

Wood, J

MARK K. SCHONFELD (MS-2798)  
REGIONAL DIRECTOR

Attorney for Plaintiff  
SECURITIES AND EXCHANGE COMMISSION  
Northeast Regional Office  
3 World Financial Center, Rm 4300  
New York, NY 10281  
(212) 336-1020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

SONJA ANTICEVIC,

Defendant.

05 Civ. 6991 (KMW)

**ORDER TO SHOW CAUSE, TEMPORARY RESTRAINING ORDER,  
ORDER FREEZING ASSETS AND GRANTING OTHER RELIEF**

On the application of Plaintiff Securities and Exchange Commission (the "Commission" or "Plaintiff") for an Order:

(1) directing defendant Sonja Anticevic ("Anticevic" or "Defendant") to show cause why an order should not be entered pending adjudication of this action:

- (a) freezing all assets in an account (#19660984) at CyberTrader, Inc., a Charles Schwab Company, in the name of Sonja Anticevic, and an account (#196609842) at Penson Financial Services, Inc., in the name of Sonja Anticevic;

- (b) preliminarily enjoining Defendant from violating 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; and
  - (c) prohibiting the destruction, alteration, or concealment of documents.
- (2) pending adjudication of the foregoing, an Order:
- (a) freezing all assets in an account (#19660984) at CyberTrader, Inc. a Charles Schwab Company, in the name of Sonja Anticevic, and an account (#196609842) at Penson Financial Services, Inc., in the name of Sonja Anticevic;
  - (b) temporarily restraining Defendant from violating the aforementioned statute and rule; and
  - (c) prohibiting the destruction, alteration, or concealment of documents.
- (3) providing for expedited discovery in preparation for a hearing on this Order to Show Cause; and
- (4) authorizing alternative means for service of process.

The Court has considered (1) the Complaint filed by the Commission on August 5, 2005, (2) the Memorandum of Law in Support of Plaintiff’s Application, (3) the Declaration of Dennis Simcic, executed on August 4, 2005; (4) the Declaration of Melissa Coppola, executed on August 5, 2005, and the Exhibits attached thereto; and (4) the Declaration of Brenda Chang, executed on August 5, 2005, and the Exhibits attached thereto.

Based upon the foregoing documents, the Court finds that a proper showing, as required by Section 21(d) of the Exchange Act, has been made for the relief granted herein, for the following reasons:

1. It appears from the evidence presented that Defendant has violated, and, unless temporarily restrained, will continue to violate, Section 10(b) of the Exchange Act and Rule 10b-5 as charged in the Plaintiff's Complaint.

2. It appears that Defendant has engaged in the above violations in connection with the purchase and sale of securities.

3. It appears that an order freezing the assets in an account (#19660984) at CyberTrader, a Charles Schwab Company, in the name of Sonja Anticevic, and an account (#196609842) at Penson Financial Services, Inc., in the name of Sonja Anticevic is necessary to preserve the *status quo* and to protect this Court's ability to award equitable relief in the form of disgorgement of illegal profits from fraud, and civil penalties.

4. It appears that Defendant may attempt to dissipate or transfer from the jurisdiction of this Court funds, property and other assets that could be subject to an order of disgorgement or an order imposing civil penalties.

5. It appears that Defendant may attempt to destroy, alter or conceal documents.

6. Good and sufficient reasons have been shown why procedure other than by notice of motion is necessary.

7. This Court has jurisdiction over the subject matter of this action and over the Defendants, and venue properly lies in this district.

**NOW, THEREFORE,**

**I.**

**IT IS HEREBY ORDERED** that the Defendants show cause, if there be any, to this Court at 10:30 a.m. on the 11<sup>th</sup> day of August 2005, in Room 15-B of the United States Courthouse, 500 Pearl St, New York, New York 10007, why this Court should not

enter an Order pursuant to Rule 65 of the Federal Rules of Civil Procedure and Section 21 of the Exchange Act preliminarily enjoining Defendant from violating Section 10(b) of the Exchange Act and Rule 10b-5 thereunder.

## II.

**IT IS FURTHER ORDERED** that Defendant show cause at that time why this Court should not also enter an Order directing that pending a final disposition of this action, Defendant, and each of Defendant's financial and brokerage institutions, agents, servants, employees attorneys-in-fact, and those persons in active concert or participation with Defendant who receive actual notice of such Order by personal service, facsimile service, service in accordance with Section IX of this Order, or otherwise, prevent any withdrawal, transfer, pledge, encumbrance, assignment, dissipation, concealment or other disposal of any assets held in an account (#19660984) at CyberTrader, Inc. a Charles Schwab Company, in the name of Sonja Anticevic, and an account (#196609842) at Penson Financial Services, Inc., in the name of Sonja Anticevic.

## III.

**IT IS FURTHER ORDERED** that Defendant show cause at that time why this Court should not also enter an Order enjoining and restraining her, and any person or entity acting at her direction or on her behalf, from destroying, altering, concealing or otherwise interfering with the access of the plaintiff Commission to any and all documents, books, and records, that are in the possession, custody or control of Defendant and her agents, employees, servants, accountants, financial or brokerage institutions, or attorneys-in-fact, that refer, reflect or relate to the allegations in the Complaint, including, without limitation, documents, books, and records

referring, reflecting or relating to Defendant's finances, or the offer, purchase or sale of securities and the use of proceeds therefrom.

