
UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

U.S. COMMODITY FUTURES
TRADING COMMISSION,

Plaintiff(s)

Case No: 09-cv-3332 MJD/JJK

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, UNIVERAL
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,

Defendant(s)

R.J. ZAYED,

Receiver.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,

Case No: 09-cv-3333 MJD/JJK

Plaintiff(s)

v.

TREVOR G. COOK,
PATRICK J. KILEY,
UBS DIVERSIFIED GROWTH, LLC,
UNIVERSAL BROKERAGE FX
MANAGEMENT, LLC,
OXFORD GLOBAL ADVISORS, LLC,
and OXFORD GLOBAL PARTNERS, LLC,

Defendants

and

BASEL GROUP, LLC,
CROWN FOREX, LLC,
MARKET SHOT, LLC,
PFG COIN AND BULLION,
OXFORD DEVELOPERS, S.A.,
OXFORD FX GROWTH, L.P.,
OXFORD GLOBAL MANAGED
FUTURES FUND, L.P., UBS DIVERSIFIED
FX ADVISORS, LLC, UBS DIVERSIFIED
FX GROWTH, L.P., UBS DIVERSIFIED
FX MANAGEMENT, LLC, CLIFFORD
BERG, and ELLEN BERG,

Relief Defendants.

R.J. ZAYED,

Receiver.

SETTLEMENT AND STIPULATION

The parties to this settlement and stipulation are R.J. Zayed, the Court-appointed Receiver in the cases of *SEC v. Cook et al.*, 09-cv-3333 (D. Minn. 2009) and *CFTC v. Cook et al.*, 09-cv-3332 (D. Minn. 2009), and John Dzik, named Respondent in the Receiver's Petition for Return of Receivership Assets from Investor Respondents. (SEC Docket No. 384 (July 23, 2010); CFTC Docket No. 354 (July 23, 2010).)

On July 23, 2010 the Receiver filed a Petition for Return of Receivership Assets from Investor Respondents seeking, in part, the return of \$753,900.00 in Receivership funds from Respondent John Dzik ("the Respondent"). (SEC Docket No. 384; CFTC Docket No. 354.) To promote the efficient and expeditious return of the Receivership funds, the Receiver offered to settle with the Respondent for \$687,900.00—the amount of Receivership funds that the Respondent received,¹ less a settlement discount of 10% of the Respondent's invested principal.² The Respondent and the Receiver hereby agree to settle this matter on the following terms:

¹ The Receiver filed a claim against the Respondent seeking the return of \$753,900.00 in Receivership funds. The Respondent has provided documentation to show that he never cashed two checks from Receivership accounts totaling \$4,200.00. Thus the Respondent actually received \$749,700.00 in Receivership funds and the settlement amount was revised to reflect this correction.

² The Respondent invested \$618,000.00—his settlement discount (10%) is therefore \$61,800.00.

- 1) The Respondent agrees to return \$687,900.00 in Receivership funds in full settlement of the Receiver's claim for \$753,900.00 against the Respondent.
- 2) The Respondent stipulates that he received \$749,700.00 in Receivership funds on or after June 22, 2009.
- 3) The Respondent further stipulates that the \$749,700.00 in Receivership funds he received were rolled into an Individual Retirement Account ("IRA") in the Respondent's name at Fidelity Brokerage Services LLC ("Fidelity"), account number XXX-XXX097.
- 4) The Respondent releases and relinquishes any claim to or ownership interest in \$687,900.00 of the \$749,700.00 in Receivership funds located in Fidelity IRA account number XXX-XXX097.
- 5) The Respondent agrees to the return of \$687,900.00 in Receivership funds—currently located in Fidelity IRA account number XXX-XXX097—to the Receiver.
- 6) The Respondent agrees that Fidelity shall transfer \$687,900.00 to the Receiver from IRA account number XXX-XXX097, the payment to be made by wire transfer by no later than August 27, 2010.
- 7) Upon receipt of a wire transfer in the amount of \$687,900.00, the Receiver agrees to release the Respondent from any further liability with respect to the \$753,900.00 sought by the Receiver's Petition for Return of Receivership Assets from Investor Respondents (SEC Docket No. 384; CFTC Docket No. 354) and agrees to dismiss his claim against Respondent.

- 8) The Respondent further agrees that should the Respondent file a claim for restitution with the Receiver, the \$61,800.00 settlement discount will also be deducted from his claim.
- 9) The parties agree that the terms of this Settlement and Stipulation are to be fully public.

The parties stipulate to entry of an order as follows:

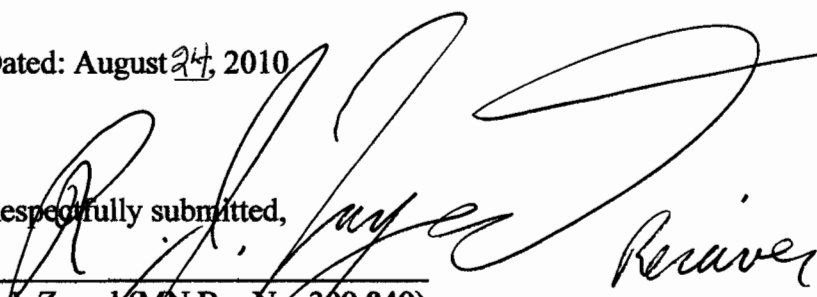
This matter came before the Court on the Receiver's Petition for Return of Receivership Assets from Investor Respondents (SEC Docket No. 384; CFTC Docket No. 354), seeking the return of \$753,900.00 in Receivership funds from Investor Respondent John Dzik. The Court being fully advised in the premises hereby ORDERS as follows:

- (1) Respondent Dzik received \$749,700.00 in Receivership funds on or after June 22, 2009 and placed the funds in Investment Retirement Account ("IRA") number XXX-XXX097 at Fidelity Brokerage Services LLC ("Fidelity"). Pursuant to the Settlement and Stipulation filed with this Court (SEC Docket No. __; CFTC Docket No. __), \$687,900.00 of those funds shall be returned to the Receiver in satisfaction of the Receiver's claim against Respondent Dzik;
- (2) Fidelity shall return to the Receiver \$687,900.00 in Receivership funds currently located in IRA account number XXX-XXX097. Fidelity shall wire this amount directly to the Receiver's account by no later than August 27, 2010;
- (3) Upon receipt of the \$687,900.00 from Fidelity, the Receiver shall dismiss his claim against Respondent Dzik; and

- (4) The Court retains jurisdiction over this matter to enforce all terms contained in the settlement and stipulation filed by the parties.

Dated: August ~~24~~²⁷, 2010

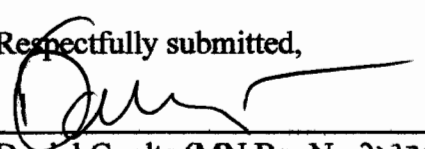
Respectfully submitted,


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Respectfully submitted,


John Dzik

Respectfully submitted,


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