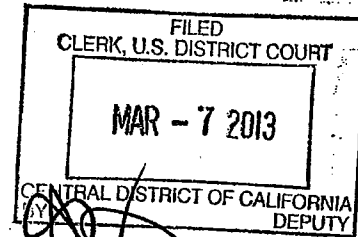


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**ORIGINAL**

10 UNITED STATES DISTRICT COURT  
11 CENTRAL DISTRICT OF CALIFORNIA

12 SECURITIES AND EXCHANGE  
13 COMMISSION,

14 Plaintiff,

15 vs.

16 ALVIN R. BROWN, FIRST CHOICE  
17 INVESTMENT, INC., and ADVANCED  
CORPORATE ENTERPRISES, INC. d/b/a  
18 A-CORP ENTRPRISES a/k/a ACORP  
DEVELOPMENT a/k/a A-CORP  
19 INVESTMENT,

20 Defendants.

Case No. **CV13-01629** - ABC  
(VBKd)  
**PROPOSED TEMPORARY  
RESTRAINING ORDER AND  
ORDER TO SHOW CAUSE WHY  
A PRELIMINARY INJUNCTION  
SHOULD NOT BE GRANTED**

**UNDER SEAL**

21 This matter came before the Court upon Plaintiff Securities and Exchange  
22 Commission's *Ex Parte* Application for a Temporary Restraining Order and Order  
23 To Show Cause Why a Preliminary Injunction Should Not Be Granted (the "TRO  
24 Application").

25 The Court, having considered the Commission's Complaint, the TRO  
26 Application, the supporting Memorandum of Points and Authorities, the supporting  
27 declarations and exhibits, and the other evidence and argument presented to the  
28 Court, finds that:

- 1 A. This Court has jurisdiction over the parties to, and the subject matter  
2 of, this action.
- 3 B. Good cause exists to believe that Defendants Alvin R. Brown  
4 (“Brown”), First Choice Investment, Inc. (“FCI”) and Advanced  
5 Corporate Enterprises, Inc. (d/b/a A-Corp Enterprises, a/k/a ACorp  
6 Development a/k/a A-Corp Investment) (“ACorp”) and each of them  
7 (collectively “Defendants”), have engaged in, are engaging in, and are  
8 about to engage in transactions, acts, practices and courses of business  
9 that constitute violations of Sections 5(a), 5(c), and 17(a) of the  
10 Securities Act of 1933 (“Securities Act”), 15 U.S.C. § 77e(a), 77e(c),  
11 77q(a), and Section 10(b) of the Securities Exchange Act of 1934  
12 (“Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17  
13 C.F.R. § 240.10b-5.
- 14 C. The Commission has demonstrated (1) a *prima facie* case that one or  
15 more violations of the securities laws has occurred and (2) a  
16 reasonable likelihood that the violations will be repeated.
- 17 D. It is appropriate and the interests of justice require that the  
18 Commission’s TRO Application be granted without notice to  
19 Defendants as the Commission has set forth in its Application the  
20 reasons supporting its claim that notice should not be required, and it  
21 appears from specific facts shown by the declarations filed by the  
22 Commission that immediate and irreparable injury, loss or damage  
23 will result if notice is given to Defendants.

24 I.

25 IT IS HEREBY ORDERED that the Commission’s application for a  
26 Temporary Restraining Order against Brown, FCI, and ACorp, and Order To Show  
27 Cause Why a Preliminary Injunction Should Not Be Granted is GRANTED.

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**II.**

IT IS FURTHER ORDERED that Brown, FCI, and ACorp, and their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those persons in active concert or participation with any of 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 the absence of any applicable exemption:

- A. unless a registration statement is in effect as to a security, making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell such security through the use or medium of any prospectus or otherwise;
- B. unless a registration statement is in effect as to a security, carrying or causing to be carried through the mails or in interstate commerce, by any means or instruments of transportation, any such security for the purpose of sale or for delivery after sale; or
- C. making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell or offer to buy through the use or medium of any prospectus or otherwise any security, unless a registration statement has been filed with the Commission as to such security, or while the registration statement is the subject of a refusal order or stop order or (prior to the effective date of the registration statement) any public proceeding or examination under Section 8 of the Securities Act, 15 U.S.C. § 77h.

in violation of Section 5 of the Securities Act, 15 U.S.C. § 77e.

