

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

\_\_\_\_\_  
U.S. Commodity Futures Trading Commission,

Plaintiff,

v.

Trevor Cook d/b/a Crown Forex, LLC, Patrick  
Kiley d/b/a Crown Forex, LLC, Universal  
Brokerage FX and Universal Brokerage FX  
Diversified, Oxford Global Partners, LLC,  
Oxford Global Advisors, LLC, Universal  
Brokerage FX Advisors, LLC f/k/a UBS  
Diversified FX Advisors, LLC, Universal  
Brokerage FX Growth, L.P. f/k/a UBS  
Diversified FX Growth L.P., Universal  
Brokerage FX Management, LLC f/k/a UBS  
Diversified FX Management, LLC and UBS  
Diversified Growth, LLC,

Defendants.

No. 09 cv 3332 (MJD/FLN)

Hon. Michael J. Davis

**PLAINTIFF’S MOTION TO AMEND ORDER OF  
PERMANENT INJUNCTION AND OTHER ANCILLARY  
RELIEF AGAINST TREVOR COOK d/b/a CROWN FOREX, LLC**

Pursuant to Rule 7.1(a) of the Local Rules of the United States District Court for the District of Minnesota, Plaintiff Commodity Futures Trading Commission (“CFTC”) respectfully moves the Court for an Order amending the Court’s prior Agreed Order for Permanent Injunction and Other Ancillary Relief Against Trevor Cook d/b/a Crown Forex, LLC (Dkt. #472). In support of its Motion, the CFTC states as follows:

1. On November 23, 2009, the CFTC filed suit against Defendant Trevor G. Cook d/b/a Crown Forex, LLC (“Cook”) and others alleging violations of the Commodity Exchange Act (“Act”), as amended by the Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, Title XIII, §§ 13101-13204, 122 Stat. 1651 (enacted June 18, 2008), to be codified at 7 U.S.C. § 1 *et seq.*, arising from Cook’s solicitation of off-exchange foreign currency contracts (Dkt. #1). The CFTC’s Complaint charged Cook with violations of the anti-fraud provisions of the Act, Sections 4b(a)(2)(A), (B) and (C), 7 U.S.C. §§ 6b(a)(2)(A), (B) and (C), for making material misrepresentations and failing to disclose material facts to his retail forex customers, issuing false account statements to customers, and misappropriating customers’ funds.

2. On September 28, 2010, this Court entered an Agreed Order for Permanent Injunction and Other Ancillary Relief against Cook permanently enjoining him from committing future violations of the Act and granting other injunctive relief (Dkt. #472).

3. The Agreed Order provided that “[t]he issues of necessary statutory relief and equitable relief regarding appropriate restitution for defrauded customers and disgorgement and a civil monetary penalty for Defendant Cook are still unresolved. If the parties do not reach agreement, these issues shall be resolved through further proceedings before this Court, including trial.” In addition, the Agreed Order continued the existing freeze on Cook’s assets “[u]ntil the issues of restitution, disgorgement and a civil monetary penalty are resolved.” (Dkt. #472 at 8-9).

4. On August 25, 2010, Cook was sentenced to 240 months in prison and ordered to pay \$158,211,092.34 in restitution in a parallel criminal matter, *United States*

*v. Trevor Gilson Cook*, Case No. 10-CR-75(01) (JMR), which arose from the same facts and fraudulent conduct underlying the CFTC's action against Cook.

5. In light of Cook's restitution obligation and prison sentence in the criminal matter, the CFTC does not intend to seek disgorgement, restitution or civil monetary penalties against Cook in this case, and therefore seeks a modification of the Court's September 28, 2010, Agreed Order for Permanent Injunction. Specifically, the CFTC requests that the Court modify its Order to remove paragraphs 14 and 15, which address the need for disgorgement, restitution and civil monetary penalties.

6. The proposed modification to the Court's Agreed Order will resolve the CFTC's claims against Cook. The CFTC has conferred with Cook's counsel and he does not oppose the CFTC's proposed modifications to the Court's Agreed Order.

WHEREFORE, the CFTC respectfully requests that the Court modify its Agreed Order for Permanent Injunction and Other Ancillary Relief Against Trevor Cook d/b/a Crown Forex, LLC to incorporate the changes referenced above.

Dated: May 5, 2011

s/David Slovick  
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