

Patrick J. Kiley; (2) Defendants UBS Diversified Growth LLC, Universal Brokerage FX Management, LLC, Oxford Global Advisors, LLC, Oxford Global Partners, LLC; (3) Relief Defendants 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, UBS Diversified FX Advisors, LLC, UBS Diversified FX Growth L.P., and UBS Diversified FX Management LLC; (4) all funds, accounts, and other assets held by or for Relief Defendants Clifford Berg and Ellen Berg, which were received, directly or indirectly, from the Defendants or were acquired with funds or other assets received, directly or indirectly, from the Defendants; and (5) every other corporation, partnership, trust and/or other entity (regardless of form) which is directly or indirectly owned by or under the direct or indirect control of Cook and Kiley (collectively the “Receiver Estates”). *Order Appointing Receiver*, Docket No. 13, at 4 (Nov. 23, 2009); *see also Amended Order Appointing Receiver*, Docket No. 18, at 4 (Nov. 24, 2009); *Second Amended Order Appointing Receiver*, Docket No. 68 (Dec. 11, 2009).

3. R.J. Zayed has also been appointed Receiver in the case of *CFTC v. Cook*, No. 09-cv-3332 MJD/JJK (D. Minn. Nov. 23, 2009). *Ex Parte Statutory Restraining Order*, Docket No. 21, at 7; *see also Order Continuing Appointment of Temporary Receiver*, Docket No. 96 (Dec. 11, 2009). As the Receiver Estates in this case largely overlap with the Receivership assets in *CFTC v. Cook*, the

Receiver has filed a parallel motion in *CFTC v. Cook*. Although the Receiver is filing parallel motions, it seeks only a single Order in this motion.

4. Attached hereto as **Exhibit 1** is a true and correct copy of Docket No. 18 in this action.

5. Attached hereto as **Exhibit 2** is a true and correct copy of ECF #14 in this action, a November 23, 2009 *Order Imposing Asset Freeze And Other Ancillary Relief*.

6. Attached hereto as **Exhibit 3** is a true and correct copy of two Consignment Forms of Luther Auctions, dated January 8, 2010, listing all material that would be sold at public auction were the Receiver's Motion to be granted.

7. Luther Auctions is willing to sell the listed items to the highest bidder by public auction, and has promised to provide substantial public advertising of these items' sale in order to maximize the revenue from the sale.

8. Luther Auctions conducts auctions weekly, and they would plan to gradually introduce the items from Exhibit 3 over the course of several auctions.

9. Luther Auctions has negotiated a flat 20% commission rate on all sales they make of the items listed in Exhibit 3, with the remaining portion going to the Receiver. This 20% fee covers the cost of staffing for the sale, advertising, website hosting and recycling of non-salable goods such as antiquated personal computers.

I state under penalty of perjury that the foregoing is true and correct.

Dated: January 12, 2010

s/ Brian Hayes
Brian Hayes