**III.**

IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp, and their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those persons in active concert or participation with any of them, who receive actual

1 notice of this Order, by personal service or otherwise, and each of them, be and  
2 hereby are temporarily restrained and enjoined from, directly or indirectly, in the  
3 offer or sale of any securities, by the use of any means or instruments of  
4 transportation or communication in interstate commerce or by the use of the mails:

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

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

13 **IV.**

14 **IT IS FURTHER ORDERED** that Defendants Brown, FCI, and ACorp, and  
15 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates,  
16 and those persons in active concert or participation with any of them, who receive  
17 actual notice of this Order, by personal service or otherwise, and each of them, be  
18 and 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;

1 in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and  
2 Rule 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 Brown, FCI, and ACorp, and their officers, agents, servants,  
6 employees, attorneys, subsidiaries and affiliate, and those persons in active concert  
7 with them, who receive actual notice of this Order, by personal service or  
8 otherwise, and each of them, be and hereby are permanently restrained and  
9 enjoined from, directly or indirectly, transferring, assigning, selling, hypothecating,  
10 changing, wasting, dissipating, converting, concealing, encumbering, or otherwise  
11 disposing of, in any manner, any funds, assets, securities, claims or other real or  
12 personal property, including any notes or deeds of trust or other interest in real  
13 property, wherever located, of any one of the Defendants, or their subsidiaries or  
14 affiliates, owned by, controlled by, managed by or in the possession or custody of  
15 any of them and from transferring, encumbering dissipating, incurring charges or  
16 cash advances on any debit or credit card of the credit arrangement of any one of  
17 the Defendants, or their subsidiaries and affiliates.

18 VI.

19 IT IS FURTHER ORDERED that, except as otherwise ordered by this  
20 Court, an immediate freeze shall be placed on all monies and assets (with an  
21 allowance for necessary and reasonable living expenses to be granted only upon  
22 good cause shown by application to the Court with notice to and an opportunity for  
23 the Commission to be heard) in all accounts at any bank, financial institution or  
24 brokerage firm, or Internet or "e-commerce" payment processor, all certificates of  
25 deposit, and other funds or assets, held in the name of, for the benefit of, or over  
26 which account authority is held by any one of the Defendants, including but not  
27 limited to the accounts listed below:

	<b>Bank Name</b>	<b>Account Name</b>	<b>Account Number</b>
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3	Chase	First Choice Investment, Inc.	XXXXXX6762
4	Chase	First Choice Investment, Inc.	XXXXXX6770
5	Chase	First Choice Investment, Inc.	XXXXXX9282
6	Chase	First Choice Investment, Inc. DBA First Choice	XXXXXX3728
7		Energy Partners, LP	
8	Chase	First Choice Investment, Inc.	XXXXXX2843
9	Chase	First Choice Investment, Inc. DBA First Choice	XXXXXX7889
10		Energy Partners, LP	
11	Chase	First Choice Investment, Inc. DBA First Choice	XXXXXX2830
12		Energy Partners, LP	
13	Chase	Alvin Brown DBA First Choice Investment, Inc.	XXXXXX4308
14	Chase	Advanced Corporate Enterprises, Inc. DBA	XXXXXX5686
15		Advanced Capital Enterprise	
16	Chase	Advanced Corporate Enterprises, Inc.	XXXXXX2975
17	Chase	Advanced Corporate Enterprises, Inc.	XXXXXX3177
18	Chase	Advanced Corporate Enterprises, Inc.	XXXXXX6127
19	Chase	Advanced Corporate Enterprises, Inc.	XXXXXX7448
20	Chase	Advanced Corporate Enterprises Inc. DBA	XXXXXX5698
21		Advanced Capital Enterprise	
22	Chase	Advanced Concepts Enterprises, Inc.	XXXXXX4076
23	Chase	Advanced Concepts Enterprises, Inc.	XXXXXX2983
24	Chase	Advanced Concepts Enterprises, Inc.	XXXXXX9277
25	Chase	Advanced Assets Solutions, Inc.	XXXXXX3413
26	Chase	Advanced Assets Solutions, Inc.	XXXXXX9137
27	Chase	Advanced Assets Solutions, Inc.	XXXXXX6689
28	Chase	Advanced Assets Solutions, Inc.	XXXXXX7174

