

---

**UNITED STATES DISTRICT COURT**  
**District of Minnesota**

---

United States Commodity Futures  
Trading Commission,

Plaintiff,

v.

**JUDGMENT IN A CIVIL CASE**

Case Number: 09-cv-3332 MJD/FLN

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,

Defendant(s).

**Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

Plaintiff United States Commodity Futures Trading Commission's Motion for Summary Judgment [Doc. No. 1130] is **GRANTED** and is entitled to the following relief:

**PERMANENT INJUNCTION**

Pursuant to Section 6c of the Act, 7 U.S.C. § 13a-1, Defendant Kiley is permanently restrained, enjoined, and prohibited from directly or indirectly: Cheating or defrauding, or attempting to cheat or defraud, other persons; willfully making, or causing to be made, any false report or statement to other persons; or willfully deceiving, or attempting to deceive, other persons, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or swap, that is made, or to be made, other than on or subject to the rules of a designated contract market, for, on behalf of, or with such other persons, in violation of Section 4b(a)(2)(A)-(C) of the Act, 7 U.S.C. § 6b(a)(2)(A)-(C).

Defendant Kiley is also permanently restrained, enjoined, and prohibited from directly or indirectly:

1. Trading on or subject to the rules of any registered entity (as that term is defined in Section 1a of the Act, 7 U.S.C. § 1a (2012));
2. Entering into any transactions involving “commodity interests” as that term is defined in Regulation 1.3(yy), 17 C.F.R. § 1.3(yy) (2014), for Kiley’s own personal account(s) or for any account in which he has a direct or indirect interest;
3. Having any commodity interests traded on his behalf;
4. Controlling or directing the trading for or on behalf of any other person or entity, whether by power of attorney or otherwise, in any account involving commodity interests;
5. Soliciting, receiving, or accepting any funds from any person for the purpose of purchasing or selling any commodity interests;
6. Applying for registration or claiming exemption from registration with the Commission in any capacity, and engaging in any activity requiring such registration or exemption from registration with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2013); and/or
7. Acting as a principal (as that term is defined in Regulation 3.1(a), 17 C.F.R. § 3.1(a) (2013)), agent, or any other officer or employee of any person (as that term is defined in Section 1a of the Act, 7 U.S.C. § 1a (2012)) registered, exempted from registration, or required to be registered with the Commission, except as provided for in Regulation 4.14(a)(9), 17 C.F.R. § 4.14(a)(9) (2013).

#### **DISGORGEMENT**

The Court finds that an order of disgorgement of all monetary benefits Defendant Kiley derived from his fraudulent activity is merited. From June 18, 2008 through July 2009, Kiley received \$13,233,449.97 as a result of the fraudulent scheme and is ordered to disgorge that amount. The Securities and Exchange Commission (“SEC”) is seeking disgorgement of \$155,928,583 from Kiley for the same conduct at issue in this case as well as additional conduct occurring prior to the relevant time period here. See U.S. Securities and Exchange Commission v. Trevor G. Cook et al., Case No. 09-cv-3333 (MJD/FLN)(Filed November 23, 2009) Consequently, any disgorgement that Kiley pays to the SEC that exceeds \$142,695,133.03 shall result in a dollar for dollar reduction of Kiley’s disgorgement obligation in this matter.

Post-judgment interest shall accrue beginning on the date of entry of this Order and shall be determined at the Treasury Bill rate prevailing on the date of entry of this Order pursuant to 28 U.S.C. § 1961.

#### **MISCELLANEOUS PROVISIONS**

No provision of this Order shall in any way limit or impair the ability of any person to seek any legal or equitable remedy against Defendant Kiley in any other proceeding. Pursuant to Rule 71 of the Federal Rules of Civil Procedure, each customer of Defendant Kiley who suffered a loss is explicitly made an intended third-party beneficiary of this Order and may seek to enforce obedience of this Order, to ensure continued compliance with any provision of this Order, and to hold Kiley in contempt for any violation of a provision of this Order.

Notice: All notices required to be given by any provision in this Consent Order shall be sent certified mail, return receipt requested, as follows:

Notice to the Commission:

Deputy Director

Division of Enforcement – Central Region

U.S. Commodity Futures Trading Commission

525 West Monroe, Suite 1100  
Chicago, Illinois 60661

Notice to Defendants:

Patrick Kiley  
C/O David E Zins  
Attorney at Law  
5353 Gamble Dr Ste 125  
Mpls, MN 55416  
952-544-1577  
Fax: 952-546-9239  
Email: [dezinslaw@aol.com](mailto:dezinslaw@aol.com)

All such notices to the Commission shall reference the name and docket number of this action.

Change of Address/Phone: In the event that Defendant Kiley changes his residential or business telephone number(s) and/or address(es) at any time, he shall provide written notice of the new number(s) and/or address(es) to the Commission within twenty (20) calendar days thereof.

Amendments: Nothing shall serve to amend or modify this Order in any respect whatsoever, unless: (a) reduced to writing; (b) signed by all parties hereto; and (c) approved by order of this Court.

Invalidation: If any provision of this Order or if the application of any provision or circumstance is held invalid, then the remainder of this Order and the application of the provision to any other person or circumstance shall not be affected by the holding.

Continuing Jurisdiction of this Court: This Court shall retain jurisdiction of this action to ensure compliance with this Order and for all other purposes related to this action, including any motion by Defendant Kiley to modify or for relief from the terms of this Order.

Date: January 12, 2016

RICHARD D. SLETTEN, CLERK

---

s/LP Holden

---

(By)

LP Holden, Deputy Clerk