

**IN THE UNITED STATES DISTRICT COURT  
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 FOR SUMMARY JUDGMENT AND FOR A  
PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF  
AGAINST DEFENDANT PATRICK KILEY d/b/a CROWN FOREX, LLC  
UNIVERSAL BROKERAGE FX and UNIVERSAL BROKERAGE FX  
DIVERSIFIED**

1. Pursuant to Federal Rule of Civil Procedure 56 and Local Rule 7.1(b), Plaintiff, Commodity Futures Trading Commission (“Commission” or “CFTC”), files this Motion For Summary Judgment and for a permanent injunction and other equitable relief against Defendant Patrick Kiley d/b/a Crown Forex, LLC, Universal Brokerage FX and Universal Brokerage FX Diversified (“Kiley”) on all counts alleged in the Commission’s Complaint. In support of this

Motion, the Commission submits and incorporates into this Motion the following:

(1) all pleadings and other papers filed in this case, in *U.S. Securities and Exchange Commission v. Trevor G. Cook et al.*, Case No. 09-cv-3333 (MJD/FLN), and in *USA v. Patrick Joseph Kiley et al.*, No. 11-228 (D. MN) (MJD/JJK)(“*USA v. Kiley*”); and (2) Plaintiff’s Statement of Undisputed Material Facts in Support of its Motion for Summary Judgment against Kiley; (3) the Memorandum of Law in Support of Plaintiff’s Motion for Summary Judgment against Kiley (“Memorandum of Law”); and (4) the Supplementary Appendix of Evidentiary Materials filed contemporaneously with this Motion.

2. As demonstrated by the accompanying Statement of Undisputed Facts and Memorandum of Law, there is no genuine dispute as to any material fact that precludes entry of judgment as a matter of law in favor of the Commission on the Complaint’s charges against Defendant Kiley, and the Commission is entitled to judgment as a matter of law on those charges. The Commission is further entitled to entry of a permanent injunction against Defendant Kiley, including permanent trading and registration bans, an order requiring Kiley to pay disgorgement, and such further relief as this Court deems necessary and appropriate under the circumstances.

**WHEREFORE**, for the reasons set forth above, the Commission respectfully requests that this Court enter judgment as a matter of law against Defendant Kiley finding that Kiley violated Section 4b(a)(2)(A)-(C) of the Act, 7 U.S.C. § 6b(a)(2)(A)-(C) by, *inter alia*, misrepresenting Kiley’s and others’ past

success trading off exchange foreign currency transactions (“forex”), providing false account statements to customers, and guaranteeing profits while misappropriating customer funds.

The Commission further respectfully requests that this Court enter an order of permanent injunction, including permanent trading and registration bans against Defendant Kiley; order him to pay disgorgement in the amount of \$13,233,449.97 as described in the Memorandum of Law; and grant such further relief as this Court deems necessary and appropriate under the circumstances.

Dated: March 12, 2015

Respectfully submitted,

/s/Susan Gradman

Susan Gradman

Attorney for Plaintiff,

Commodity Futures Trading

Commission

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