Bank Name	Account Name	Account Number
Chase	Alvin Roy Brown or Debra Brown	XXXXXX0549
Chase	Alvin Roy Brown or Debra Brown	XXXXXX4442
Chase	Benjamin Brown and Alvin Roy Brown	XXXXXX5339
Chase	Jessie Brown and Alvin Roy Brown	XXXXXX5321

**VII.**

IT IS FURTHER ORDERED that Krista Freitag is appointed as Receiver of Defendants FCI and ACorp and the entities they control and manage, with full powers of an equity receiver, including, but not limited to, full power over all funds, assets, collateral, premises (whether owned, leased, occupied, or otherwise controlled), choses in action, books, records, papers and other property belonging to, being managed by or in the possession of or control of FCI or ACorp and their subsidiaries and affiliates, and that such Receiver is immediately authorized, empowered and directed:

- A. to have access to and to collect and take custody, control, possession, and charge of all funds, assets, collateral, premises (whether owned, leased, occupied, or otherwise controlled), choses in action, books, records, papers and other real or personal property, wherever located, of or managed by FCI or ACorp, and their subsidiaries and affiliates, with full power to sue, foreclose, marshal, collect, receive, and take into possession all such property including access to and taking custody, control, and possession of all such FCI and ACorp property, and that of their subsidiaries and affiliates; the Receiver shall have authority to enter and secure the premises located at 409 N. Pacific Coast Highway, Suite 700, Redondo Beach, California 90277, 4712 Admiralty Way Suite 912, Marina Del Rey, CA 90292, and any other

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locations at which FCI or ACorp operates their businesses, including by locksmith and change of key;

B. to have control of, and to be added as the sole authorized signatory for, all accounts of the entities in receivership, including all accounts at any bank, title company, escrow agent, financial institution or brokerage firm which has possession, custody or control of any assets or funds of FCI and ACorp and their subsidiaries and affiliates, or which maintains accounts over which FCI and ACorp, and their subsidiaries and affiliates, and/or any of their employees or agents have signatory authority;

C. to conduct such investigation and discovery as may be necessary to locate and account for all of the assets of or managed by FCI and ACorp, and their subsidiaries and affiliates, and to engage and employ attorneys, accountants and other persons to assist in such investigation and discovery;

D. to take such action as is necessary and appropriate to preserve and take control of and to prevent the dissipation, concealment, or disposition of any assets of or managed by FCI and ACorp, and its subsidiaries and affiliates;

E. to make an accounting, as soon as practicable, to this Court and the Commission of the assets and financial condition of FCI and ACorp and to file the accounting with the Court and deliver copies thereof to all parties;

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



- 1 G. to employ attorneys, accountants, and others to investigate and, where  
2 appropriate, to institute, pursue, and prosecute all claims and causes of  
3 action of whatever kind and nature which may now or hereafter exist  
4 as a result of the activities of present or past employees or agents of  
5 FCI and ACorp, and their subsidiaries and affiliates;
- 6 H. to have access to and monitor all mail, electronic mail, and video  
7 phone of the entities in receivership in order to review such mail,  
8 electronic mail, and video phone which she deems relates to their  
9 business and the discharging of her duties as Receiver;
- 10 I. to operate and control the content of information posted on any  
11 Internet website maintained by FCI and ACorp and their subsidiaries  
12 and affiliates; and
- 13 J. to exercise all the lawful powers of FCI and ACorp and their  
14 subsidiaries and affiliates, and their officers, directors, employees,  
15 representatives, partners, or persons who exercise similar powers and  
16 perform similar duties.

