
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.

STIPULATION

The parties to this 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 Clifford and Ellen Berg (“the Bergs”), Relief Defendants in *SEC v. Cook et al.*, 09-cv-3333 (D. Minn. 2009).

On May 5, 2010 the Receiver filed a Motion to Compel the Bergs to Return Receivership Funds. (SEC Docket No. 309; CFTC Docket No. 295). The Bergs and the Receiver hereby stipulate to resolution of this motion on the following terms:

- 1) The Bergs agree that they received \$948,848.36 in Receivership funds from May 2007 through July 2009.
- 2) The Bergs agree that on April 6, 2010, the Receiver took possession of \$726,650.38 in Receivership funds located in the Bergs’ bank accounts, and that the Bergs failed to return \$222,197.98 in Receivership funds to the Receiver.
- 3) The Receiver agrees that the Bergs have provided adequate documentation demonstrating good faith and reasonably equivalent value as to \$13,500 the Bergs received on February 14, 2008 as payment for the sale of a 2004 GMC Yukon XL 1500 vehicle to a Receivership entity. Accordingly, the Receiver agrees to deduct \$13,500 from the Bergs’ debt to the Receivership.

- 4) The Bergs agree that they must return the remaining \$208,697.98 to the Receivership.
- 5) The parties agree to entry of a Court order directing disbursement of the \$208,697.98 owed to the Receiver as follows:
 - a. On or before June 16, 2010, the Bergs shall deposit into the Court Registry \$194,000.00 in cash to be held in an interest-bearing account.
The source of this cash is as follows:
 - i. \$25,000.00 from the sale of a first car;
 - ii. \$24,000.00 from the sale of a second car;
 - iii. \$35,000.00 from an IRA account; and
 - iv. \$110,000.00 obtained by taking out a mortgage on a cabin the Bergs own.
 - b. On or before September 15, 2010, the Bergs shall pay the balance of \$14,697.98 owed to the Receiver. If the SEC's claims have been settled or dismissed by this date, the Bergs shall make payment directly to the Receiver. If the SEC's claims have not been settled or dismissed by this date, the Bergs shall make this payment into the interest-bearing account with Court Registry referenced above, to be disbursed to the Receiver upon settlement of the claims.
 - c. If the Bergs fail to pay the remaining \$14,697.98 by September 15, 2010, either to the Receiver or the Court Registry, as dictated above, the

parties agree to entry of a Confession of Judgment (attached hereto as Exhibit 1) in that amount.

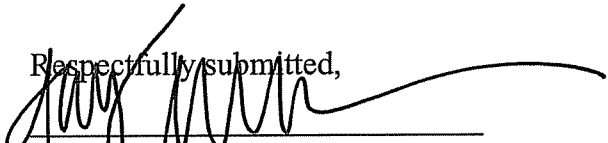
- 6) The Clerk of Court shall disburse to the Receiver the above-described Court Registry funds upon settlement or dismissal of the SEC's claims against Clifford and Ellen Berg in *SEC v. Cook et al.*, 09-cv-3333 (D. Minn.).
- 7) Based on the agreements detailed in this Stipulation, the Receiver agrees to withdraw, without prejudice, its Motion to Compel the Bergs to Return Receivership Funds (SEC Docket No. 309; CFTC Docket No. 295). The parties agree that the Receiver may re-file the motion (1) in the event that the SEC's claims are not settled or dismissed by September 15, 2010 or (2) in the event that the Bergs fail to make full payment of the \$208,697.98 that they owe to the Receiver, in the manner and by the deadlines specified in paragraph 5 above.
- 8) Based on the agreements detailed in this Stipulation, the Receiver agrees to release the Bergs from all claims known to the Receiver as of the date of this Stipulation, other than the claims set forth in the Receiver's motion, which this Stipulation is intended to resolve.
- 9) Upon the Receiver's receipt of \$208,697.98 in full satisfaction of the Berg's debt to the Receivership, the Receiver will not object to the Bergs filing a claim for restitution, in the same manner as other investors, for the principal they invested with Trevor Cook's Ponzi scheme.

10) Upon the Receiver's receipt of \$208,697.98 in full satisfaction of the Berg's debt to the Receivership, the Receiver will not oppose the unfreezing of any accounts that remain frozen pursuant to Orders in the above-captioned cases.

11) The parties agree that the terms of this Stipulation are to be fully public.

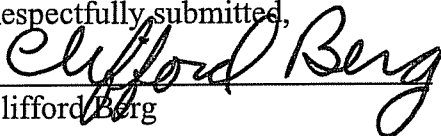
Dated: June 16, 2010

Respectfully submitted,



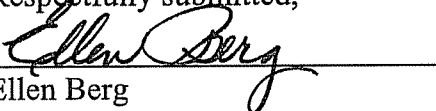
R.J. Zayed (MN Bar No. 309,849)
Tara C. Morgard (MN Bar No. 307,683)
Russell J. Rigby (MN Bar No. 323,652)
Brian W. Hayes (MN Bar No. 294,585)
Carlson, Caspers, Vandenburg & Lindquist
225 S. 6th Street, Suite 3200
Minneapolis, MN 55402
Telephone: (612) 436-9600
Facsimile: (612) 436-9605
Email: rzayed@ccvl.com

Respectfully submitted,



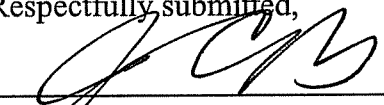
Clifford Berg

Respectfully submitted,



Ellen Berg

Respectfully submitted,



John C. Brink (MN Bar No. 11587)
Suite 110
Tritech Center
331 Second Avenue South
Minneapolis, MN 55401
Telephone: (612) 371-0722
Facsimile: (612) 371-0840