

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

UNITED STATES SECURITIES AND EXCHANGE COMMISSION,	:	
Plaintiff,	:	
v.	:	CIVIL ACTION
TREVOR G. COOK, and	:	FILE NO. 09-cv-3333 (MJD/FLN)
PATRICK J. KILEY, et al.,	:	
Defendants,	:	
and	:	
BASEL GROUP, LLC, et al.,	:	
Relief Defendants.	:	
	:	

**MOTION OF SECURITIES AND EXCHANGE COMMISSION FOR
THIRD MODIFIED ORDER OF PRELIMINARY INJUNCTION,
ASSET FREEZE, AND OTHER ANCILLARY RELIEF
AND MEMORANDUM IN SUPPORT**

Plaintiff Securities and Exchange Commission (“Commission”) respectfully requests that the Court modify its Second Modified Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief (Dkt. No. 1216 (Sealed) & 1217 (Redacted)) by issuing a Third Modified Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief. The requested Third Modified Order is necessary to update account information necessary to implement a settlement between the Receiver and a party in Panama. In support of its motion, the Commission states as follows:

1. This cause previously came before the Court for a hearing on December 4, 2009, upon the Commission's Motion for Preliminary Injunction, Asset Freeze, and Other Ancillary Relief ("Motion"). Prior to the hearing, Defendants Trevor G. Cook, Patrick J. Kiley, Oxford Global Advisors, LLC, and Oxford Global Partners, LLC, and Relief Defendant Oxford FX Growth, L.P. entered into stipulated orders imposing preliminary injunctions, asset freezes, and other relief.

2. A hearing was held on the Commission's motion as to Defendants UBS Diversified Growth, LLC and Universal Brokerage FX Management LLC ("Defendants"); Relief Defendants Basel Group, LLC, Crown Forex, LLC, Market Shot, LLC, PFG Coin and Bullion, Oxford Global Managed Futures Fund, UBS Diversified FX Advisors, LLC, UBS Diversified FX Growth L.P., and UBS Diversified FX Management, LLC (collectively "Relief Defendant Shell Companies"); and Relief Defendants Clifford Berg and Ellen Berg.

3. The Court considered the Commission's Complaint, the evidence introduced at the hearing, the arguments of the parties, and the other documents filed in connection herewith, and found:

- A. That this Court had jurisdiction over the subject matter of this case and over all parties hereto.
- B. That the Commission had proved that the Defendants had engaged in acts, practices, and transactions which violated Sections 5(a) and 5(c) of the Securities Act of 1933 ("Securities Act") [15 U.S.C. §§ 77e(a) and 77e(c)], Section 17(a) of the Securities Act [15 U.S.C. § 77q(a)], Section 10(b) of

the Securities Exchange Act of 1934 (“Exchange Act”) [15 U.S.C. § 78j(b)], and Rule 10b-5 thereunder [17 C.F.R. § 240.10b-5].

C. That the Commission had proved that, absent the issuance of a preliminary injunction, there existed a reasonable likelihood of future violations by the Defendants.

D. That there was good cause to believe that investor funds and assets which could be subject to an Order of disgorgement would be dissipated, concealed or transferred from the jurisdiction of this Court.

4. Based on its findings, the Court entered its Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief (Dkt. No. 51).

5. On July 12, 2012, the Receiver appointed by the Court in this matter came before the Court and presented good reason why the asset freeze portions of the Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief should be modified. Specifically, money that was illegally obtained from U.S. investors by the Defendants’ fraud had been traced to certain bank accounts in Panama, and money that was illegally obtained from U.S. investors by the Defendants’ fraud had been traced to payments for the purchase of certain parcels of real estate in Panama. In addition, the claims against certain parties subject to the original Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief had been resolved. The Receiver also demonstrated that the Modified Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief should remain under seal until further order of the Court, in light of the risk that certain moneys and parcels of real estate might be dissipated or secreted. Accordingly, the Court

entered the Modified Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief (Dkt. No. 996.)

6. The Receiver subsequently entered into a Settlement Agreement with Orlando Holdings, S.A., pursuant to which payment of \$101,500.00 will be made from Orlando Holdings in Panama to the Registry of this Court. In return for this payment of \$101,500.00, Orlando Holdings would be released from any further claims by the Receiver. The Orlando Holdings account from which the settlement payment is to be made was unfrozen by the Court in the Second Modified Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief (Dkt. No. 1216). The SEC has recently learned that there was a typographical error in its request for the Second Modified Order as to one of the Orlando Holdings accounts and as to the spelling of the name of the bank that holds the subject accounts. As such, a Third Amended Order is respectfully requested to ensure that the correct Orlando Holdings account numbers are identified and unfrozen. The correct Orlando Holdings account information that is the subject of this motion to unfreeze is as follows:

ACCOUNT HOLDER	FINANCIAL INSTITUTION	ACCOUNT NUMBER	ACCOUNT NAME
Unknown	Banco Panameno de la Vivienda	XX-XX-X136-8	Orlando Holdings, S.A.
Unknown	Banco Panameno de la Vivienda	XX-XXX-XXXXXX-XXX9-002	Orlando Holdings, S.A.

CONCLUSION

WHEREFORE, the Commission requests that the Court grant this motion and enter the proposed Third Modified Order of Preliminary Injunction, Asset Freeze, and Other Ancillary Relief.

Dated: August 7, 2015

Respectfully submitted,

s/John E. Birkenheier

John E. Birkenheier

Justin M. Delfino

U.S. Securities and Exchange Commission

175 W. Jackson Blvd., Suite 900

Chicago, Illinois 60604

Tel: (312) 886-3947 (Birkenheier)

Fax: (312) 353-7398

Email: birkenheierj@sec.gov

Email: delfinoj@sec.gov