17 **VIII.**

18 IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp, and  
19 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates,  
20 any other entities in receivership, and any other persons who are in custody,  
21 possession or control of any assets, collateral, books, records, papers or other  
22 property of or managed by any of the entities in receivership, shall forthwith give  
23 access to and control of such property to the Receiver.

24 **IX.**

25 IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp, and  
26 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates,  
27 and any other entities in receivership, shall, within 24 hours of the issuance of this  
28 Order, cause to be prepared and delivered to the Receiver, a detailed and complete

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

14 **X.**

15 IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp, and  
16 their officers, agents, servants, employees, attorneys, subsidiaries and affiliates,  
17 and any other entities in receivership, shall, within 24 hours of the issuance of this  
18 Order, cause to be prepared and delivered to the Receiver a detailed and complete  
19 schedule of all passwords, usernames, and identification numbers for all websites,  
20 email accounts, and all accounts and any bank, financial institution or brokerage  
21 firm operated by or to which Brown, FCI, and ACorp.

22 **XI.**

23 IT IS FURTHER ORDERED that no officer, agent, servant, employee or  
24 attorney of FCI and ACorp, and their subsidiaries and affiliates, shall take any  
25 action or purport to take any action, in the name of or on behalf of FCI and ACorp,  
26 and their subsidiaries and affiliates, without the written consent of the Receiver or  
27 order of this Court.

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**XII.**

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

- A. commencing, prosecuting, continuing or enforcing any suit or proceeding (other than the present action by the Commission or any other action by the government) against any of them;
- B. 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 or property interests owned by or in the possession of FCI and ACorp, or their subsidiaries and affiliates; and
- C. doing any act or thing whatsoever to interfere with taking control, possession or management by the Receiver appointed hereunder of the property and assets owned, controlled or managed by or in the possession of Brown, FCI, or ACorp, or their subsidiaries and affiliates, or in any way to interfere with or harass the Receiver or his attorneys, accountants, employees, or agents or to interfere in any manner with the discharge of the Receiver's duties and responsibilities hereunder.

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**XIII.**

IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp, and their subsidiaries, affiliates, officers, agents, servants, employees and attorneys, shall cooperate with and assist the Receiver and shall take no action, directly or indirectly, to hinder, obstruct, or otherwise interfere with the Receiver or her attorneys, accountants, employees or agents, in the conduct of the Receiver's duties or to interfere in any manner, directly or indirectly, with the custody, possession, management, or control by the Receiver of the funds, assets, collateral, premises, and choses in action described above.

**XIV.**

IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp, and their subsidiaries and affiliates, shall pay the costs, fees and expenses of the Receiver incurred in connection with the performance of her duties described in this Order, including the costs and expenses of those persons who may be engaged or employed by the Receiver to assist her in carrying out her duties and obligations. All applications for costs, fees, and expenses for services rendered in connection with the receivership other than routine and necessary business expenses in conducting the receivership, such as salaries, rent, and any and all other reasonable operating expenses, shall be made by application setting forth in reasonable detail the nature of the services and shall be heard by the Court.

**XV.**

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

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**XVI.**

IT IS FURTHER ORDERED that representatives of the Commission and any law enforcement agency are authorized to have continuing access to inspect or copy any or all of the corporate books and records and other documents of FCI and ACorp and the other entities in receivership, and continuing access to inspect their funds, property, assets and collateral, wherever located.

**XVII.**

IT IS FURTHER ORDERED that, except as otherwise ordered by this Court, each of the Defendants, and their officers, agents, servants, employees, attorneys, subsidiaries and affiliates, and those persons in active concert or participation with any of 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: destroying, mutilating, concealing, transferring, altering, or otherwise disposing of, in any manner, any documents, which includes all books, records, computer programs, computer files, computer printouts, contracts, emails, correspondence, memoranda, brochures, or any other documents of any kind in their possession, custody or control, however created, produced, or stored (manually, mechanically, electronically, or otherwise), pertaining in any manner to Defendants Brown, FCI, and ACorp.