#### IV.

**IT IS FURTHER ORDERED** that, pending a hearing and determination of the Commission's Application for Preliminary Injunction, Defendant and her agents, servants, employees, and attorneys-in-fact, and those persons in active concert or participation with them who receive actual notice of this Order by personal service, facsimile service, service in accordance with Section IX of this Order, or otherwise, are temporarily restrained from, directly or indirectly, singly or in concert, in connection with the purchase or sale of any security, by use of the means or instrumentalities of interstate commerce, or of the mails, or of any facility of any national securities exchange:

- (a) employing any device, scheme, or artifice to defraud;
- (b) making any untrue statement of a material fact or omitting to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading; or
- (c) engaging in any act, practice or course of business which operates or would operate as a fraud or deceit upon any person,

in violation of Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b), and Rule 10b-5 thereunder, 17 C.F.R. § 240.10b-5.

#### V.

**IT IS FURTHER ORDERED** that, pending a hearing and determination of the Commission's Application for a Preliminary Injunction, Defendant, and each of Defendant's financial and brokerage institutions, agents, servants, employees attorneys-in-fact, and those

persons in active concert or participation with Defendant who receive actual notice of such Order by personal service, facsimile service, service in accordance with Section IX of this Order, or otherwise, prevent any withdrawal, transfer, pledge, encumbrance, assignment, dissipation, concealment or other disposal of any assets held in an account (#19660984) at CyberTrader, a Charles Schwab Company, in the name of Sonja Anticevic, and an account (#196609842) at Penson Financial Services, Inc., in the name of Sonja Anticevic.

**VI.**

**IT IS FURTHER ORDERED** that, pending a hearing and determination of the Commission's Application for a Preliminary Injunction, Defendant, and any person or entity acting at her direction or on her behalf, be and hereby are enjoined and restrained from destroying, altering, concealing or otherwise interfering with the access of plaintiff Commission to any and all documents, books, and records that are in the possession, custody or control of Defendant and her agents, employees, servants, accountants, financial or brokerage institutions, or attorneys-in-fact, that refer, reflect or relate to the allegations in the Complaint, including, without limitation, documents, books and records referring, reflecting or relating to Defendant's finances and the use of proceeds therefrom.

**VII.**

**IT IS FURTHER ORDERED** that no creditor or claimant against Defendant, or any person acting on behalf of such creditor or claimant, shall take any action to interfere with the taking control, possession, or management of the assets in an account (#19660984) at CyberTrader, a Charles Schwab Company, in the name of Sonja Anticevic, and an account (#196609842) at Penson Financial Services, Inc., in the name of Sonja Anticevic.

## VIII.

**IT IS FURTHER ORDERED** that discovery is expedited as follows. Pursuant to Rules 26, 30, 31, 33, 34, 36 and 45 of the Federal Rules of Civil Procedure (“F.R.C.P.”), and without the requirement of a meeting pursuant to F.R.C.P. 26(f), the parties may:

- (1) Take depositions, subject to two (2) calendar days’ notice by facsimile, service in accordance with Section IX of this Order, or otherwise;
- (2) Obtain the production of documents, within three calendar (3) days from service by facsimile, service in accordance with Section IX of this Order, or otherwise of a request or subpoena, from any party, or any other persons or entities, including non-party witnesses;
- (3) Obtain other discovery, including further interrogatories and requests for admissions, within three calendar (3) days from the date of service by facsimile, , service in accordance with Section IX of this Order, or otherwise of such other discovery requests, interrogatories, or requests for admissions; and
- (4) Service of any discovery requests, notices, or subpoenas may be made by personal service, facsimile, overnight courier, or first-class mail on an individual, entity or the individual’s or entity’s attorney, or by service in accordance with Section IX of this Order.

## IX.

**IT IS FURTHER ORDERED** that, pursuant to Rule 4 of the Federal Rules of Civil Procedure, service upon Anticevic of all pleading and other papers, including the Summons, the Complaint, this Order and all documents filed in support thereof, and all other documents to be served in this action, may be made by international certified mail to Sonja Anticevic, Franjo-

Stjepana Vrlica 10, 21310 OMIS, Croatia, and to the email address

sonjaredsonnyred@yahoo.com.

X.

**IT IS FURTHER ORDERED** that a copy of this Order and the papers supporting the Commission's Application be served upon Anticevic or upon Anticevic's attorney, on or before

5:00 p. m. August 8, 2005.

XI.

**IT IS FURTHER ORDERED** that this Order shall be, and is, binding upon Defendant, and each of her agents, servants, employees, attorneys-in-fact, and those persons in active concert or participation with her who receive actual notice of this Order by personal service, facsimile service, service in accordance with Section IX of this Order, or otherwise.

William M. Wood  
UNITED STATES DISTRICT JUDGE

Issued at:

1 : 35 p.m.  
August 6, 2005  
New York, New York