Federal Rule of Civil Procedure 65(c), no security is required of the

SEC.

C. Nothing contained in this Order limits the ability of the SEC to amend its complaint to the extent permissible by the Federal Rules of Civil Procedure and the Local Rules of this Court.

SO ORDERED this 6th day of April, 2017


United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

U.S. SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

BADIN RUNGRUANGNAVARAT,

Defendant.

Civil Action No.

13-CV- 4172

**EX PARTE TEMPORARY RESTRAINING ORDER,
ASSET FREEZE, AND OTHER ANCILLARY RELIEF**

This cause coming to be heard on the emergency motion of Plaintiff, the United States Securities and Exchange Commission (the “Commission”), for an *Ex Parte* Temporary Restraining Order, Asset Freeze, and Other Ancillary Relief, the Court having considered the Commission’s Complaint, the Emergency Motion, the Memorandum in support of such motion, and the Declaration of Kevin Barrett, and having been otherwise fully advised in the premises, finds that:

1. This Court has jurisdiction over the subject matter of this case and there is good cause to believe it will have jurisdiction over all parties hereto.
2. There is good cause to believe that the Commission will ultimately succeed in establishing that Defendant Badin Rungruangnavarat (“Defendant”) has engaged and is likely to engage in transactions, practices and courses of business that violate Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)], and Rule 10b-5 [17 C.F.R. §§ 240.10b-5] thereunder.

3. There is good cause to believe that Defendant will continue to engage in such transactions, acts, practices and courses of business and in such violations unless immediately restrained and enjoined by Order of this Court.

4. There is good cause to believe that, unless restrained and enjoined, Defendant will dissipate, conceal, or transfer from the jurisdiction of this Court, assets which could be subject to an order of disgorgement.

5. Therefore, Plaintiff's motion should be, and is, granted.

6. Accordingly, the Court orders as follows:

I.

VIOLATIONS OF EXCHANGE ACT SECTION 10(b) AND RULE 10b-5

IT IS HEREBY ORDERED that Defendant, his agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by personal service or otherwise, and each of them, be and hereby are temporarily restrained and enjoined from, directly or indirectly, in connection with the purchase or sale of securities, by the use of any means or instrumentality of interstate commerce or of the mails, or of any facility of any national securities exchange:

- (1) employing any device, scheme or artifice to defraud;
- (2) making any untrue statement of material fact or omitting to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- (3) engaging in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person

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

II.

ASSET FREEZE

A. **IT IS HEREBY FURTHER ORDERED** that, until otherwise ordered by this Court, Defendant, his agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by first class mail, overnight delivery, international express mail, facsimile, electronic mail, personal delivery, or any other means permitted in Section IV of this Order, and each of them, shall hold and retain within their control, and otherwise prevent any withdrawal, disposition, transfer, pledge, encumbrance, assignment, concealment, or dissipation of all assets in their possession, custody, or control, wherever located, in way related to transactions in the securities of Smithfield Foods, Inc. (“Smithfield”), including but not limited to (i) Smithfield stock, options, futures and other securities (“Smithfield securities”), (ii) proceeds from sales of Smithfield securities, and (iii) assets obtained as a result of trading in Smithfield securities or acquired with the proceeds from such trading. Assets covered by this order include the proceeds of the transactions in Smithfield securities that occurred in the following account, as well as any other assets in said account:

Brokerage Firm	Account Number	Account Holder
Interactive Brokers, LLC	U****902	Badin Rungruangnavarat

The securities, proceeds, and other assets covered by this asset freeze are hereafter referred to as the “Frozen Assets.”

B. **IT IS HEREBY FURTHER ORDERED** that, until otherwise ordered by this Court, Defendant, his agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this Order, by first class mail, overnight delivery, international express mail, facsimile, electronic mail, personal delivery, or any other means permitted in Section IV of this Order, and each of them, shall hold and retain within their control, and otherwise prevent any withdrawal, removal, assignment, transfer, pledge, encumbrance, disbursement, dissipation, conversion, sale, concealment, or other disposition of all Frozen Assets, wherever located.