**XVIII.**

IT IS FURTHER ORDERED that the Commission's application for expedited discovery be and hereby is granted and that the Commission may take depositions of Defendants and non-parties upon oral examination subject to two calendar days' notice pursuant to Rules 30(a) and 45 of the Federal Rules of Civil Procedure, that the Commission may take more than one deposition at the same time, that depositions of the Defendants may be taken on any day, including Saturdays, Sundays and holidays, subject to two calendar days' notice, including notice given personally, by facsimile or by electronic mail. These depositions shall

1 not count against the limits on the number and duration of depositions set forth in  
2 the Federal Rules of Civil Procedure.

3 **XIX.**

4 IT IS FURTHER ORDERED that Defendants Brown, FCI, and ACorp,  
5 within five days of the issuance of this Order, shall prepare and deliver to the  
6 Commission a detailed and complete schedule of all of their personal assets,  
7 including all real and personal property exceeding \$5,000 in value, and all bank,  
8 securities, and other accounts identified by institution, branch address and account  
9 number. The accounting shall include a description of the sources of all such  
10 assets. Such accounting shall be filed with the Court and a copy shall be delivered  
11 to the Commission's Los Angeles Regional Office to the attention of Sam  
12 Puathasnanon, Senior Trial Counsel. After completion of the accounting, each of  
13 the Defendants shall produce to the Commission's Los Angeles Regional Office, at  
14 a time agreeable to the Commission, all books, records and other documents  
15 supporting or underlying their accounting.

16 **XX.**

17 IT IS FURTHER ORDERED that any person who receives actual notice of  
18 this Order by personal service or otherwise, and who holds, possesses or controls  
19 assets exceeding \$5,000 for the account or benefit of any one of the Defendants,  
20 shall within 5 days of receiving actual notice of this Order provide counsel for the  
21 Commission with a written statement identifying all such assets, the value of such  
22 assets, or best approximation thereof, and any account numbers or account names  
23 in which the assets are held.

24 **XXI.**

25 IT IS FURTHER ORDERED that this Temporary Restraining Order shall  
26 expire at noon on March 18, 2013 unless for good cause shown it is extended  
27 or the parties against whom it is directed consent that it may be extended for a  
28 longer period.

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XXII.

IT IS FURTHER ORDERED that at 10:00 a.m. on March 18, 2013, or as soon thereafter as the parties may be heard, the Defendants, and each of them, shall appear before the Honorable Audrey B. Collins, Judge of the United States District Court for the Central District of California, to show cause, if there be any, why a preliminary injunction should not be granted and a Receiver should not be permanently appointed by the Court. The Court-appointed Receiver shall provide notice of this Temporary Restraining Order and the Order to Show Cause Why a Preliminary Injunction Should Not Be Granted, by certified mail, on all receivership entities. Any declarations, affidavits, points and authorities, or other submissions in support of, or in opposition to, the issuance of such an Order shall be filed with the Court and delivered to the Commission's Los Angeles office and the offices of the Defendants or their attorneys no later than 10:00 a.m. on March 13, 2013. Any reply papers shall be filed with the Court and delivered to opposing counsel no later than NOON on March 15, 2013. Service of all such papers shall be by electronic mail, facsimile, or personal service.

XXIII.

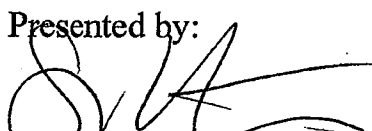
IT IS FURTHER ORDERED that this Court shall retain jurisdiction over this action for the purpose of implementing and carrying out the terms of all orders and decrees which may be entered herein and to entertain any suitable application or motion for additional relief within the jurisdiction of this Court.

IT IS SO ORDERED.

Dated: March 7, 2013

Audrey B. Collins  
UNITED STATES DISTRICT JUDGE

Presented by:

  
Sam S. Puathasnanon  
Gary Y. Leung  
Jacob A. Regenstreif  
Attorneys for Plaintiff Securities and Exchange Commission