C. **IT IS HEREBY FURTHER ORDERED** that, until otherwise ordered by this Court, any bank, brokerage, or other financial institution or custodian that, in the name of, on behalf of, or for the benefit of the Defendant, has possession, custody, or control of any Frozen Assets, shall prohibit such Defendant and all other persons from withdrawing, removing, assigning, transferring, pledging, encumbering, disbursing, dissipating, converting, selling, concealing, or otherwise disposing of any Frozen Assets. Notwithstanding the foregoing, any brokerage identified in the preceding paragraph may liquidate securities held in Defendant's account subject to the following conditions: (a) the proceeds of any such liquidation remain frozen and (b) the brokerage provides notice of such liquidation to the Commission's attorneys in this matter within one (1) business day of any such liquidation.

III.

REPATRIATION

IT IS HEREBY FURTHER ORDERED that:

A. Defendant, within seven (7) calendar days of entry of this Order, shall repatriate,

and take such steps as are necessary to repatriate, to the territory of the United States of America, any and all Frozen Assets (i) held in foreign bank, brokerage or other financial accounts; and (ii) transferred out of the United States from any account within the territory of the United States at any point from May 1, 2013 to the present.

~~B. Defendants shall provide to the Commission, within ten (10) calendar days of entry of this Order, a written description of all Frozen Assets required to be repatriated, and the status and location of such Frozen Assets.~~ *mc 6-5-13*

IV.

ALTERNATIVE MEANS OF SERVICE OF PROCESS

A. **IT IS HEREBY FURTHER ORDERED** that notice of this Order, or any other Orders of the Court or Notices required to be issued by Plaintiff, may be accomplished by delivery of a copy of the Order or Notice by first class mail, overnight delivery, international express mail, facsimile, electronic mail, or personally, by agents or employees of Plaintiff, (i) upon the Defendant or on the following agents of the Defendant: Interactive Brokers, LLC and any of its respective affiliates; and (ii) upon any bank, saving and loan institution, credit union, financial institution, transfer agent, broker-dealer, investment company, title company, commodity trading company, storage company, or any other person, partnership, corporation, or legal entity that may be subject to any provision of this Order.

For purposes of notice to anyone in possession of documents, records, assets, funds, property, or property rights, actual notice of this Order shall be deemed complete upon notification by any means, including, but not limited to, notice from distribution by facsimile transmission of the

first page, Sections II, III and the final page of this Order, provided that such notice is followed within five days by delivery of a complete copy of this Order.

B. **IT IS HEREBY FURTHER ORDERED** that service of pleadings governed by Rule 4 of the Federal Rules of Civil Procedure, including service of the summons and complaint, shall be attempted, where applicable and to the extent practical, pursuant to the provisions of the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil Matters, but may also be made personally, by facsimile, by email, by overnight courier, or by mail upon the Defendant, his attorney, his U.S. agents, including Interactive Brokers, LLC and any of its respective affiliates, to the extent permitted by law, by representatives of the Commission, representatives of the United States Postal Service, federal marshals, any other qualified person over the age of 21 years, or by an alternative provision for service permitted by Rule 4 of the Federal Rules of Civil Procedure, including the issuance of letters rogatory, or as this Court may direct by further order.

C. **IT IS HEREBY FURTHER ORDERED** that upon the submission by the Commission of appropriate forms of letters rogatory, the Court shall sign, and the Clerk of this Court shall promptly execute and return to counsel for the Commission for transmission to the appropriate foreign judicial authorities copies of the pleadings governed by Rule 4 of the Federal Rules of Civil Procedure for service upon the Defendant, his attorneys or agents, pursuant to the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.

V.

DOCUMENT PRESERVATION AND EXPEDITED DISCOVERY

A. **IT IS HEREBY FURTHER ORDERED** that, until further order of this Court, the Defendant and his agents, servants, employees, attorneys, trustees, depositories, banks, and those persons in active concert or participation with them who receive notice of this order, are hereby temporarily restrained and enjoined from, directly or indirectly, destroying, mutilating, concealing, altering, disposing of, or otherwise rendering illegible in any manner, any of the books, papers, emails, or communications, records, documents, correspondence, ledgers, accounts, statements, files, electronically stored information, and other property, in their possession, custody or control. Such documents include, but are not limited to, handwritten notes, memoranda, emails, and any other documents or information, whether stored electronically or in "hard copy." By way of illustration, the Defendant shall preserve (without limitation) any computers, emails, text messages, voicemails, calendar entries, contact lists, internet search histories, and any information posted or received on any social media sites. In addition, the Defendant is prohibited from attempting to have any such evidence in the possession, custody, or control of third parties destroyed or compromised in any manner.

B. **IT IS HEREBY ORDERED** that expedited discovery is authorized pursuant to the Federal Rules of Civil Procedure, including Rules 26, 30(a), 33(b), 34(b), 36, and 45. Pursuant to this provision and prior to any preliminary injunction hearing, the Commission may notice the Defendant's deposition, serve written discovery on the Defendant, and issue subpoenas to third parties. Plaintiff may effect service of such discovery on the Defendant or any third party by means outlined in the preceding Section IV. Discovery respondents shall

respond in writing and/or by producing documents, as appropriate, no later than three (3) calendar days after service. Failure to respond appropriately to discovery as required by this Order may result in the party being prohibited from introducing any evidence concerning the subject of discovery for any purpose at or in connection with any preliminary injunction or other hearing to determine whether the relief set forth in this Order should be extended.

C. **IT IS HEREBY ORDERED** that the Defendant shall serve an answer or otherwise appropriately respond to the Commission's Complaint within seven (7) calendar days from the date of this Order; the Court may deem the Commission's allegations admitted for purposes of the Commission's request for a preliminary injunction should the Defendant fail to serve an answer or otherwise appropriately respond to the Complaint within such time.

~~VI.~~

PROVISION OF IDENTIFYING INFORMATION

IT IS FURTHER ORDERED that Defendant shall submit in writing to Plaintiff Commission within two (2) business days following service of this Order, the following identifying information:

(A) all names by which Defendant is known, all of Defendant's business and residential addresses, postal box numbers, telephone numbers, facsimile numbers, email addresses, and the nationality of Defendant; and

(B) each account with any financial institution or brokerage firm maintained in Defendant's name or held for Defendant's direct or indirect beneficial interest from January 1, 2012 through the present, including, but not limited to, each

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~~account through which Defendant directed securities transactions since January 1, 2012, or in which the proceeds from such transactions are or were held.~~

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VII.

WAIVER OF REQUIREMENT OF FILING SEPARATE MOTION FOR PRELIMINARY INJUNCTION AND PERMISSION TO USE TRO FILINGS

A. **IT IS FURTHER ORDERED** that the Commission's Emergency Motion is also deemed to be a motion for a preliminary injunction order, and that the Commission is not required to file or serve a separate motion for a preliminary injunction in order to seek the entry of such preliminary relief pursuant to Fed. R. Civ. P. 65.

B. **IT IS FURTHER ORDERED** that the Court will consider all materials filed by the Commission in connection with its TRO motion to have been filed in connection with the Commission's motion for a preliminary injunction hearing. The Commission shall be permitted, but is not required, to file a supplemental brief and supporting exhibits in advance of any preliminary injunction hearing.

VIII.

IT IS FURTHER ORDERED that this Order shall be, and is, binding upon the Defendant, and each of his respective agents, servants, employees, attorneys, and those persons in active concert or participation with any of them who receive actual notice of this Order by personal service, facsimile service, service in accordance with Section IV of this Order, or otherwise.

IX.

DURATION OF ORDER, PRELIMINARY INJUNCTION HEARING DATE

A. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Order shall expire at 11:59 p.m., fourteen (14) days after the date of entry, or such later date as may be extended by the Court, or agreed upon by the parties hereto.

B. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Defendant shall personally appear before this Court on the ____th day of June, 2013 at _____.m., and then and there show cause why this Court should not enter a preliminary injunction and order preliminary relief against the Defendant pursuant to Rule 65 of the Federal Rules of Civil Procedure extending the temporary relief granted in this Order until a final adjudication on the merits may be had.

X.

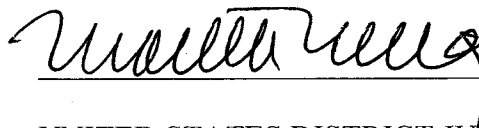
LIFTING OF SEAL

Upon the entry of this Order, the seal in this case is hereby lifted.

IT IS SO ORDERED.

Dated: June 5, 2013

3:15 pm



UNITED STATES DISTRICT JUDGE